

As Introduced

**128th General Assembly
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S. B. No. 230

Senator Patton

Cosponsors: Senators Grendell, Morano

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A B I L L

To amend section 4511.191 of the Revised Code to 1
revise the drug abuse resistance education 2
(D.A.R.E.) grant program funded by a portion of 3
the license reinstatement fee charged to obtain a 4
driver's license following an OVI-related license 5
suspension. 6

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

Section 1. That section 4511.191 of the Revised Code be 7
amended to read as follows: 8

Sec. 4511.191. (A)(1) As used in this section: 9

(a) "Physical control" has the same meaning as in section 10
4511.194 of the Revised Code. 11

(b) "Alcohol monitoring device" means any device that 12
provides for continuous alcohol monitoring, any ignition interlock 13
device, any immobilizing or disabling device other than an 14
ignition interlock device that is constantly available to monitor 15
the concentration of alcohol in a person's system, or any other 16
device that provides for the automatic testing and periodic 17
reporting of alcohol consumption by a person and that a court 18
orders a person to use as a sanction imposed as a result of the 19

person's conviction of or plea of guilty to an offense. 20

(2) Any person who operates a vehicle, streetcar, or 21
trackless trolley upon a highway or any public or private property 22
used by the public for vehicular travel or parking within this 23
state or who is in physical control of a vehicle, streetcar, or 24
trackless trolley shall be deemed to have given consent to a 25
chemical test or tests of the person's whole blood, blood serum or 26
plasma, breath, or urine to determine the alcohol, drug of abuse, 27
controlled substance, metabolite of a controlled substance, or 28
combination content of the person's whole blood, blood serum or 29
plasma, breath, or urine if arrested for a violation of division 30
(A) or (B) of section 4511.19 of the Revised Code, section 31
4511.194 of the Revised Code or a substantially equivalent 32
municipal ordinance, or a municipal OVI ordinance. 33

(3) The chemical test or tests under division (A)(2) of this 34
section shall be administered at the request of a law enforcement 35
officer having reasonable grounds to believe the person was 36
operating or in physical control of a vehicle, streetcar, or 37
trackless trolley in violation of a division, section, or 38
ordinance identified in division (A)(2) of this section. The law 39
enforcement agency by which the officer is employed shall 40
designate which of the tests shall be administered. 41

(4) Any person who is dead or unconscious, or who otherwise 42
is in a condition rendering the person incapable of refusal, shall 43
be deemed to have consented as provided in division (A)(2) of this 44
section, and the test or tests may be administered, subject to 45
sections 313.12 to 313.16 of the Revised Code. 46

(5)(a) If a law enforcement officer arrests a person for a 47
violation of division (A) or (B) of section 4511.19 of the Revised 48
Code, section 4511.194 of the Revised Code or a substantially 49
equivalent municipal ordinance, or a municipal OVI ordinance and 50
if the person if convicted would be required to be sentenced under 51

division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

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

reckless manner. 85

(B)(1) Upon receipt of the sworn report of a law enforcement 86
officer who arrested a person for a violation of division (A) or 87
(B) of section 4511.19 of the Revised Code, section 4511.194 of 88
the Revised Code or a substantially equivalent municipal 89
ordinance, or a municipal OVI ordinance that was completed and 90
sent to the registrar and a court pursuant to section 4511.192 of 91
the Revised Code in regard to a person who refused to take the 92
designated chemical test, the registrar shall enter into the 93
registrar's records the fact that the person's driver's or 94
commercial driver's license or permit or nonresident operating 95
privilege was suspended by the arresting officer under this 96
division and that section and the period of the suspension, as 97
determined under this section. The suspension shall be subject to 98
appeal as provided in section 4511.197 of the Revised Code. The 99
suspension shall be for whichever of the following periods 100
applies: 101

(a) Except when division (B)(1)(b), (c), or (d) of this 102
section applies and specifies a different class or length of 103
suspension, the suspension shall be a class C suspension for the 104
period of time specified in division (B)(3) of section 4510.02 of 105
the Revised Code. 106

