

**As Reported by the House Finance and Appropriations
Committee**

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Sub. S. B. No. 209

Senator Carey

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

**Representatives Hottinger, Skindell, Bacon, Bolon, Boyd, Brown, Budish,
Chandler, Driehaus, Flowers, Garrison, Hite, Jones, Patton, Schlichter, Sears,
Stewart, D., Strahorn**

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A B I L L

To amend sections 1531.01, 1533.01, 2923.16, 4511.19,	1
4519.02, and 4519.09 and to enact sections 120.08	2
and 1533.103 of the Revised Code to direct that a	3
specified amount of OVI fines be credited to the	4
State Public Defender for county indigent criminal	5
defense reimbursement, to establish registration	6
reciprocity for all-purpose and other special	7
vehicles, to require the Chief of the Division of	8
Wildlife in the Department of Natural Resources to	9
issue electric-powered all-purpose vehicle permits	10
to allow mobility impaired persons to hunt in	11
public wildlife areas using electric-powered	12
all-purpose vehicles, and to make an	13
appropriation.	14

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

Section 1. That sections 1531.01, 1533.01, 2923.16, 4511.19,	15
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4519.02, and 4519.09 be amended and sections 120.08 and 1533.103 16
of the Revised Code be enacted to read as follows: 17

Sec. 120.08. There is hereby created in the state treasury 18
the indigent defense support fund, consisting of money paid into 19
the fund pursuant to section 4511.19 of the Revised Code. The 20
state public defender shall use the money in the fund for the 21
purpose of reimbursing county governments for expenses incurred 22
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 23
Code. Disbursements from the fund to county governments shall be 24
made in each state fiscal year and shall be allocated 25
proportionately so that each county receives an equal percentage 26
of its total cost for operating its county public defender system, 27
its joint county public defender system, or its county appointed 28
counsel system. 29

Sec. 1531.01. As used in this chapter and Chapter 1533. of 30
the Revised Code: 31

(A) "Person" means a person as defined in section 1.59 of the 32
Revised Code or a company; an employee, agent, or officer of such 33
a person or company; a combination of individuals; the state; a 34
political subdivision of the state; an interstate body created by 35
a compact; or the federal government or a department, agency, or 36
instrumentality of it. 37

(B) "Resident" means any individual who has resided in this 38
state for not less than six months next preceding the date of 39
making application for a license. 40

(C) "Nonresident" means any individual who does not qualify 41
as a resident. 42

(D) "Division rule" or "rule" means any rule adopted by the 43
chief of the division of wildlife under section 1531.10 of the 44

Revised Code unless the context indicates otherwise.	45
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	46 47 48
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	49 50 51
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.	52 53 54 55 56 57 58 59 60 61
(H) "Possession" means both actual and constructive possession and any control of things referred to.	62 63
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	64 65 66
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	67 68
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	69 70
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	71 72 73 74

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.

(Q) "Wild birds" includes game birds and nongame birds.

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.

(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.

(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.

(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.

(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer,

wild boar, and black bears.	105
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	106
skunks, opossums, muskrats, fox, beavers, badgers, otters,	107
coyotes, and bobcats.	108
(X) "Wild animals" includes mollusks, crustaceans, aquatic	109
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	110
and all other wild mammals, but does not include domestic deer.	111
(Y) "Hunting" means pursuing, shooting, killing, following	112
after or on the trail of, lying in wait for, shooting at, or	113
wounding wild birds or wild quadrupeds while employing any device	114
commonly used to kill or wound wild birds or wild quadrupeds	115
whether or not the acts result in killing or wounding. "Hunting"	116
includes every attempt to kill or wound and every act of	117
assistance to any other person in killing or wounding or	118
attempting to kill or wound wild birds or wild quadrupeds.	119
(Z) "Trapping" means securing or attempting to secure	120
possession of a wild bird or wild quadruped by means of setting,	121
placing, drawing, or using any device that is designed to close	122
upon, hold fast, confine, or otherwise capture a wild bird or wild	123
quadruped whether or not the means results in capture. "Trapping"	124
includes every act of assistance to any other person in capturing	125
wild birds or wild quadrupeds by means of the device whether or	126
not the means results in capture.	127
(AA) "Muskrat spear" means any device used in spearing	128
muskrats.	129
(BB) "Channels and passages" means those narrow bodies of	130
water lying between islands or between an island and the mainland	131
in Lake Erie.	132
(CC) "Island" means a rock or land elevation above the waters	133
of Lake Erie having an area of five or more acres above water.	134

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye

(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt	167
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus	168
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other	169
than buffalo and quillback (Carpiodes sp., Catostomus sp.,	170
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone	171
chrysops), white perch (Roccus americanus), and yellow perch	172
(Perca flavescens). When the common name of a fish is used in this	173
chapter or Chapter 1533. of the Revised Code, it refers to the	174
fish designated by the scientific name in this definition.	175
(II) "Fishing" means taking or attempting to take fish by any	176
method, and all other acts such as placing, setting, drawing, or	177
using any device commonly used to take fish whether resulting in a	178
taking or not.	179
(JJ) "Fillet" means the pieces of flesh taken or cut from	180
both sides of a fish, joined to form one piece of flesh.	181
(KK) "Part fillet" means a piece of flesh taken or cut from	182
one side of a fish.	183
(LL) "Round" when used in describing fish means with head and	184
tail intact.	185
(MM) "Migrate" means the transit or movement of fish to or	186
from one place to another as a result of natural forces or	187
instinct and includes, but is not limited to, movement of fish	188
induced or caused by changes in the water flow.	189
(NN) "Spreader bar" means a brail or rigid bar placed across	190
the entire width of the back, at the top and bottom of the cars in	191
all trap, crib, and fyke nets for the purpose of keeping the	192
meshes hanging squarely while the nets are fishing.	193
(OO) "Fishing guide" means any person who, for consideration	194
or hire, operates a boat, rents, leases, or otherwise furnishes	195
angling devices, ice fishing shanties or shelters of any kind, or	196
other fishing equipment, and accompanies, guides, directs, or	197

assists any other person in order for the other person to engage 198
in fishing. 199

(PP) "Net" means fishing devices with meshes composed of 200
twine or synthetic material and includes, but is not limited to, 201
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 202
seines, except minnow seines and minnow dip nets. 203

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 204
nets, dip nets, carp aprons, trotlines, other similar gear, and 205
any boat used in conjunction with that gear, but does not include 206
gill nets. 207

(RR) "Native wildlife" means any species of the animal 208
kingdom indigenous to this state. 209

(SS) "Gill net" means a single section of fabric or netting 210
seamed to a float line at the top and a lead line at the bottom, 211
which is designed to entangle fish in the net openings as they 212
swim into it. 213

(TT) "Tag fishing tournament" means a contest in which a 214
participant pays a fee, or gives other valuable consideration, for 215
a chance to win a prize by virtue of catching a tagged or 216
otherwise specifically marked fish within a limited period of 217
time. 218

(UU) "Tenant" means an individual who resides on land for 219
which the individual pays rent and whose annual income is 220
primarily derived from agricultural production conducted on that 221
land, as "agricultural production" is defined in section 929.01 of 222
the Revised Code. 223

(VV) "Nonnative wildlife" means any wild animal not 224
indigenous to this state, but does not include domestic deer. 225

(WW) "Reptiles" includes common musk turtle (*sternotherus* 226
odoratus), common snapping turtle (*Chelydra serpentina* 227

serpentina), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle	228
(<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea</i>	229
<i>blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita	230
map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	231
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	232
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	233
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	234
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	235
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	236
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	237
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	238
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	239
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	240
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	241
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	242
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	243
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	244
northern redbelly snake (<i>Storeria occipitomaculata</i>	245
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	246
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	247
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	248
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	249
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	250
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	251
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	252
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	253
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	254
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	255
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	256
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	257
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	258
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	259
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	260

triangulum), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	261
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	262
rattlesnake (<i>Crotalus horridus horridus</i>).	263
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	264
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	265
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	266
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	267
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	268
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	269
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	270
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	271
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	272
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	273
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	274
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	275
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	276
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	277
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	278
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	279
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	280
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	281
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	282
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	283
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	284
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	285
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	286
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	287
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	288
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	289
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	290
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	291
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	292
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	293

frog (<i>Rana sylvatica</i>).	294
(YY) "Deer" means white-tailed deer (<i>Odocoileus virginianus</i>).	295 296
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	297 298 299
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>); doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants (<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and woodcock and snipe (<i>Scolopacidae</i>).	300 301 302 303
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	304 305 306
<u>(CCC) "Electric-powered all-purpose vehicle" means any battery-powered self-propelled electric vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "Electric-powered all-purpose vehicle" does not include a utility vehicle as defined in section 4501.01 of the Revised Code, any vehicle that is principally used in playing golf, any motor vehicle or aircraft that is required to be registered under Chapter 4503. or 4561. of the Revised Code, or any vehicle that is excluded from the definition of "motor vehicle" as provided in division (B) of section 4501.01 of the Revised Code.</u>	307 308 309 310 311 312 313 314 315 316 317 318 319 320
Sec. 1533.01. As used in this chapter, "person," "resident," "nonresident," "division rule," "rule," "closed season," "open season," "take or taking," "possession," "bag limit," "transport	321 322 323

and transportation," "sell and sale," "whole to include part," 324
"angling," "trotline," "fish," "measurement of fish," "wild 325
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 326
"game quadrupeds," "fur-bearing animals," "wild animals," 327
"hunting," "trapping," "muskrat spear," "channels and passages," 328
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 329
fish," "fishing," "fillet," "part fillet," "round," "migrate," 330
"spreader bar," "fishing guide," "net," "commercial fishing gear," 331
"native wildlife," "gill net," "tag fishing tournament," "tenant," 332
"nonnative wildlife," "reptiles," "amphibians," ~~and~~ "deer," 333
"domestic deer," "migratory game bird," "accompany," and 334
"electric-powered all-purpose vehicle" have the same meanings as 335
in section 1531.01 of the Revised Code. 336