(b) If the arrested person, within six years of the date on 107
which the person refused the request to consent to the chemical 108
test, had refused one previous request to consent to a chemical 109
test or had been convicted of or pleaded guilty to one violation 110
of division (A) or (B) of section 4511.19 of the Revised Code or 111
one other equivalent offense, the suspension shall be a class B 112
suspension imposed for the period of time specified in division 113
(B)(2) of section 4510.02 of the Revised Code. 114

(c) If the arrested person, within six years of the date on 115
which the person refused the request to consent to the chemical 116

test, had refused two previous requests to consent to a chemical 117
test, had been convicted of or pleaded guilty to two violations of 118
division (A) or (B) of section 4511.19 of the Revised Code or 119
other equivalent offenses, or had refused one previous request to 120
consent to a chemical test and also had been convicted of or 121
pleaded guilty to one violation of division (A) or (B) of section 122
4511.19 of the Revised Code or other equivalent offenses, which 123
violation or offense arose from an incident other than the 124
incident that led to the refusal, the suspension shall be a class 125
A suspension imposed for the period of time specified in division 126
(B)(1) of section 4510.02 of the Revised Code. 127

(d) If the arrested person, within six years of the date on 128
which the person refused the request to consent to the chemical 129
test, had refused three or more previous requests to consent to a 130
chemical test, had been convicted of or pleaded guilty to three or 131
more violations of division (A) or (B) of section 4511.19 of the 132
Revised Code or other equivalent offenses, or had refused a number 133
of previous requests to consent to a chemical test and also had 134
been convicted of or pleaded guilty to a number of violations of 135
division (A) or (B) of section 4511.19 of the Revised Code or 136
other equivalent offenses that cumulatively total three or more 137
such refusals, convictions, and guilty pleas, the suspension shall 138
be for five years. 139

(2) The registrar shall terminate a suspension of the 140
driver's or commercial driver's license or permit of a resident or 141
of the operating privilege of a nonresident, or a denial of a 142
driver's or commercial driver's license or permit, imposed 143
pursuant to division (B)(1) of this section upon receipt of notice 144
that the person has entered a plea of guilty to, or that the 145
person has been convicted after entering a plea of no contest to, 146
operating a vehicle in violation of section 4511.19 of the Revised 147
Code or in violation of a municipal OVI ordinance, if the offense 148

for which the conviction is had or the plea is entered arose from 149
the same incident that led to the suspension or denial. 150

The registrar shall credit against any judicial suspension of 151
a person's driver's or commercial driver's license or permit or 152
nonresident operating privilege imposed pursuant to section 153
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 154
Revised Code for a violation of a municipal OVI ordinance, any 155
time during which the person serves a related suspension imposed 156
pursuant to division (B)(1) of this section. 157

(C)(1) Upon receipt of the sworn report of the law 158
enforcement officer who arrested a person for a violation of 159
division (A) or (B) of section 4511.19 of the Revised Code or a 160
municipal OVI ordinance that was completed and sent to the 161
registrar and a court pursuant to section 4511.192 of the Revised 162
Code in regard to a person whose test results indicate that the 163
person's whole blood, blood serum or plasma, breath, or urine 164
contained at least the concentration of alcohol specified in 165
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 166
Revised Code or at least the concentration of a listed controlled 167
substance or a listed metabolite of a controlled substance 168
specified in division (A)(1)(j) of section 4511.19 of the Revised 169
Code, the registrar shall enter into the registrar's records the 170
fact that the person's driver's or commercial driver's license or 171
permit or nonresident operating privilege was suspended by the 172
arresting officer under this division and section 4511.192 of the 173
Revised Code and the period of the suspension, as determined under 174
divisions (C)(1)(a) to (d) of this section. The suspension shall 175
be subject to appeal as provided in section 4511.197 of the 176
Revised Code. The suspension described in this division does not 177
apply to, and shall not be imposed upon, a person arrested for a 178
violation of section 4511.194 of the Revised Code or a 179
substantially equivalent municipal ordinance who submits to a 180

designated chemical test. The suspension shall be for whichever of 181
the following periods applies: 182