Sec. 1533.103. The chief of the division of wildlife shall 337
adopt rules under section 1531.10 of the Revised Code that are 338
necessary to administer the issuance of permits for the use of 339
electric-powered all-purpose vehicles or motor vehicles by persons 340
with mobility impairments to hunt wild quadrupeds or game birds in 341
public wildlife areas. The rules shall establish eligibility 342
requirements, an application procedure, the duration of a permit, 343
identification and designation of public wildlife areas in which 344
electric-powered all-purpose vehicles or motor vehicles may be 345
used by permit holders, and any other procedures and requirements 346
governing the permits that the chief determines are necessary. The 347
chief shall not charge a fee for the issuance of a permit under 348
this section. 349

Sec. 2923.16. (A) No person shall knowingly discharge a 350
firearm while in or on a motor vehicle. 351

(B) No person shall knowingly transport or have a loaded 352
firearm in a motor vehicle in such a manner that the firearm is 353
accessible to the operator or any passenger without leaving the 354

vehicle. 355

(C) No person shall knowingly transport or have a firearm in 356
a motor vehicle, unless it is unloaded and is carried in one of 357
the following ways: 358

(1) In a closed package, box, or case; 359

(2) In a compartment that can be reached only by leaving the 360
vehicle; 361

(3) In plain sight and secured in a rack or holder made for 362
the purpose; 363

(4) In plain sight with the action open or the weapon 364
stripped, or, if the firearm is of a type on which the action will 365
not stay open or which cannot easily be stripped, in plain sight. 366

(D) No person shall knowingly transport or have a loaded 367
handgun in a motor vehicle if, at the time of that transportation 368
or possession, any of the following applies: 369

(1) The person is under the influence of alcohol, a drug of 370
abuse, or a combination of them. 371

(2) The person's whole blood, blood serum or plasma, breath, 372
or urine contains a concentration of alcohol prohibited for 373
persons operating a vehicle, as specified in division (A) of 374
section 4511.19 of the Revised Code, regardless of whether the 375
person at the time of the transportation or possession as 376
described in this division is the operator of or a passenger in 377
the motor vehicle. 378

(E) No person who has been issued a license or temporary 379
emergency license to carry a concealed handgun under section 380
2923.125 or 2923.1213 of the Revised Code shall do any of the 381
following: 382

(1) Knowingly transport or have a loaded handgun in a motor 383
vehicle unless one of the following applies: 384

(a) The loaded handgun is in a holster on the person's 385
person. 386

(b) The loaded handgun is in a closed case, bag, box, or 387
other container that is in plain sight and that has a lid, a 388
cover, or a closing mechanism with a zipper, snap, or buckle, 389
which lid, cover, or closing mechanism must be opened for a person 390
to gain access to the handgun. 391

(c) The loaded handgun is securely encased by being stored in 392
a closed, locked glove compartment or in a case that is locked. 393

(2) If the person is transporting or has a loaded handgun in 394
a motor vehicle in a manner authorized under division (E)(1) of 395
this section, knowingly remove or attempt to remove the loaded 396
handgun from the holster, case, bag, box, container, or glove 397
compartment, knowingly grasp or hold the loaded handgun, or 398
knowingly have contact with the loaded handgun by touching it with 399
the person's hands or fingers while the motor vehicle is being 400
operated on a street, highway, or public property unless the 401
person removes, attempts to remove, grasps, holds, or has the 402
contact with the loaded handgun pursuant to and in accordance with 403
directions given by a law enforcement officer; 404

(3) If the person is the driver or an occupant of a motor 405
vehicle that is stopped as a result of a traffic stop or a stop 406
for another law enforcement purpose or is the driver or an 407
occupant of a commercial motor vehicle that is stopped by an 408
employee of the motor carrier enforcement unit for the purposes 409
defined in section 5503.34 of the Revised Code, and if the person 410
is transporting or has a loaded handgun in the motor vehicle or 411
commercial motor vehicle in any manner, fail to do any of the 412
following that is applicable: 413

(a) If the person is the driver or an occupant of a motor 414
vehicle stopped as a result of a traffic stop or a stop for 415

another law enforcement purpose, fail to promptly inform any law 416
enforcement officer who approaches the vehicle while stopped that 417
the person has been issued a license or temporary emergency 418
license to carry a concealed handgun and that the person then 419
possesses or has a loaded handgun in the motor vehicle; 420

(b) If the person is the driver or an occupant of a 421
commercial motor vehicle stopped by an employee of the motor 422
carrier enforcement unit for any of the defined purposes, fail to 423
promptly inform the employee of the unit who approaches the 424
vehicle while stopped that the person has been issued a license or 425
temporary emergency license to carry a concealed handgun and that 426
the person then possesses or has a loaded handgun in the 427
commercial motor vehicle. 428

(4) If the person is the driver or an occupant of a motor 429
vehicle that is stopped as a result of a traffic stop or a stop 430
for another law enforcement purpose and if the person is 431
transporting or has a loaded handgun in the motor vehicle in any 432
manner, knowingly fail to remain in the motor vehicle while 433
stopped or knowingly fail to keep the person's hands in plain 434
sight at any time after any law enforcement officer begins 435
approaching the person while stopped and before the law 436
enforcement officer leaves, unless the failure is pursuant to and 437
in accordance with directions given by a law enforcement officer; 438

(5) If the person is the driver or an occupant of a motor 439
vehicle that is stopped as a result of a traffic stop or a stop 440
for another law enforcement purpose, if the person is transporting 441
or has a loaded handgun in the motor vehicle in a manner 442
authorized under division (E)(1) of this section, and if the 443
person is approached by any law enforcement officer while stopped, 444
knowingly remove or attempt to remove the loaded handgun from the 445
holster, case, bag, box, container, or glove compartment, 446
knowingly grasp or hold the loaded handgun, or knowingly have 447

contact with the loaded handgun by touching it with the person's 448
hands or fingers in the motor vehicle at any time after the law 449
enforcement officer begins approaching and before the law 450
enforcement officer leaves, unless the person removes, attempts to 451
remove, grasps, holds, or has contact with the loaded handgun 452
pursuant to and in accordance with directions given by the law 453
enforcement officer; 454

(6) If the person is the driver or an occupant of a motor 455
vehicle that is stopped as a result of a traffic stop or a stop 456
for another law enforcement purpose and if the person is 457
transporting or has a loaded handgun in the motor vehicle in any 458
manner, knowingly disregard or fail to comply with any lawful 459
order of any law enforcement officer given while the motor vehicle 460
is stopped, including, but not limited to, a specific order to the 461
person to keep the person's hands in plain sight. 462

(F)(1) Divisions (A), (B), (C), and (E) of this section do 463
not apply to any of the following: 464

(a) An officer, agent, or employee of this or any other state 465
or the United States, or a law enforcement officer, when 466
authorized to carry or have loaded or accessible firearms in motor 467
vehicles and acting within the scope of the officer's, agent's, or 468
employee's duties; 469

(b) Any person who is employed in this state, who is 470
authorized to carry or have loaded or accessible firearms in motor 471
vehicles, and who is subject to and in compliance with the 472
requirements of section 109.801 of the Revised Code, unless the 473
appointing authority of the person has expressly specified that 474
the exemption provided in division (F)(1)(b) of this section does 475
not apply to the person. 476

(2) Division (A) of this section does not apply to a person 477
if all of the following circumstances apply: 478

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.

(c) The person owns the real property described in division (F)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(d) The person does not discharge the firearm in any of the following manners:

(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking;

(iii) At or into an occupied structure that is a permanent or temporary habitation;

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(3) Division (A) of this section does not apply to a person

<u>if all of the following apply:</u>	509
<u>(a) The person possesses a valid electric-powered all-purpose vehicle permit issued under section 1533.103 of the Revised Code by the chief of the division of wildlife.</u>	510 511 512
<u>(b) The person discharges a firearm at a wild quadruped or game bird as defined in section 1531.01 of the Revised Code during the open hunting season for the applicable wild quadruped or game bird.</u>	513 514 515 516
<u>(c) The person discharges a firearm from a stationary electric-powered all-purpose vehicle as defined in section 1531.01 of the Revised Code or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.</u>	517 518 519 520 521 522
<u>(d) The person does not discharge the firearm in any of the following manners:</u>	523 524
<u>(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;</u>	525 526
<u>(ii) In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;</u>	527 528 529
<u>(iii) At or into an occupied structure that is a permanent or temporary habitation;</u>	530 531
<u>(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.</u>	532 533 534 535 536
<u>(4) Divisions (B) and (C) of this section do not apply to a person if all of the following circumstances apply:</u>	537 538

(a) At the time of the alleged violation of either of those 539
divisions, the person is the operator of or a passenger in a motor 540
vehicle. 541

(b) The motor vehicle is on real property that is located in 542
an unincorporated area of a township and that either is zoned for 543
agriculture or is used for agriculture. 544

(c) The person owns the real property described in division 545
(D)~~(3)~~(4)(b) of this section, is the spouse or a child of another 546
person who owns that real property, is a tenant of another person 547
who owns that real property, or is the spouse or a child of a 548
tenant of another person who owns that real property. 549

(d) The person, prior to arriving at the real property 550
described in division (D)~~(3)~~(4)(b) of this section, did not 551
transport or possess a firearm in the motor vehicle in a manner 552
prohibited by division (B) or (C) of this section while the motor 553
vehicle was being operated on a street, highway, or other public 554
or private property used by the public for vehicular traffic or 555
parking. 556

~~(4)~~(5) Divisions (B) and (C) of this section do not apply to 557
a person who transports or possesses a handgun in a motor vehicle 558
if, at the time of that transportation or possession, all of the 559
following apply: 560