(a) Except when division (C)(1)(b), (c), or (d) of this 183
section applies and specifies a different period, the suspension 184
shall be a class E suspension imposed for the period of time 185
specified in division (B)(5) of section 4510.02 of the Revised 186
Code. 187

(b) The suspension shall be a class C suspension for the 188
period of time specified in division (B)(3) of section 4510.02 of 189
the Revised Code if the person has been convicted of or pleaded 190
guilty to, within six years of the date the test was conducted, 191
one violation of division (A) or (B) of section 4511.19 of the 192
Revised Code or one other equivalent offense. 193

(c) If, within six years of the date the test was conducted, 194
the person has been convicted of or pleaded guilty to two 195
violations of a statute or ordinance described in division 196
(C)(1)(b) of this section, the suspension shall be a class B 197
suspension imposed for the period of time specified in division 198
(B)(2) of section 4510.02 of the Revised Code. 199

(d) If, within six years of the date the test was conducted, 200
the person has been convicted of or pleaded guilty to more than 201
two violations of a statute or ordinance described in division 202
(C)(1)(b) of this section, the suspension shall be a class A 203
suspension imposed for the period of time specified in division 204
(B)(1) of section 4510.02 of the Revised Code. 205

(2) The registrar shall terminate a suspension of the 206
driver's or commercial driver's license or permit of a resident or 207
of the operating privilege of a nonresident, or a denial of a 208
driver's or commercial driver's license or permit, imposed 209
pursuant to division (C)(1) of this section upon receipt of notice 210
that the person has entered a plea of guilty to, or that the 211

person has been convicted after entering a plea of no contest to, 212
operating a vehicle in violation of section 4511.19 of the Revised 213
Code or in violation of a municipal OVI ordinance, if the offense 214
for which the conviction is had or the plea is entered arose from 215
the same incident that led to the suspension or denial. 216

The registrar shall credit against any judicial suspension of 217
a person's driver's or commercial driver's license or permit or 218
nonresident operating privilege imposed pursuant to section 219
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 220
Revised Code for a violation of a municipal OVI ordinance, any 221
time during which the person serves a related suspension imposed 222
pursuant to division (C)(1) of this section. 223

(D)(1) A suspension of a person's driver's or commercial 224
driver's license or permit or nonresident operating privilege 225
under this section for the time described in division (B) or (C) 226
of this section is effective immediately from the time at which 227
the arresting officer serves the notice of suspension upon the 228
arrested person. Any subsequent finding that the person is not 229
guilty of the charge that resulted in the person being requested 230
to take the chemical test or tests under division (A) of this 231
section does not affect the suspension. 232

(2) If a person is arrested for operating a vehicle, 233
streetcar, or trackless trolley in violation of division (A) or 234
(B) of section 4511.19 of the Revised Code or a municipal OVI 235
ordinance, or for being in physical control of a vehicle, 236
streetcar, or trackless trolley in violation of section 4511.194 237
of the Revised Code or a substantially equivalent municipal 238
ordinance, regardless of whether the person's driver's or 239
commercial driver's license or permit or nonresident operating 240
privilege is or is not suspended under division (B) or (C) of this 241
section or Chapter 4510. of the Revised Code, the person's initial 242
appearance on the charge resulting from the arrest shall be held 243

within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

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

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

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

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state

treasury and credited as follows: 276

(a) One hundred twelve dollars and fifty cents shall be 277
credited to the statewide treatment and prevention fund created by 278
section 4301.30 of the Revised Code. The fund shall be used to pay 279
the costs of driver treatment and intervention programs operated 280
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 281
director of alcohol and drug addiction services shall determine 282
the share of the fund that is to be allocated to alcohol and drug 283
addiction programs authorized by section 3793.02 of the Revised 284
Code, and the share of the fund that is to be allocated to 285
drivers' intervention programs authorized by section 3793.10 of 286
the Revised Code. 287