(a) The person transporting or possessing the handgun is 561
carrying a valid license or temporary emergency license to carry a 562
concealed handgun issued to the person under section 2923.125 or 563
2923.1213 of the Revised Code or a license to carry a concealed 564
handgun that was issued by another state with which the attorney 565
general has entered into a reciprocity agreement under section 566
109.69 of the Revised Code. 567

(b) The person transporting or possessing the handgun is not 568
knowingly in a place described in division (B) of section 2923.126 569

of the Revised Code. 570

(c) One of the following applies: 571

(i) The handgun is in a holster on the person's person. 572

(ii) The handgun is in a closed case, bag, box, or other 573
container that is in plain sight and that has a lid, a cover, or a 574
closing mechanism with a zipper, snap, or buckle, which lid, 575
cover, or closing mechanism must be opened for a person to gain 576
access to the handgun. 577

(iii) The handgun is securely encased by being stored in a 578
closed, locked glove compartment or in a case that is locked. 579

(6) Divisions (B) and (C) of this section do not apply to a 580
person if all of the following apply: 581

(a) The person possesses a valid electric-powered all-purpose 582
vehicle permit issued under section 1533.103 of the Revised Code 583
by the chief of the division of wildlife. 584

(b) The person is on or in an electric-powered all-purpose 585
vehicle as defined in section 1531.01 of the Revised Code or a 586
motor vehicle during the open hunting season for a wild quadruped 587
or game bird. 588

(c) The person is on or in an electric-powered all-purpose 589
vehicle as defined in section 1531.01 of the Revised Code or a 590
motor vehicle that is parked on a road that is owned or 591
administered by the division of wildlife, provided that the road 592
is identified by an electric-powered all-purpose vehicle sign. 593

(G)(1) The affirmative defenses authorized in divisions 594
(D)(1) and (2) of section 2923.12 of the Revised Code are 595
affirmative defenses to a charge under division (B) or (C) of this 596
section that involves a firearm other than a handgun. 597

(2) It is an affirmative defense to a charge under division 598
(B) or (C) of this section of improperly handling firearms in a 599

motor vehicle that the actor transported or had the firearm in the 600
motor vehicle for any lawful purpose and while the motor vehicle 601
was on the actor's own property, provided that this affirmative 602
defense is not available unless the person, prior to arriving at 603
the actor's own property, did not transport or possess the firearm 604
in a motor vehicle in a manner prohibited by division (B) or (C) 605
of this section while the motor vehicle was being operated on a 606
street, highway, or other public or private property used by the 607
public for vehicular traffic. 608

(H) No person who is charged with a violation of division 609
(B), (C), or (D) of this section shall be required to obtain a 610
license or temporary emergency license to carry a concealed 611
handgun under section 2923.125 or 2923.1213 of the Revised Code as 612
a condition for the dismissal of the charge. 613

(I) Whoever violates this section is guilty of improperly 614
handling firearms in a motor vehicle. Violation of division (A) of 615
this section is a felony of the fourth degree. Violation of 616
division (C) of this section is a misdemeanor of the fourth 617
degree. A violation of division (D) of this section is a felony of 618
the fifth degree or, if the loaded handgun is concealed on the 619
person's person, a felony of the fourth degree. A violation of 620
division (E)(3) of this section is a misdemeanor of the first 621
degree, and, in addition to any other penalty or sanction imposed 622
for the violation, the offender's license or temporary emergency 623
license to carry a concealed handgun shall be suspended pursuant 624
to division (A)(2) of section 2923.128 of the Revised Code. A 625
violation of division (E)(1), (2), or (5) of this section is a 626
felony of the fifth degree. A violation of division (E)(4) or (6) 627
of this section is a misdemeanor of the first degree or, if the 628
offender previously has been convicted of or pleaded guilty to a 629
violation of division (E)(4) or (6) of this section, a felony of 630
the fifth degree. In addition to any other penalty or sanction 631

imposed for a misdemeanor violation of division (E)(4) or (6) of 632
this section, the offender's license or temporary emergency 633
license to carry a concealed handgun shall be suspended pursuant 634
to division (A)(2) of section 2923.128 of the Revised Code. A 635
violation of division (B) of this section is whichever of the 636
following is applicable: 637

(1) If, at the time of the transportation or possession in 638
violation of division (B) of this section, the offender was 639
carrying a valid license or temporary emergency license to carry a 640
concealed handgun issued to the offender under section 2923.125 or 641
2923.1213 of the Revised Code or a license to carry a concealed 642
handgun that was issued by another state with which the attorney 643
general has entered into a reciprocity agreement under section 644
109.69 of the Revised Code and the offender was not knowingly in a 645
place described in division (B) of section 2923.126 of the Revised 646
Code, the violation is a misdemeanor of the first degree or, if 647
the offender previously has been convicted of or pleaded guilty to 648
a violation of division (B) of this section, a felony of the 649
fourth degree. 650

(2) If division (I)(1) of this section does not apply, a 651
felony of the fourth degree. 652

(J) If a law enforcement officer stops a motor vehicle for a 653
traffic stop or any other purpose, if any person in the motor 654
vehicle surrenders a firearm to the officer, either voluntarily or 655
pursuant to a request or demand of the officer, and if the officer 656
does not charge the person with a violation of this section or 657
arrest the person for any offense, the person is not otherwise 658
prohibited by law from possessing the firearm, and the firearm is 659
not contraband, the officer shall return the firearm to the person 660
at the termination of the stop. 661

(K) As used in this section: 662

(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code. 663
664

(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code. 665
666

(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code. 667
668

(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code. 669
670

(5) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan. 671
672
673
674

(6) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code. 675
676

(7) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the department of public safety, division of state highway patrol, that is created by section 5503.34 of the Revised Code. 677
678
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Sec. 4511.19. (A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply: 681
682
683

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 684
685

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood. 686
687
688
689

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths 690
691

of one per cent by weight per unit volume of alcohol in the 692
person's blood serum or plasma. 693

(d) The person has a concentration of eight-hundredths of one 694
gram or more but less than seventeen-hundredths of one gram by 695
weight of alcohol per two hundred ten liters of the person's 696
breath. 697

(e) The person has a concentration of eleven-hundredths of 698
one gram or more but less than two hundred 699
thirty-eight-thousandths of one gram by weight of alcohol per one 700
hundred milliliters of the person's urine. 701

(f) The person has a concentration of seventeen-hundredths of 702
one per cent or more by weight per unit volume of alcohol in the 703
person's whole blood. 704

(g) The person has a concentration of two hundred 705
four-thousandths of one per cent or more by weight per unit volume 706
of alcohol in the person's blood serum or plasma. 707

(h) The person has a concentration of seventeen-hundredths of 708
one gram or more by weight of alcohol per two hundred ten liters 709
of the person's breath. 710

(i) The person has a concentration of two hundred 711
thirty-eight-thousandths of one gram or more by weight of alcohol 712
per one hundred milliliters of the person's urine. 713

(j) Except as provided in division (K) of this section, the 714
person has a concentration of any of the following controlled 715
substances or metabolites of a controlled substance in the 716
person's whole blood, blood serum or plasma, or urine that equals 717
or exceeds any of the following: 718

(i) The person has a concentration of amphetamine in the 719
person's urine of at least five hundred nanograms of amphetamine 720
per milliliter of the person's urine or has a concentration of 721

amphetamine in the person's whole blood or blood serum or plasma 722
of at least one hundred nanograms of amphetamine per milliliter of 723
the person's whole blood or blood serum or plasma. 724

(ii) The person has a concentration of cocaine in the 725
person's urine of at least one hundred fifty nanograms of cocaine 726
per milliliter of the person's urine or has a concentration of 727
cocaine in the person's whole blood or blood serum or plasma of at 728
least fifty nanograms of cocaine per milliliter of the person's 729
whole blood or blood serum or plasma. 730

(iii) The person has a concentration of cocaine metabolite in 731
the person's urine of at least one hundred fifty nanograms of 732
cocaine metabolite per milliliter of the person's urine or has a 733
concentration of cocaine metabolite in the person's whole blood or 734
blood serum or plasma of at least fifty nanograms of cocaine 735
metabolite per milliliter of the person's whole blood or blood 736
serum or plasma. 737

(iv) The person has a concentration of heroin in the person's 738
urine of at least two thousand nanograms of heroin per milliliter 739
of the person's urine or has a concentration of heroin in the 740
person's whole blood or blood serum or plasma of at least fifty 741
nanograms of heroin per milliliter of the person's whole blood or 742
blood serum or plasma. 743

(v) The person has a concentration of heroin metabolite 744
(6-monoacetyl morphine) in the person's urine of at least ten 745
nanograms of heroin metabolite (6-monoacetyl morphine) per 746
milliliter of the person's urine or has a concentration of heroin 747
metabolite (6-monoacetyl morphine) in the person's whole blood or 748
blood serum or plasma of at least ten nanograms of heroin 749
metabolite (6-monoacetyl morphine) per milliliter of the person's 750
whole blood or blood serum or plasma. 751

(vi) The person has a concentration of L.S.D. in the person's 752

urine of at least twenty-five nanograms of L.S.D. per milliliter 753
of the person's urine or a concentration of L.S.D. in the person's 754
whole blood or blood serum or plasma of at least ten nanograms of 755
L.S.D. per milliliter of the person's whole blood or blood serum 756
or plasma. 757

(vii) The person has a concentration of marihuana in the 758
person's urine of at least ten nanograms of marihuana per 759
milliliter of the person's urine or has a concentration of 760
marihuana in the person's whole blood or blood serum or plasma of 761
at least two nanograms of marihuana per milliliter of the person's 762
whole blood or blood serum or plasma. 763