(b) Seventy-five dollars shall be credited to the reparations 288
fund created by section 2743.191 of the Revised Code. 289

(c) Thirty-seven dollars and fifty cents shall be credited to 290
the indigent drivers alcohol treatment fund, which is hereby 291
established in the state treasury. Except as otherwise provided in 292
division (F)(2)(c) of this section, moneys in the fund shall be 293
distributed by the department of alcohol and drug addiction 294
services to the county indigent drivers alcohol treatment funds, 295
the county juvenile indigent drivers alcohol treatment funds, and 296
the municipal indigent drivers alcohol treatment funds that are 297
required to be established by counties and municipal corporations 298
pursuant to division (H) of this section, and shall be used only 299
to pay the cost of an alcohol and drug addiction treatment program 300
attended by an offender or juvenile traffic offender who is 301
ordered to attend an alcohol and drug addiction treatment program 302
by a county, juvenile, or municipal court judge and who is 303
determined by the county, juvenile, or municipal court judge not 304
to have the means to pay for the person's attendance at the 305
program or to pay the costs specified in division (H)(4) of this 306
section in accordance with that division. In addition, a county, 307

juvenile, or municipal court judge may use moneys in the county 308
indigent drivers alcohol treatment fund, county juvenile indigent 309
drivers alcohol treatment fund, or municipal indigent drivers 310
alcohol treatment fund to pay for the cost of the continued use of 311
an alcohol monitoring device as described in divisions (H)(3) and 312
(4) of this section. Moneys in the fund that are not distributed 313
to a county indigent drivers alcohol treatment fund, a county 314
juvenile indigent drivers alcohol treatment fund, or a municipal 315
indigent drivers alcohol treatment fund under division (H) of this 316
section because the director of alcohol and drug addiction 317
services does not have the information necessary to identify the 318
county or municipal corporation where the offender or juvenile 319
offender was arrested may be transferred by the director of budget 320
and management to the statewide treatment and prevention fund 321
created by section 4301.30 of the Revised Code, upon certification 322
of the amount by the director of alcohol and drug addiction 323
services. 324

(d) Seventy-five dollars shall be credited to the Ohio 325
rehabilitation services commission established by section 3304.12 326
of the Revised Code, to the services for rehabilitation fund, 327
which is hereby established. The fund shall be used to match 328
available federal matching funds where appropriate, and for any 329
other purpose or program of the commission to rehabilitate people 330
with disabilities to help them become employed and independent. 331

(e) Seventy-five dollars shall be deposited into the state 332
treasury and credited to the drug abuse resistance education 333
programs fund, which is hereby established, to be used by the 334
attorney general for the purposes specified in division (F)(4) of 335
this section. 336

(f) Thirty dollars shall be credited to the state bureau of 337
motor vehicles fund created by section 4501.25 of the Revised 338
Code. 339

(g) Twenty dollars shall be credited to the trauma and 340
emergency medical services grants fund created by section 4513.263 341
of the Revised Code. 342

(h) Fifty dollars shall be credited to the indigent drivers 343
interlock and alcohol monitoring fund, which is hereby established 344
in the state treasury. Monies in the fund shall be distributed by 345
the department of public safety to the county indigent drivers 346
interlock and alcohol monitoring funds, the county juvenile 347
indigent drivers interlock and alcohol monitoring funds, and the 348
municipal indigent drivers interlock and alcohol monitoring funds 349
that are required to be established by counties and municipal 350
corporations pursuant to this section, and shall be used only to 351
pay the cost of an immobilizing or disabling device, including a 352
certified ignition interlock device, or an alcohol monitoring 353
device used by an offender or juvenile offender who is ordered to 354
use the device by a county, juvenile, or municipal court judge and 355
who is determined by the county, juvenile, or municipal court 356
judge not to have the means to pay for the person's use of the 357
device. 358

(3) If a person's driver's or commercial driver's license or 359
permit is suspended under this section, under section 4511.196 or 360
division (G) of section 4511.19 of the Revised Code, under section 361
4510.07 of the Revised Code for a violation of a municipal OVI 362
ordinance or under any combination of the suspensions described in 363
division (F)(3) of this section, and if the suspensions arise from 364
a single incident or a single set of facts and circumstances, the 365
person is liable for payment of, and shall be required to pay to 366
the bureau, only one reinstatement fee of four hundred 367
seventy-five dollars. The reinstatement fee shall be distributed 368
by the bureau in accordance with division (F)(2) of this section. 369

(4) The attorney general shall use amounts in the drug abuse 370
resistance education programs fund to award grants to law 371

enforcement agencies to establish and implement drug abuse 372
resistance education programs in ~~public~~ schools that receive 373
funding from the Ohio department of education. Grants awarded to a 374
law enforcement agency under this section shall be used by the 375
agency to pay for not more than ~~fifty~~ seventy-five per cent of the 376
amount of the salaries of law enforcement officers who serve as 377
school-based law enforcement officers and also conduct drug abuse 378
resistance education programs in ~~public~~ eligible schools. The 379
attorney general shall not use more than ~~six~~ ten per cent of the 380
amounts the attorney general's office receives under division 381
(F)(2)(e) of this section to pay the costs it incurs in 382
administering the grant program established by division (F)(2)(e) 383
of this section and in providing training and materials relating 384
to drug abuse resistance education programs. The attorney general 385
shall establish continuing education requirements for law 386
enforcement officers who serve as school-based law enforcement 387
officers and also conduct drug abuse resistance education programs 388
in schools; the attorney general shall require each law 389
enforcement agency receiving a grant under this section to comply 390
with the continuing education requirements. 391

Following conclusion of a drug abuse resistance education 392
program, a school representative shall complete an evaluation form 393
developed by the attorney general and shall give the completed 394
form to the attorney general and the law enforcement agency 395
conducting the program. Completed evaluation forms from prior 396
programs shall be included in any subsequent grant application 397
made by the law enforcement agency. 398

The attorney general shall report to the governor and the 399
general assembly each fiscal year on the progress made in 400
establishing and implementing drug abuse resistance education 401
programs. These reports shall include an evaluation of the 402
effectiveness of these programs. 403

(G) Suspension of a commercial driver's license under 404
division (B) or (C) of this section shall be concurrent with any 405
period of disqualification under section 3123.611 or 4506.16 of 406
the Revised Code or any period of suspension under section 3123.58 407
of the Revised Code. No person who is disqualified for life from 408
holding a commercial driver's license under section 4506.16 of the 409
Revised Code shall be issued a driver's license under Chapter 410
4507. of the Revised Code during the period for which the 411
commercial driver's license was suspended under division (B) or 412
(C) of this section. No person whose commercial driver's license 413
is suspended under division (B) or (C) of this section shall be 414
issued a driver's license under Chapter 4507. of the Revised Code 415
during the period of the suspension. 416

(H)(1) Each county shall establish an indigent drivers 417
alcohol treatment fund, each county shall establish a juvenile 418
indigent drivers alcohol treatment fund, and each municipal 419
corporation in which there is a municipal court shall establish an 420
indigent drivers alcohol treatment fund. All revenue that the 421
general assembly appropriates to the indigent drivers alcohol 422
treatment fund for transfer to a county indigent drivers alcohol 423
treatment fund, a county juvenile indigent drivers alcohol 424
treatment fund, or a municipal indigent drivers alcohol treatment 425
fund, all portions of fees that are paid under division (F) of 426
this section and that are credited under that division to the 427
indigent drivers alcohol treatment fund in the state treasury for 428
a county indigent drivers alcohol treatment fund, a county 429
juvenile indigent drivers alcohol treatment fund, or a municipal 430
indigent drivers alcohol treatment fund, all portions of 431
additional costs imposed under section 2949.094 of the Revised 432
Code that are specified for deposit into a county, county 433
juvenile, or municipal indigent drivers alcohol treatment fund by 434
that section, and all portions of fines that are specified for 435
deposit into a county or municipal indigent drivers alcohol 436