(viii) Either of the following applies: 764

(I) The person is under the influence of alcohol, a drug of 765
abuse, or a combination of them, and, as measured by gas 766
chromatography mass spectrometry, the person has a concentration 767
of marihuana metabolite in the person's urine of at least fifteen 768
nanograms of marihuana metabolite per milliliter of the person's 769
urine or has a concentration of marihuana metabolite in the 770
person's whole blood or blood serum or plasma of at least five 771
nanograms of marihuana metabolite per milliliter of the person's 772
whole blood or blood serum or plasma. 773

(II) As measured by gas chromatography mass spectrometry, the 774
person has a concentration of marihuana metabolite in the person's 775
urine of at least thirty-five nanograms of marihuana metabolite 776
per milliliter of the person's urine or has a concentration of 777
marihuana metabolite in the person's whole blood or blood serum or 778
plasma of at least fifty nanograms of marihuana metabolite per 779
milliliter of the person's whole blood or blood serum or plasma. 780

(ix) The person has a concentration of methamphetamine in the 781
person's urine of at least five hundred nanograms of 782
methamphetamine per milliliter of the person's urine or has a 783

concentration of methamphetamine in the person's whole blood or 784
blood serum or plasma of at least one hundred nanograms of 785
methamphetamine per milliliter of the person's whole blood or 786
blood serum or plasma. 787

(x) The person has a concentration of phencyclidine in the 788
person's urine of at least twenty-five nanograms of phencyclidine 789
per milliliter of the person's urine or has a concentration of 790
phencyclidine in the person's whole blood or blood serum or plasma 791
of at least ten nanograms of phencyclidine per milliliter of the 792
person's whole blood or blood serum or plasma. 793

(2) No person who, within twenty years of the conduct 794
described in division (A)(2)(a) of this section, previously has 795
been convicted of or pleaded guilty to a violation of this 796
division, division (A)(1) or (B) of this section, or a municipal 797
OVI offense shall do both of the following: 798

(a) Operate any vehicle, streetcar, or trackless trolley 799
within this state while under the influence of alcohol, a drug of 800
abuse, or a combination of them; 801

(b) Subsequent to being arrested for operating the vehicle, 802
streetcar, or trackless trolley as described in division (A)(2)(a) 803
of this section, being asked by a law enforcement officer to 804
submit to a chemical test or tests under section 4511.191 of the 805
Revised Code, and being advised by the officer in accordance with 806
section 4511.192 of the Revised Code of the consequences of the 807
person's refusal or submission to the test or tests, refuse to 808
submit to the test or tests. 809

(B) No person under twenty-one years of age shall operate any 810
vehicle, streetcar, or trackless trolley within this state, if, at 811
the time of the operation, any of the following apply: 812

(1) The person has a concentration of at least two-hundredths 813
of one per cent but less than eight-hundredths of one per cent by 814

weight per unit volume of alcohol in the person's whole blood. 815

(2) The person has a concentration of at least 816
three-hundredths of one per cent but less than 817
ninety-six-thousandths of one per cent by weight per unit volume 818
of alcohol in the person's blood serum or plasma. 819

(3) The person has a concentration of at least two-hundredths 820
of one gram but less than eight-hundredths of one gram by weight 821
of alcohol per two hundred ten liters of the person's breath. 822

(4) The person has a concentration of at least twenty-eight 823
one-thousandths of one gram but less than eleven-hundredths of one 824
gram by weight of alcohol per one hundred milliliters of the 825
person's urine. 826

(C) In any proceeding arising out of one incident, a person 827
may be charged with a violation of division (A)(1)(a) or (A)(2) 828
and a violation of division (B)(1), (2), or (3) of this section, 829
but the person may not be convicted of more than one violation of 830
these divisions. 831

(D)(1)(a) In any criminal prosecution or juvenile court 832
proceeding for a violation of division (A)(1)(a) of this section 833
or for an equivalent offense, the result of any test of any blood 834
or urine withdrawn and analyzed at any health care provider, as 835
defined in section 2317.02 of the Revised Code, may be admitted 836
with expert testimony to be considered with any other relevant and 837
competent evidence in determining the guilt or innocence of the 838
defendant. 839

(b) In any criminal prosecution or juvenile court proceeding 840
for a violation of division (A) or (B) of this section or for an 841
equivalent offense, the court may admit evidence on the 842
concentration of alcohol, drugs of abuse, controlled substances, 843
metabolites of a controlled substance, or a combination of them in 844
the defendant's whole blood, blood serum or plasma, breath, urine, 845

or other bodily substance at the time of the alleged violation as 846
shown by chemical analysis of the substance withdrawn within three 847
hours of the time of the alleged violation. The three-hour time 848
limit specified in this division regarding the admission of 849
evidence does not extend or affect the two-hour time limit 850
specified in division (A) of section 4511.192 of the Revised Code 851
as the maximum period of time during which a person may consent to 852
a chemical test or tests as described in that section. The court 853
may admit evidence on the concentration of alcohol, drugs of 854
abuse, or a combination of them as described in this division when 855
a person submits to a blood, breath, urine, or other bodily 856
substance test at the request of a law enforcement officer under 857
section 4511.191 of the Revised Code or a blood or urine sample is 858
obtained pursuant to a search warrant. Only a physician, a 859
registered nurse, or a qualified technician, chemist, or 860
phlebotomist shall withdraw a blood sample for the purpose of 861
determining the alcohol, drug, controlled substance, metabolite of 862
a controlled substance, or combination content of the whole blood, 863
blood serum, or blood plasma. This limitation does not apply to 864
the taking of breath or urine specimens. A person authorized to 865
withdraw blood under this division may refuse to withdraw blood 866
under this division, if in that person's opinion, the physical 867
welfare of the person would be endangered by the withdrawing of 868
blood. 869

The bodily substance withdrawn under division (D)(1)(b) of 870
this section shall be analyzed in accordance with methods approved 871
by the director of health by an individual possessing a valid 872
permit issued by the director pursuant to section 3701.143 of the 873
Revised Code. 874

(2) In a criminal prosecution or juvenile court proceeding 875
for a violation of division (A) of this section or for an 876
equivalent offense, if there was at the time the bodily substance 877

was withdrawn a concentration of less than the applicable 878
concentration of alcohol specified in divisions (A)(1)(b), (c), 879
(d), and (e) of this section or less than the applicable 880
concentration of a listed controlled substance or a listed 881
metabolite of a controlled substance specified for a violation of 882
division (A)(1)(j) of this section, that fact may be considered 883
with other competent evidence in determining the guilt or 884
innocence of the defendant. This division does not limit or affect 885
a criminal prosecution or juvenile court proceeding for a 886
violation of division (B) of this section or for an equivalent 887
offense that is substantially equivalent to that division. 888

(3) Upon the request of the person who was tested, the 889
results of the chemical test shall be made available to the person 890
or the person's attorney, immediately upon the completion of the 891
chemical test analysis. 892

If the chemical test was obtained pursuant to division 893
(D)(1)(b) of this section, the person tested may have a physician, 894
a registered nurse, or a qualified technician, chemist, or 895
phlebotomist of the person's own choosing administer a chemical 896
test or tests, at the person's expense, in addition to any 897
administered at the request of a law enforcement officer. The form 898
to be read to the person to be tested, as required under section 899
4511.192 of the Revised Code, shall state that the person may have 900
an independent test performed at the person's expense. The failure 901
or inability to obtain an additional chemical test by a person 902
shall not preclude the admission of evidence relating to the 903
chemical test or tests taken at the request of a law enforcement 904
officer. 905

(4)(a) As used in divisions (D)(4)(b) and (c) of this 906
section, "national highway traffic safety administration" means 907
the national highway traffic safety administration established as 908
an administration of the United States department of 909

transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 910

(b) In any criminal prosecution or juvenile court proceeding 911
for a violation of division (A) or (B) of this section, of a 912
municipal ordinance relating to operating a vehicle while under 913
the influence of alcohol, a drug of abuse, or alcohol and a drug 914
of abuse, or of a municipal ordinance relating to operating a 915
vehicle with a prohibited concentration of alcohol, a controlled 916
substance, or a metabolite of a controlled substance in the blood, 917
breath, or urine, if a law enforcement officer has administered a 918
field sobriety test to the operator of the vehicle involved in the 919
violation and if it is shown by clear and convincing evidence that 920
the officer administered the test in substantial compliance with 921
the testing standards for any reliable, credible, and generally 922
accepted field sobriety tests that were in effect at the time the 923
tests were administered, including, but not limited to, any 924
testing standards then in effect that were set by the national 925
highway traffic safety administration, all of the following apply: 926

(i) The officer may testify concerning the results of the 927
field sobriety test so administered. 928

(ii) The prosecution may introduce the results of the field 929
sobriety test so administered as evidence in any proceedings in 930
the criminal prosecution or juvenile court proceeding. 931

(iii) If testimony is presented or evidence is introduced 932
under division (D)(4)(b)(i) or (ii) of this section and if the 933
testimony or evidence is admissible under the Rules of Evidence, 934
the court shall admit the testimony or evidence and the trier of 935
fact shall give it whatever weight the trier of fact considers to 936
be appropriate. 937

(c) Division (D)(4)(b) of this section does not limit or 938
preclude a court, in its determination of whether the arrest of a 939
person was supported by probable cause or its determination of any 940

other matter in a criminal prosecution or juvenile court 941
proceeding of a type described in that division, from considering 942
evidence or testimony that is not otherwise disallowed by division 943
(D)(4)(b) of this section. 944

(E)(1) Subject to division (E)(3) of this section, in any 945
criminal prosecution or juvenile court proceeding for a violation 946
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 947
or (B)(1), (2), (3), or (4) of this section or for an equivalent 948
offense that is substantially equivalent to any of those 949
divisions, a laboratory report from any laboratory personnel 950
issued a permit by the department of health authorizing an 951
analysis as described in this division that contains an analysis 952
of the whole blood, blood serum or plasma, breath, urine, or other 953
bodily substance tested and that contains all of the information 954
specified in this division shall be admitted as prima-facie 955
evidence of the information and statements that the report 956
contains. The laboratory report shall contain all of the 957
following: 958