treatment fund by section 4511.193 of the Revised Code shall be 437
deposited into that county indigent drivers alcohol treatment 438
fund, county juvenile indigent drivers alcohol treatment fund, or 439
municipal indigent drivers alcohol treatment fund. The portions of 440
the fees paid under division (F) of this section that are to be so 441
deposited shall be determined in accordance with division (H)(2) 442
of this section. Additionally, all portions of fines that are paid 443
for a violation of section 4511.19 of the Revised Code or of any 444
prohibition contained in Chapter 4510. of the Revised Code, and 445
that are required under section 4511.19 or any provision of 446
Chapter 4510. of the Revised Code to be deposited into a county 447
indigent drivers alcohol treatment fund or municipal indigent 448
drivers alcohol treatment fund shall be deposited into the 449
appropriate fund in accordance with the applicable division of the 450
section or provision. 451

(2) That portion of the license reinstatement fee that is 452
paid under division (F) of this section and that is credited under 453
that division to the indigent drivers alcohol treatment fund shall 454
be deposited into a county indigent drivers alcohol treatment 455
fund, a county juvenile indigent drivers alcohol treatment fund, 456
or a municipal indigent drivers alcohol treatment fund as follows: 457

(a) Regarding a suspension imposed under this section, that 458
portion of the fee shall be deposited as follows: 459

(i) If the fee is paid by a person who was charged in a 460
county court with the violation that resulted in the suspension or 461
in the imposition of the court costs, the portion shall be 462
deposited into the county indigent drivers alcohol treatment fund 463
under the control of that court; 464

(ii) If the fee is paid by a person who was charged in a 465
juvenile court with the violation that resulted in the suspension 466
or in the imposition of the court costs, the portion shall be 467
deposited into the county juvenile indigent drivers alcohol 468

treatment fund established in the county served by the court; 469

(iii) If the fee is paid by a person who was charged in a 470
municipal court with the violation that resulted in the suspension 471
or in the imposition of the court costs, the portion shall be 472
deposited into the municipal indigent drivers alcohol treatment 473
fund under the control of that court. 474

(b) Regarding a suspension imposed under section 4511.19 of 475
the Revised Code or under section 4510.07 of the Revised Code for 476
a violation of a municipal OVI ordinance, that portion of the fee 477
shall be deposited as follows: 478

(i) If the fee is paid by a person whose license or permit 479
was suspended by a county court, the portion shall be deposited 480
into the county indigent drivers alcohol treatment fund under the 481
control of that court; 482

(ii) If the fee is paid by a person whose license or permit 483
was suspended by a municipal court, the portion shall be deposited 484
into the municipal indigent drivers alcohol treatment fund under 485
the control of that court. 486

(3) Expenditures from a county indigent drivers alcohol 487
treatment fund, a county juvenile indigent drivers alcohol 488
treatment fund, or a municipal indigent drivers alcohol treatment 489
fund shall be made only upon the order of a county, juvenile, or 490
municipal court judge and only for payment of the cost of an 491
assessment or the cost of the attendance at an alcohol and drug 492
addiction treatment program of a person who is convicted of, or 493
found to be a juvenile traffic offender by reason of, a violation 494
of division (A) of section 4511.19 of the Revised Code or a 495
substantially similar municipal ordinance, who is ordered by the 496
court to attend the alcohol and drug addiction treatment program, 497
and who is determined by the court to be unable to pay the cost of 498
the assessment or the cost of attendance at the treatment program 499

or for payment of the costs specified in division (H)(4) of this 500
section in accordance with that division. The alcohol and drug 501
addiction services board or the board of alcohol, drug addiction, 502
and mental health services established pursuant to section 340.02 503
or 340.021 of the Revised Code and serving the alcohol, drug 504
addiction, and mental health service district in which the court 505
is located shall administer the indigent drivers alcohol treatment 506
program of the court. When a court orders an offender or juvenile 507
traffic offender to obtain an assessment or attend an alcohol and 508
drug addiction treatment program, the board shall determine which 509
program is suitable to meet the needs of the offender or juvenile 510
traffic offender, and when a suitable program is located and space 511
is available at the program, the offender or juvenile traffic 512
offender shall attend the program designated by the board. A 513
reasonable amount not to exceed five per cent of the amounts 514
credited to and deposited into the county indigent drivers alcohol 515
treatment fund, the county juvenile indigent drivers alcohol 516
treatment fund, or the municipal indigent drivers alcohol 517
treatment fund serving every court whose program is administered 518
by that board shall be paid to the board to cover the costs it 519
incurs in administering those indigent drivers alcohol treatment 520
programs. 521

In addition, upon exhaustion of moneys in the indigent 522
drivers interlock and alcohol monitoring fund for the use of an 523
alcohol monitoring device, a county, juvenile, or municipal court 524
judge may use moneys in the county indigent drivers alcohol 525
treatment fund, county juvenile indigent drivers alcohol treatment 526
fund, or municipal indigent drivers alcohol treatment fund in the 527
following manners: 528

(a) If the source of the moneys was an appropriation of the 529
general assembly, a portion of a fee that was paid under division 530
(F) of this section, a portion of a fine that was specified for 531

deposit into the fund by section 4511.193 of the Revised Code, or 532
a portion of a fine that was paid for a violation of section 533
4511.19 of the Revised Code or of a provision contained in Chapter 534
4510. of the Revised Code that was required to be deposited into 535
the fund, to pay for the continued use of an alcohol monitoring 536
device by an offender or juvenile traffic offender, in conjunction 537
with a treatment program approved by the department of alcohol and 538
drug addiction services, when such use is determined clinically 539
necessary by the treatment program and when the court determines 540
that the offender or juvenile traffic offender is unable to pay 541
all or part of the daily monitoring or cost of the device; 542

(b) If the source of the moneys was a portion of an 543
additional court cost imposed under section 2949.094 of the 544
Revised Code, to pay for the continued use of an alcohol 545
monitoring device by an offender or juvenile traffic offender when 546
the court determines that the offender or juvenile traffic 547
offender is unable to pay all or part of the daily monitoring or 548
cost of the device. The moneys may be used for a device as 549
described in this division if the use of the device is in 550
conjunction with a treatment program approved by the department of 551
alcohol and drug addiction services, when the use of the device is 552
determined clinically necessary by the treatment program, but the 553
use of a device is not required to be in conjunction with a 554
treatment program approved by the department in order for the 555
moneys to be used for the device as described in this division. 556

(4) If a county, juvenile, or municipal court determines, in 557
consultation with the alcohol and drug addiction services board or 558
the board of alcohol, drug addiction, and mental health services 559
established pursuant to section 340.02 or 340.021 of the Revised 560
Code and serving the alcohol, drug addiction, and mental health 561
district in which the court is located, that the funds in the 562
county indigent drivers alcohol treatment fund, the county 563

juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:

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

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

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

(b) All or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any alcohol and drug

addiction program that is not certified under section 3793.06 of 595
the Revised Code and that is interested in receiving amounts from 596
the surplus in the fund declared under division (H)(4) of this 597
section to the department of alcohol and drug addiction services 598
in order for the program to become a certified alcohol and drug 599
addiction program. The department shall keep a record of applicant 600
referrals received pursuant to this division and shall submit a 601
report on the referrals each year to the general assembly. If a 602
program interested in becoming certified makes an application to 603
become certified pursuant to section 3793.06 of the Revised Code, 604
the program is eligible to receive surplus funds as long as the 605
application is pending with the department. The department of 606
alcohol and drug addiction services must offer technical 607
assistance to the applicant. If the interested program withdraws 608
the certification application, the department must notify the 609
court, and the court shall not provide the interested program with 610
any further surplus funds. 611

(7)(a) Each alcohol and drug addiction services board and 612
board of alcohol, drug addiction, and mental health services 613
established pursuant to section 340.02 or 340.021 of the Revised 614
Code shall submit to the department of alcohol and drug addiction 615
services an annual report for each indigent drivers alcohol 616
treatment fund in that board's area. 617