(a) The signature, under oath, of any person who performed 959
the analysis; 960

(b) Any findings as to the identity and quantity of alcohol, 961
a drug of abuse, a controlled substance, a metabolite of a 962
controlled substance, or a combination of them that was found; 963

(c) A copy of a notarized statement by the laboratory 964
director or a designee of the director that contains the name of 965
each certified analyst or test performer involved with the report, 966
the analyst's or test performer's employment relationship with the 967
laboratory that issued the report, and a notation that performing 968
an analysis of the type involved is part of the analyst's or test 969
performer's regular duties; 970

(d) An outline of the analyst's or test performer's 971

education, training, and experience in performing the type of 972
analysis involved and a certification that the laboratory 973
satisfies appropriate quality control standards in general and, in 974
this particular analysis, under rules of the department of health. 975

(2) Notwithstanding any other provision of law regarding the 976
admission of evidence, a report of the type described in division 977
(E)(1) of this section is not admissible against the defendant to 978
whom it pertains in any proceeding, other than a preliminary 979
hearing or a grand jury proceeding, unless the prosecutor has 980
served a copy of the report on the defendant's attorney or, if the 981
defendant has no attorney, on the defendant. 982

(3) A report of the type described in division (E)(1) of this 983
section shall not be prima-facie evidence of the contents, 984
identity, or amount of any substance if, within seven days after 985
the defendant to whom the report pertains or the defendant's 986
attorney receives a copy of the report, the defendant or the 987
defendant's attorney demands the testimony of the person who 988
signed the report. The judge in the case may extend the seven-day 989
time limit in the interest of justice. 990

(F) Except as otherwise provided in this division, any 991
physician, registered nurse, or qualified technician, chemist, or 992
phlebotomist who withdraws blood from a person pursuant to this 993
section, and any hospital, first-aid station, or clinic at which 994
blood is withdrawn from a person pursuant to this section, is 995
immune from criminal liability and civil liability based upon a 996
claim of assault and battery or any other claim that is not a 997
claim of malpractice, for any act performed in withdrawing blood 998
from the person. The immunity provided in this division is not 999
available to a person who withdraws blood if the person engages in 1000
willful or wanton misconduct. 1001

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 1002
to (i) or (A)(2) of this section is guilty of operating a vehicle 1003

under the influence of alcohol, a drug of abuse, or a combination 1004
of them. Whoever violates division (A)(1)(j) of this section is 1005
guilty of operating a vehicle while under the influence of a 1006
listed controlled substance or a listed metabolite of a controlled 1007
substance. The court shall sentence the offender for either 1008
offense under Chapter 2929. of the Revised Code, except as 1009
otherwise authorized or required by divisions (G)(1)(a) to (e) of 1010
this section: 1011

(a) Except as otherwise provided in division (G)(1)(b), (c), 1012
(d), or (e) of this section, the offender is guilty of a 1013
misdemeanor of the first degree, and the court shall sentence the 1014
offender to all of the following: 1015

(i) If the sentence is being imposed for a violation of 1016
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1017
mandatory jail term of three consecutive days. As used in this 1018
division, three consecutive days means seventy-two consecutive 1019
hours. The court may sentence an offender to both an intervention 1020
program and a jail term. The court may impose a jail term in 1021
addition to the three-day mandatory jail term or intervention 1022
program. However, in no case shall the cumulative jail term 1023
imposed for the offense exceed six months. 1024

The court may suspend the execution of the three-day jail 1025
term under this division if the court, in lieu of that suspended 1026
term, places the offender under a community control sanction 1027
pursuant to section 2929.25 of the Revised Code and requires the 1028
offender to attend, for three consecutive days, a drivers' 1029
intervention program certified under section 3793.10 of the 1030
Revised Code. The court also may suspend the execution of any part 1031
of the three-day jail term under this division if it places the 1032
offender under a community control sanction pursuant to section 1033
2929.25 of the Revised Code for part of the three days, requires 1034
the offender to attend for the suspended part of the term a 1035

drivers' intervention program so certified, and sentences the 1036
offender to a jail term equal to the remainder of the three 1037
consecutive days that the offender does not spend attending the 1038
program. The court may require the offender, as a condition of 1039
community control and in addition to the required attendance at a 1040
drivers' intervention program, to attend and satisfactorily 1041
complete any treatment or education programs that comply with the 1042
minimum standards adopted pursuant to Chapter 3793. of the Revised 1043
Code by the director of alcohol and drug addiction services that 1044
the operators of the drivers' intervention program determine that 1045
the offender should attend and to report periodically to the court 1046
on the offender's progress in the programs. The court also may 1047
impose on the offender any other conditions of community control 1048
that it considers necessary. 1049

(ii) If the sentence is being imposed for a violation of 1050
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1051
section, except as otherwise provided in this division, a 1052
mandatory jail term of at least three consecutive days and a 1053
requirement that the offender attend, for three consecutive days, 1054
a drivers' intervention program that is certified pursuant to 1055
section 3793.10 of the Revised Code. As used in this division, 1056
three consecutive days means seventy-two consecutive hours. If the 1057
court determines that the offender is not conducive to treatment 1058
in a drivers' intervention program, if the offender refuses to 1059
attend a drivers' intervention program, or if the jail at which 1060
the offender is to serve the jail term imposed can provide a 1061
driver's intervention program, the court shall sentence the 1062
offender to a mandatory jail term of at least six consecutive 1063
days. 1064

The court may require the offender, under a community control 1065
sanction imposed under section 2929.25 of the Revised Code, to 1066
attend and satisfactorily complete any treatment or education 1067

programs that comply with the minimum standards adopted pursuant 1068
to Chapter 3793. of the Revised Code by the director of alcohol 1069
and drug addiction services, in addition to the required 1070
attendance at drivers' intervention program, that the operators of 1071
the drivers' intervention program determine that the offender 1072
should attend and to report periodically to the court on the 1073
offender's progress in the programs. The court also may impose any 1074
other conditions of community control on the offender that it 1075
considers necessary. 1076

(iii) In all cases, a fine of not less than ~~two~~ three hundred 1077
fifty twenty-five and not more than one thousand seventy-five 1078
dollars; 1079

(iv) In all cases, a class five license suspension of the 1080
offender's driver's or commercial driver's license or permit or 1081
nonresident operating privilege from the range specified in 1082
division (A)(5) of section 4510.02 of the Revised Code. The court 1083
may grant limited driving privileges relative to the suspension 1084
under sections 4510.021 and 4510.13 of the Revised Code. 1085

(b) Except as otherwise provided in division (G)(1)(e) of 1086
this section, an offender who, within six years of the offense, 1087
previously has been convicted of or pleaded guilty to one 1088
violation of division (A) or (B) of this section or one other 1089
equivalent offense is guilty of a misdemeanor of the first degree. 1090
The court shall sentence the offender to all of the following: 1091

(i) If the sentence is being imposed for a violation of 1092
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1093
mandatory jail term of ten consecutive days. The court shall 1094
impose the ten-day mandatory jail term under this division unless, 1095
subject to division (G)(3) of this section, it instead imposes a 1096
sentence under that division consisting of both a jail term and a 1097
term of house arrest with electronic monitoring, with continuous 1098
alcohol monitoring, or with both electronic monitoring and 1099

continuous alcohol monitoring. The court may impose a jail term in 1100
addition to the ten-day mandatory jail term. The cumulative jail 1101
term imposed for the offense shall not exceed six months. 1102

In addition to the jail term or the term of house arrest with 1103
electronic monitoring or continuous alcohol monitoring or both 1104
types of monitoring and jail term, the court may require the 1105
offender to attend a drivers' intervention program that is 1106
certified pursuant to section 3793.10 of the Revised Code. If the 1107
operator of the program determines that the offender is alcohol 1108
dependent, the program shall notify the court, and, subject to 1109
division (I) of this section, the court shall order the offender 1110
to obtain treatment through an alcohol and drug addiction program 1111
authorized by section 3793.02 of the Revised Code. 1112

(ii) If the sentence is being imposed for a violation of 1113
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1114
section, except as otherwise provided in this division, a 1115
mandatory jail term of twenty consecutive days. The court shall 1116
impose the twenty-day mandatory jail term under this division 1117
unless, subject to division (G)(3) of this section, it instead 1118
imposes a sentence under that division consisting of both a jail 1119
term and a term of house arrest with electronic monitoring, with 1120
continuous alcohol monitoring, or with both electronic monitoring 1121
and continuous alcohol monitoring. The court may impose a jail 1122
term in addition to the twenty-day mandatory jail term. The 1123
cumulative jail term imposed for the offense shall not exceed six 1124
months. 1125

In addition to the jail term or the term of house arrest with 1126
electronic monitoring or continuous alcohol monitoring or both 1127
types of monitoring and jail term, the court may require the 1128
offender to attend a driver's intervention program that is 1129
certified pursuant to section 3793.10 of the Revised Code. If the 1130
operator of the program determines that the offender is alcohol 1131

dependent, the program shall notify the court, and, subject to 1132
division (I) of this section, the court shall order the offender 1133
to obtain treatment through an alcohol and drug addiction program 1134
authorized by section 3793.02 of the Revised Code. 1135

(iii) In all cases, notwithstanding the fines set forth in 1136
Chapter 2929. of the Revised Code, a fine of not less than ~~three~~ 1137
four hundred ~~fifty~~ seventy-five and not more than one thousand 1138
~~five~~ six hundred twenty-five dollars; 1139

(iv) In all cases, a class four license suspension of the 1140
offender's driver's license, commercial driver's license, 1141
temporary instruction permit, probationary license, or nonresident 1142
operating privilege from the range specified in division (A)(4) of 1143
section 4510.02 of the Revised Code. The court may grant limited 1144
driving privileges relative to the suspension under sections 1145
4510.021 and 4510.13 of the Revised Code. 1146

(v) In all cases, if the vehicle is registered in the 1147
offender's name, immobilization of the vehicle involved in the 1148
offense for ninety days in accordance with section 4503.233 of the 1149
Revised Code and impoundment of the license plates of that vehicle 1150
for ninety days. 1151

(c) Except as otherwise provided in division (G)(1)(e) of 1152
this section, an offender who, within six years of the offense, 1153
previously has been convicted of or pleaded guilty to two 1154
violations of division (A) or (B) of this section or other 1155
equivalent offenses is guilty of a misdemeanor. The court shall 1156
sentence the offender to all of the following: 1157

(i) If the sentence is being imposed for a violation of 1158
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1159
mandatory jail term of thirty consecutive days. The court shall 1160
impose the thirty-day mandatory jail term under this division 1161
unless, subject to division (G)(3) of this section, it instead 1162

imposes a sentence under that division consisting of both a jail 1163
term and a term of house arrest with electronic monitoring, with 1164
continuous alcohol monitoring, or with both electronic monitoring 1165
and continuous alcohol monitoring. The court may impose a jail 1166
term in addition to the thirty-day mandatory jail term. 1167
Notwithstanding the jail terms set forth in sections 2929.21 to 1168
2929.28 of the Revised Code, the additional jail term shall not 1169
exceed one year, and the cumulative jail term imposed for the 1170
offense shall not exceed one year. 1171

(ii) If the sentence is being imposed for a violation of 1172
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1173
section, a mandatory jail term of sixty consecutive days. The 1174
court shall impose the sixty-day mandatory jail term under this 1175
division unless, subject to division (G)(3) of this section, it 1176
instead imposes a sentence under that division consisting of both 1177
a jail term and a term of house arrest with electronic monitoring, 1178
with continuous alcohol monitoring, or with both electronic 1179
monitoring and continuous alcohol monitoring. The court may impose 1180
a jail term in addition to the sixty-day mandatory jail term. 1181
Notwithstanding the jail terms set forth in sections 2929.21 to 1182
2929.28 of the Revised Code, the additional jail term shall not 1183
exceed one year, and the cumulative jail term imposed for the 1184
offense shall not exceed one year. 1185

(iii) In all cases, notwithstanding the fines set forth in 1186
Chapter 2929. of the Revised Code, a fine of not less than ~~five~~ 1187
eight hundred ~~fifty~~ and not more than two thousand ~~five~~ seven 1188
hundred fifty dollars; 1189

(iv) In all cases, a class three license suspension of the 1190
offender's driver's license, commercial driver's license, 1191
temporary instruction permit, probationary license, or nonresident 1192
operating privilege from the range specified in division (A)(3) of 1193
section 4510.02 of the Revised Code. The court may grant limited 1194

driving privileges relative to the suspension under sections 1195
4510.021 and 4510.13 of the Revised Code. 1196

(v) In all cases, if the vehicle is registered in the 1197
offender's name, criminal forfeiture of the vehicle involved in 1198
the offense in accordance with section 4503.234 of the Revised 1199
Code. Division (G)(6) of this section applies regarding any 1200
vehicle that is subject to an order of criminal forfeiture under 1201
this division. 1202

(vi) In all cases, participation in an alcohol and drug 1203
addiction program authorized by section 3793.02 of the Revised 1204
Code, subject to division (I) of this section. 1205

(d) Except as otherwise provided in division (G)(1)(e) of 1206
this section, an offender who, within six years of the offense, 1207
previously has been convicted of or pleaded guilty to three or 1208
four violations of division (A) or (B) of this section or other 1209
equivalent offenses or an offender who, within twenty years of the 1210
offense, previously has been convicted of or pleaded guilty to 1211
five or more violations of that nature is guilty of a felony of 1212
the fourth degree. The court shall sentence the offender to all of 1213
the following: 1214

(i) If the sentence is being imposed for a violation of 1215
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1216
mandatory prison term of one, two, three, four, or five years as 1217
required by and in accordance with division (G)(2) of section 1218
2929.13 of the Revised Code if the offender also is convicted of 1219
or also pleads guilty to a specification of the type described in 1220
section 2941.1413 of the Revised Code or, in the discretion of the 1221
court, either a mandatory term of local incarceration of sixty 1222
consecutive days in accordance with division (G)(1) of section 1223
2929.13 of the Revised Code or a mandatory prison term of sixty 1224
consecutive days in accordance with division (G)(2) of that 1225
section if the offender is not convicted of and does not plead 1226

guilty to a specification of that type. If the court imposes a 1227
mandatory term of local incarceration, it may impose a jail term 1228
in addition to the sixty-day mandatory term, the cumulative total 1229
of the mandatory term and the jail term for the offense shall not 1230
exceed one year, and, except as provided in division (A)(1) of 1231
section 2929.13 of the Revised Code, no prison term is authorized 1232
for the offense. If the court imposes a mandatory prison term, 1233
notwithstanding division (A)(4) of section 2929.14 of the Revised 1234
Code, it also may sentence the offender to a definite prison term 1235
that shall be not less than six months and not more than thirty 1236
months and the prison terms shall be imposed as described in 1237
division (G)(2) of section 2929.13 of the Revised Code. If the 1238
court imposes a mandatory prison term or mandatory prison term and 1239
additional prison term, in addition to the term or terms so 1240
imposed, the court also may sentence the offender to a community 1241
control sanction for the offense, but the offender shall serve all 1242
of the prison terms so imposed prior to serving the community 1243
control sanction. 1244

(ii) If the sentence is being imposed for a violation of 1245
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1246
section, a mandatory prison term of one, two, three, four, or five 1247
years as required by and in accordance with division (G)(2) of 1248
section 2929.13 of the Revised Code if the offender also is 1249
convicted of or also pleads guilty to a specification of the type 1250
described in section 2941.1413 of the Revised Code or, in the 1251
discretion of the court, either a mandatory term of local 1252
incarceration of one hundred twenty consecutive days in accordance 1253
with division (G)(1) of section 2929.13 of the Revised Code or a 1254
mandatory prison term of one hundred twenty consecutive days in 1255
accordance with division (G)(2) of that section if the offender is 1256
not convicted of and does not plead guilty to a specification of 1257
that type. If the court imposes a mandatory term of local 1258
incarceration, it may impose a jail term in addition to the one 1259

hundred twenty-day mandatory term, the cumulative total of the 1260
mandatory term and the jail term for the offense shall not exceed 1261
one year, and, except as provided in division (A)(1) of section 1262
2929.13 of the Revised Code, no prison term is authorized for the 1263
offense. If the court imposes a mandatory prison term, 1264
notwithstanding division (A)(4) of section 2929.14 of the Revised 1265
Code, it also may sentence the offender to a definite prison term 1266
that shall be not less than six months and not more than thirty 1267
months and the prison terms shall be imposed as described in 1268
division (G)(2) of section 2929.13 of the Revised Code. If the 1269
court imposes a mandatory prison term or mandatory prison term and 1270
additional prison term, in addition to the term or terms so 1271
imposed, the court also may sentence the offender to a community 1272
control sanction for the offense, but the offender shall serve all 1273
of the prison terms so imposed prior to serving the community 1274
control sanction. 1275

(iii) In all cases, notwithstanding section 2929.18 of the 1276
Revised Code, a fine of not less than ~~eight~~ one thousand three 1277
hundred nor more than ten thousand five hundred dollars; 1278

(iv) In all cases, a class two license suspension of the 1279
offender's driver's license, commercial driver's license, 1280
temporary instruction permit, probationary license, or nonresident 1281
operating privilege from the range specified in division (A)(2) of 1282
section 4510.02 of the Revised Code. The court may grant limited 1283
driving privileges relative to the suspension under sections 1284
4510.021 and 4510.13 of the Revised Code. 1285

(v) In all cases, if the vehicle is registered in the 1286
offender's name, criminal forfeiture of the vehicle involved in 1287
the offense in accordance with section 4503.234 of the Revised 1288
Code. Division (G)(6) of this section applies regarding any 1289
vehicle that is subject to an order of criminal forfeiture under 1290
this division. 1291

(vi) In all cases, participation in an alcohol and drug 1292
addiction program authorized by section 3793.02 of the Revised 1293
Code, subject to division (I) of this section. 1294

(vii) In all cases, if the court sentences the offender to a 1295
mandatory term of local incarceration, in addition to the 1296
mandatory term, the court, pursuant to section 2929.17 of the 1297
Revised Code, may impose a term of house arrest with electronic 1298
monitoring. The term shall not commence until after the offender 1299
has served the mandatory term of local incarceration. 1300

(e) An offender who previously has been convicted of or 1301
pleaded guilty to a violation of division (A) of this section that 1302
was a felony, regardless of when the violation and the conviction 1303
or guilty plea occurred, is guilty of a felony of the third 1304
degree. The court shall sentence the offender to all of the 1305
following: 1306

(i) If the offender is being sentenced for a violation of 1307
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1308
mandatory prison term of one, two, three, four, or five years as 1309
required by and in accordance with division (G)(2) of section 1310
2929.13 of the Revised Code if the offender also is convicted of 1311
or also pleads guilty to a specification of the type described in 1312
section 2941.1413 of the Revised Code or a mandatory prison term 1313
of sixty consecutive days in accordance with division (G)(2) of 1314
section 2929.13 of the Revised Code if the offender is not 1315
convicted of and does not plead guilty to a specification of that 1316
type. The court may impose a prison term in addition to the 1317
mandatory prison term. The cumulative total of a sixty-day 1318
mandatory prison term and the additional prison term for the 1319
offense shall not exceed five years. In addition to the mandatory 1320
prison term or mandatory prison term and additional prison term 1321
the court imposes, the court also may sentence the offender to a 1322
community control sanction for the offense, but the offender shall 1323

serve all of the prison terms so imposed prior to serving the 1324
community control sanction. 1325