(b) The report, which shall be submitted not later than sixty 618
days after the end of the state fiscal year, shall provide the 619
total payment that was made from the fund, including the number of 620
indigent consumers that received treatment services and the number 621
of indigent consumers that received an alcohol monitoring device. 622
The report shall identify the treatment program and expenditure 623
for an alcohol monitoring device for which that payment was made. 624
The report shall include the fiscal year balance of each indigent 625
drivers alcohol treatment fund located in that board's area. In 626

the event that a surplus is declared in the fund pursuant to 627
division (H)(4) of this section, the report also shall provide the 628
total payment that was made from the surplus moneys and identify 629
the treatment program and expenditure for an alcohol monitoring 630
device for which that payment was made. The department may require 631
additional information necessary to complete the comprehensive 632
statewide alcohol and drug addiction services plan as required by 633
section 3793.04 of the Revised Code. 634

(c) If a board is unable to obtain adequate information to 635
develop the report to submit to the department for a particular 636
indigent drivers alcohol treatment fund, the board shall submit a 637
report detailing the effort made in obtaining the information. 638

(I)(1) Each county shall establish an indigent drivers 639
interlock and alcohol monitoring fund and a juvenile indigent 640
drivers interlock and alcohol treatment fund, and each municipal 641
corporation in which there is a municipal court shall establish an 642
indigent drivers interlock and alcohol monitoring fund. All 643
revenue that the general assembly appropriates to the indigent 644
drivers interlock and alcohol monitoring fund for transfer to a 645
county indigent drivers interlock and alcohol monitoring fund, a 646
county juvenile indigent drivers interlock and alcohol monitoring 647
fund, or a municipal indigent drivers interlock and alcohol 648
monitoring fund, all portions of license reinstatement fees that 649
are paid under division (F)(2) of this section and that are 650
credited under that division to the indigent drivers interlock and 651
alcohol monitoring fund in the state treasury, and all portions of 652
fines that are paid under division (G) of section 4511.19 of the 653
Revised Code and that are credited by division (G)(5)(e) of that 654
section to the indigent drivers interlock and alcohol monitoring 655
fund in the state treasury shall be deposited in the appropriate 656
fund in accordance with division (I)(2) of this section. 657

(2) That portion of the license reinstatement fee that is 658

paid under division (F) of this section and that portion of the 659
fine paid under division (G) of section 4511.19 of the Revised 660
Code and that is credited under either division to the indigent 661
drivers interlock and alcohol monitoring fund shall be deposited 662
into a county indigent drivers interlock and alcohol monitoring 663
fund, a county juvenile indigent drivers interlock and alcohol 664
monitoring fund, or a municipal indigent drivers interlock and 665
alcohol monitoring fund as follows: 666

(a) If the fee or fine is paid by a person who was charged in 667
a county court with the violation that resulted in the suspension 668
or fine, the portion shall be deposited into the county indigent 669
drivers interlock and alcohol monitoring fund under the control of 670
that court. 671

(b) If the fee or fine is paid by a person who was charged in 672
a juvenile court with the violation that resulted in the 673
suspension or fine, the portion shall be deposited into the county 674
juvenile indigent drivers interlock and alcohol monitoring fund 675
established in the county served by the court. 676

(c) If the fee or fine is paid by a person who was charged in 677
a municipal court with the violation that resulted in the 678
suspension, the portion shall be deposited into the municipal 679
indigent drivers interlock and alcohol monitoring fund under the 680
control of that court. 681

Section 2. That existing section 4511.191 of the Revised Code 682
is hereby repealed. 683

Section 3. Section 4511.191 of the Revised Code is presented 684
in this act as a composite of the section as amended by both Am. 685
Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly. The 686
General Assembly, applying the principle stated in division (B) of 687
section 1.52 of the Revised Code that amendments are to be 688

harmonized if reasonably capable of simultaneous operation, finds	689
that the composite is the resulting version of the section in	690
effect prior to the effective date of the section as presented in	691
this act.	692