(ii) If the sentence is being imposed for a violation of 1326
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1327
section, a mandatory prison term of one, two, three, four, or five 1328
years as required by and in accordance with division (G)(2) of 1329
section 2929.13 of the Revised Code if the offender also is 1330
convicted of or also pleads guilty to a specification of the type 1331
described in section 2941.1413 of the Revised Code or a mandatory 1332
prison term of one hundred twenty consecutive days in accordance 1333
with division (G)(2) of section 2929.13 of the Revised Code if the 1334
offender is not convicted of and does not plead guilty to a 1335
specification of that type. The court may impose a prison term in 1336
addition to the mandatory prison term. The cumulative total of a 1337
one hundred twenty-day mandatory prison term and the additional 1338
prison term for the offense shall not exceed five years. In 1339
addition to the mandatory prison term or mandatory prison term and 1340
additional prison term the court imposes, the court also may 1341
sentence the offender to a community control sanction for the 1342
offense, but the offender shall serve all of the prison terms so 1343
imposed prior to serving the community control sanction. 1344

(iii) In all cases, notwithstanding section 2929.18 of the 1345
Revised Code, a fine of not less than ~~eight~~ one thousand three 1346
hundred nor more than ten thousand five hundred dollars; 1347

(iv) In all cases, a class two license suspension of the 1348
offender's driver's license, commercial driver's license, 1349
temporary instruction permit, probationary license, or nonresident 1350
operating privilege from the range specified in division (A)(2) of 1351
section 4510.02 of the Revised Code. The court may grant limited 1352
driving privileges relative to the suspension under sections 1353
4510.021 and 4510.13 of the Revised Code. 1354

(v) In all cases, if the vehicle is registered in the 1355

offender's name, criminal forfeiture of the vehicle involved in 1356
the offense in accordance with section 4503.234 of the Revised 1357
Code. Division (G)(6) of this section applies regarding any 1358
vehicle that is subject to an order of criminal forfeiture under 1359
this division. 1360

(vi) In all cases, participation in an alcohol and drug 1361
addiction program authorized by section 3793.02 of the Revised 1362
Code, subject to division (I) of this section. 1363

(2) An offender who is convicted of or pleads guilty to a 1364
violation of division (A) of this section and who subsequently 1365
seeks reinstatement of the driver's or occupational driver's 1366
license or permit or nonresident operating privilege suspended 1367
under this section as a result of the conviction or guilty plea 1368
shall pay a reinstatement fee as provided in division (F)(2) of 1369
section 4511.191 of the Revised Code. 1370

(3) If an offender is sentenced to a jail term under division 1371
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 1372
if, within sixty days of sentencing of the offender, the court 1373
issues a written finding on the record that, due to the 1374
unavailability of space at the jail where the offender is required 1375
to serve the term, the offender will not be able to begin serving 1376
that term within the sixty-day period following the date of 1377
sentencing, the court may impose an alternative sentence under 1378
this division that includes a term of house arrest with electronic 1379
monitoring, with continuous alcohol monitoring, or with both 1380
electronic monitoring and continuous alcohol monitoring. 1381

As an alternative to a mandatory jail term of ten consecutive 1382
days required by division (G)(1)(b)(i) of this section, the court, 1383
under this division, may sentence the offender to five consecutive 1384
days in jail and not less than eighteen consecutive days of house 1385
arrest with electronic monitoring, with continuous alcohol 1386
monitoring, or with both electronic monitoring and continuous 1387

alcohol monitoring. The cumulative total of the five consecutive 1388
days in jail and the period of house arrest with electronic 1389
monitoring, continuous alcohol monitoring, or both types of 1390
monitoring shall not exceed six months. The five consecutive days 1391
in jail do not have to be served prior to or consecutively to the 1392
period of house arrest. 1393

As an alternative to the mandatory jail term of twenty 1394
consecutive days required by division (G)(1)(b)(ii) of this 1395
section, the court, under this division, may sentence the offender 1396
to ten consecutive days in jail and not less than thirty-six 1397
consecutive days of house arrest with electronic monitoring, with 1398
continuous alcohol monitoring, or with both electronic monitoring 1399
and continuous alcohol monitoring. The cumulative total of the ten 1400
consecutive days in jail and the period of house arrest with 1401
electronic monitoring, continuous alcohol monitoring, or both 1402
types of monitoring shall not exceed six months. The ten 1403
consecutive days in jail do not have to be served prior to or 1404
consecutively to the period of house arrest. 1405

As an alternative to a mandatory jail term of thirty 1406
consecutive days required by division (G)(1)(c)(i) of this 1407
section, the court, under this division, may sentence the offender 1408
to fifteen consecutive days in jail and not less than fifty-five 1409
consecutive days of house arrest with electronic monitoring, with 1410
continuous alcohol monitoring, or with both electronic monitoring 1411
and continuous alcohol monitoring. The cumulative total of the 1412
fifteen consecutive days in jail and the period of house arrest 1413
with electronic monitoring, continuous alcohol monitoring, or both 1414
types of monitoring shall not exceed one year. The fifteen 1415
consecutive days in jail do not have to be served prior to or 1416
consecutively to the period of house arrest. 1417

As an alternative to the mandatory jail term of sixty 1418
consecutive days required by division (G)(1)(c)(ii) of this 1419

section, the court, under this division, may sentence the offender 1420
to thirty consecutive days in jail and not less than one hundred 1421
ten consecutive days of house arrest with electronic monitoring, 1422
with continuous alcohol monitoring, or with both electronic 1423
monitoring and continuous alcohol monitoring. The cumulative total 1424
of the thirty consecutive days in jail and the period of house 1425
arrest with electronic monitoring, continuous alcohol monitoring, 1426
or both types of monitoring shall not exceed one year. The thirty 1427
consecutive days in jail do not have to be served prior to or 1428
consecutively to the period of house arrest. 1429

(4) If an offender's driver's or occupational driver's 1430
license or permit or nonresident operating privilege is suspended 1431
under division (G) of this section and if section 4510.13 of the 1432
Revised Code permits the court to grant limited driving 1433
privileges, the court may grant the limited driving privileges in 1434
accordance with that section. If division (A)(7) of that section 1435
requires that the court impose as a condition of the privileges 1436
that the offender must display on the vehicle that is driven 1437
subject to the privileges restricted license plates that are 1438
issued under section 4503.231 of the Revised Code, except as 1439
provided in division (B) of that section, the court shall impose 1440
that condition as one of the conditions of the limited driving 1441
privileges granted to the offender, except as provided in division 1442
(B) of section 4503.231 of the Revised Code. 1443

(5) Fines imposed under this section for a violation of 1444
division (A) of this section shall be distributed as follows: 1445

(a) Twenty-five dollars of the fine imposed under division 1446
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 1447
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 1448
fine imposed under division (G)(1)(c)(iii), and two hundred ten 1449
dollars of the fine imposed under division (G)(1)(d)(iii) or 1450
(e)(iii) of this section shall be paid to an enforcement and 1451

education fund established by the legislative authority of the law 1452
enforcement agency in this state that primarily was responsible 1453
for the arrest of the offender, as determined by the court that 1454
imposes the fine. The agency shall use this share to pay only 1455
those costs it incurs in enforcing this section or a municipal OVI 1456
ordinance and in informing the public of the laws governing the 1457
operation of a vehicle while under the influence of alcohol, the 1458
dangers of the operation of a vehicle under the influence of 1459
alcohol, and other information relating to the operation of a 1460
vehicle under the influence of alcohol and the consumption of 1461
alcoholic beverages. 1462

(b) Fifty dollars of the fine imposed under division 1463
(G)(1)(a)(iii) of this section shall be paid to the political 1464
subdivision that pays the cost of housing the offender during the 1465
offender's term of incarceration. If the offender is being 1466
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1467
(e), or (j) of this section and was confined as a result of the 1468
offense prior to being sentenced for the offense but is not 1469
sentenced to a term of incarceration, the fifty dollars shall be 1470
paid to the political subdivision that paid the cost of housing 1471
the offender during that period of confinement. The political 1472
subdivision shall use the share under this division to pay or 1473
reimburse incarceration or treatment costs it incurs in housing or 1474
providing drug and alcohol treatment to persons who violate this 1475
section or a municipal OVI ordinance, costs of any immobilizing or 1476
disabling device used on the offender's vehicle, and costs of 1477
electronic house arrest equipment needed for persons who violate 1478
this section. 1479

(c) Twenty-five dollars of the fine imposed under division 1480
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1481
division (G)(1)(b)(iii) of this section shall be deposited into 1482
the county or municipal indigent drivers' alcohol treatment fund 1483

under the control of that court, as created by the county or 1484
municipal corporation under division (N) of section 4511.191 of 1485
the Revised Code. 1486

(d) One hundred fifteen dollars of the fine imposed under 1487
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 1488
fine imposed under division (G)(1)(c)(iii), and four hundred forty 1489
dollars of the fine imposed under division (G)(1)(d)(iii) or 1490
(e)(iii) of this section shall be paid to the political 1491
subdivision that pays the cost of housing the offender during the 1492
offender's term of incarceration. The political subdivision shall 1493
use this share to pay or reimburse incarceration or treatment 1494
costs it incurs in housing or providing drug and alcohol treatment 1495
to persons who violate this section or a municipal OVI ordinance, 1496
costs for any immobilizing or disabling device used on the 1497
offender's vehicle, and costs of electronic house arrest equipment 1498
needed for persons who violate this section. 1499

(e) Seventy-five dollars of the fine imposed under division 1500
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 1501
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 1502
of the fine imposed under division (G)(1)(c)(iii), and five 1503
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 1504
or (e)(iii) of this section shall be transmitted to the treasurer 1505
of state for deposit into the indigent defense support fund 1506
established under section 120.08 of the Revised Code. 1507

(f) The balance of the fine imposed under division 1508
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 1509
section shall be disbursed as otherwise provided by law. 1510

(6) If title to a motor vehicle that is subject to an order 1511
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 1512
this section is assigned or transferred and division (B)(2) or (3) 1513
of section 4503.234 of the Revised Code applies, in addition to or 1514
independent of any other penalty established by law, the court may 1515

fine the offender the value of the vehicle as determined by 1516
publications of the national auto dealers association. The 1517
proceeds of any fine so imposed shall be distributed in accordance 1518
with division (C)(2) of that section. 1519

(7) As used in division (G) of this section, "electronic 1520
monitoring," "mandatory prison term," and "mandatory term of local 1521
incarceration" have the same meanings as in section 2929.01 of the 1522
Revised Code. 1523

(H) Whoever violates division (B) of this section is guilty 1524
of operating a vehicle after underage alcohol consumption and 1525
shall be punished as follows: 1526

(1) Except as otherwise provided in division (H)(2) of this 1527
section, the offender is guilty of a misdemeanor of the fourth 1528
degree. In addition to any other sanction imposed for the offense, 1529
the court shall impose a class six suspension of the offender's 1530
driver's license, commercial driver's license, temporary 1531
instruction permit, probationary license, or nonresident operating 1532
privilege from the range specified in division (A)(6) of section 1533
4510.02 of the Revised Code. 1534

(2) If, within one year of the offense, the offender 1535
previously has been convicted of or pleaded guilty to one or more 1536
violations of division (A) or (B) of this section or other 1537
equivalent offenses, the offender is guilty of a misdemeanor of 1538
the third degree. In addition to any other sanction imposed for 1539
the offense, the court shall impose a class four suspension of the 1540
offender's driver's license, commercial driver's license, 1541
temporary instruction permit, probationary license, or nonresident 1542
operating privilege from the range specified in division (A)(4) of 1543
section 4510.02 of the Revised Code. 1544

(3) If the offender also is convicted of or also pleads 1545
guilty to a specification of the type described in section 1546

2941.1416 of the Revised Code and if the court imposes a jail term 1547
for the violation of division (B) of this section, the court shall 1548
impose upon the offender an additional definite jail term pursuant 1549
to division (E) of section 2929.24 of the Revised Code. 1550

(I)(1) No court shall sentence an offender to an alcohol 1551
treatment program under this section unless the treatment program 1552
complies with the minimum standards for alcohol treatment programs 1553
adopted under Chapter 3793. of the Revised Code by the director of 1554
alcohol and drug addiction services. 1555

(2) An offender who stays in a drivers' intervention program 1556
or in an alcohol treatment program under an order issued under 1557
this section shall pay the cost of the stay in the program. 1558
However, if the court determines that an offender who stays in an 1559
alcohol treatment program under an order issued under this section 1560
is unable to pay the cost of the stay in the program, the court 1561
may order that the cost be paid from the court's indigent drivers' 1562
alcohol treatment fund. 1563

(J) If a person whose driver's or commercial driver's license 1564
or permit or nonresident operating privilege is suspended under 1565
this section files an appeal regarding any aspect of the person's 1566
trial or sentence, the appeal itself does not stay the operation 1567
of the suspension. 1568

(K) Division (A)(1)(j) of this section does not apply to a 1569
person who operates a vehicle, streetcar, or trackless trolley 1570
while the person has a concentration of a listed controlled 1571
substance or a listed metabolite of a controlled substance in the 1572
person's whole blood, blood serum or plasma, or urine that equals 1573
or exceeds the amount specified in that division, if both of the 1574
following apply: 1575

(1) The person obtained the controlled substance pursuant to 1576
a prescription issued by a licensed health professional authorized 1577

to prescribe drugs. 1578

(2) The person injected, ingested, or inhaled the controlled 1579
substance in accordance with the health professional's directions. 1580

(L) The prohibited concentrations of a controlled substance 1581
or a metabolite of a controlled substance listed in division 1582
(A)(1)(j) of this section also apply in a prosecution of a 1583
violation of division (D) of section 2923.16 of the Revised Code 1584
in the same manner as if the offender is being prosecuted for a 1585
prohibited concentration of alcohol. 1586

(M) All terms defined in section 4510.01 of the Revised Code 1587
apply to this section. If the meaning of a term defined in section 1588
4510.01 of the Revised Code conflicts with the meaning of the same 1589
term as defined in section 4501.01 or 4511.01 of the Revised Code, 1590
the term as defined in section 4510.01 of the Revised Code applies 1591
to this section. 1592

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 1593
as adopted by the supreme court under authority of section 2937.46 1594
of the Revised Code, do not apply to felony violations of this 1595
section. Subject to division (N)(2) of this section, the Rules of 1596
Criminal Procedure apply to felony violations of this section. 1597

(2) If, on or after January 1, 2004, the supreme court 1598
modifies the Ohio Traffic Rules to provide procedures to govern 1599
felony violations of this section, the modified rules shall apply 1600
to felony violations of this section. 1601

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 1602
and (D) of this section, no person shall operate any snowmobile, 1603
off-highway motorcycle, or all-purpose vehicle within this state 1604
unless the snowmobile, off-highway motorcycle, or all-purpose 1605
vehicle is registered and numbered in accordance with sections 1606
4519.03 and 4519.04 of the Revised Code. 1607

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

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

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

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

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

Sec. 4519.09. Every owner or operator of a snowmobile,

off-highway motorcycle, or all-purpose vehicle who is ~~not~~ a 1639
resident of ~~this~~ a state not having a registration law similar to 1640
this chapter, and who expects to use the snowmobile, off-highway 1641
motorcycle, or all-purpose vehicle in Ohio, shall apply to the 1642
registrar of motor vehicles or a deputy registrar for a temporary 1643
operating permit. The temporary operating permit shall be issued 1644
for a period not to exceed fifteen days from the date of issuance, 1645
shall be in such form as the registrar determines, shall include 1646
the name and address of the owner and operator of the snowmobile, 1647
off-highway motorcycle, or all-purpose vehicle, and any other 1648
information as the registrar considers necessary, and shall be 1649
issued upon payment of a fee of five dollars. Every owner or 1650
operator receiving a temporary operating permit shall display it 1651
upon the reasonable request of any law enforcement officer or 1652
other person as authorized by sections 4519.42 and 4519.43 of the 1653
Revised Code. 1654

Section 2. That existing sections 1531.01, 1533.01, 2923.16, 1655
4511.19, 4519.02, and 4519.09 of the Revised Code are hereby 1656
repealed. 1657

Section 3. All appropriation items in this section are hereby 1658
appropriated as designated out of moneys in the state treasury to 1659
the credit of the Indigent Defense Support Fund. For all 1660
appropriations made in this act, the amounts in the first column 1661
are for fiscal year 2008, and the amounts in the second column are 1662
for fiscal year 2009. The appropriations made in this act are in 1663
addition to any other appropriations made for the FY 2008-2009 1664
biennium. 1665

PUB OHIO PUBLIC DEFENDER COMMISSION 1666

State Special Revenue Fund 1667

5DY 019-618 Indigent Defense \$ 3,700,000 \$ 3,700,000 1668

Support Fund

TOTAL SSR State Special Revenue	\$	3,700,000	\$	3,700,000	1669
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	3,700,000	\$	3,700,000	1670

Section 4. All items in this section are hereby appropriated 1672
as designated out of any moneys in the state treasury to the 1673
credit of the Operating Expenses Fund (Fund 5M80). For all 1674
appropriations made in this act, those in the first column are for 1675
fiscal year 2008 and those in the second column are for fiscal 1676
year 2009. The appropriations made in this act are in addition to 1677
any other appropriations made for the FY 2008-2009 biennium. 1678

Appropriations

TUP Tobacco Use Prevention Foundation

Tobacco Master Settlement Agreement Fund Group					1680
5M80 940601 Operating Expenses	\$	0	\$	1,990,790	1681
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	0	\$	1,990,790	1682
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	1,990,790	1683

Section 5. Within the limits set forth in this act, the 1685
Director of Budget and Management shall establish accounts 1686
indicating the source and amount of money for each appropriation 1687
made in this act and shall determine the form and manner in which 1688
appropriation accounts shall be maintained. Expenditures from 1689
appropriations contained in this act shall be accounted for as 1690
though made in Am. Sub. H.B. 119 of the 127th General Assembly. 1691

The appropriations made in this act are subject to all 1692
provisions of Am. Sub. H.B. 119 of the 127th General Assembly that 1693
are generally applicable to such appropriations. 1694

Section 6. Except as otherwise specifically provided in this 1695
act, the sections of law contained in this act and the items of 1696

which they are composed are not subject to the referendum. 1697

Therefore, under Ohio Constitution, Article II, Section 1d and 1698

section 1.471 of the Revised Code, the sections of law contained 1699

in this act and the items of which they are composed go into 1700

immediate effect when this act becomes law. 1701

Section 7. Sections 1531.01, 1533.01, 1533.103, 2923.16, 1702

4519.02 and 4519.09 of the Revised Code, as amended or enacted by 1703

this act, are subject to the referendum. Therefore, under Ohio 1704

Constitution, Article II, Section 1c and section 1.471 of the 1705

Revised Code, the sections as amended or enacted by this act take 1706

effect on the ninety-first day after this act is filed with the 1707

Secretary of State. If, however, a referendum petition is filed 1708

against any of the sections as amended or enacted by this act, the 1709

section as amended or enacted, unless rejected at the referendum, 1710

takes effect at the earliest time permitted by law. 1711