

**As Reported by the Senate Highways and Transportation
Committee**

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Sub. H. B. No. 337

Representative Rosenberger

**Cosponsors: Representatives Butler, Gonzales, Sears, O'Brien, Terhar,
Antonio, Baker, Beck, Blessing, Bubp, Combs, DeGeeter, Derickson,
Garland, Gerberry, Hackett, Hill, Letson, Luckie, Lundy, Mallory, McClain,
McGregor, Murray, Newbold, Ruhl, Sprague Speaker Batchelder**

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A B I L L

To amend sections 2935.36, 2951.041, 4506.01, 1
4506.05, 4506.07, 4506.09, 4506.10, 4506.101, 2
4506.12, 4506.13, 4506.14, 4506.15, 4506.16, 3
4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 4
4513.37, 5101.35, 5101.351, 5107.12, 5107.14, and 5
5577.05 and to enact section 4506.131 of the 6
Revised Code to make changes in the law governing 7
commercial drivers' licenses, including hazardous 8
material endorsements, medical certification 9
requirements, disqualifications, conviction 10
records, and establishing texting while driving as 11
a serious traffic violation, to exclude certain 12
components from the prohibited length dimensions 13
of specified types of vehicles, to revise the law 14
governing self-sufficiency contracts established 15
under the Ohio Works First program, to eliminate 16
requirements that the Department of Job and Family 17
Services employ, contract with, or designate only 18
attorneys to make decisions in appeals regarding 19

family services programs, to temporarily extend 20
the look-back period from two years to three years 21
for determining whether a state "on" indicator 22
exists based on the total unemployment rate for 23
purposes of state extended unemployment benefits, 24
and to declare an emergency. 25

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

Section 1. That sections 2935.36, 2951.041, 4506.01, 4506.05, 26
4506.07, 4506.09, 4506.10, 4506.101, 4506.12, 4506.13, 4506.14, 27
4506.15, 4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 28
4513.37, 5101.35, 5101.351, 5107.12, 5107.14, and 5577.05 be 29
amended and section 4506.131 of the Revised Code be enacted to 30
read as follows: 31

Sec. 2935.36. (A) The prosecuting attorney may establish 32
pre-trial diversion programs for adults who are accused of 33
committing criminal offenses and whom the prosecuting attorney 34
believes probably will not offend again. The prosecuting attorney 35
may require, as a condition of an accused's participation in the 36
program, the accused to pay a reasonable fee for supervision 37
services that include, but are not limited to, monitoring and drug 38
testing. The programs shall be operated pursuant to written 39
standards approved by journal entry by the presiding judge or, in 40
courts with only one judge, the judge of the court of common pleas 41
and shall not be applicable to any of the following: 42

(1) Repeat offenders or dangerous offenders; 43

(2) Persons accused of an offense of violence, of a violation 44
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 45
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 46
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 47

violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;

(4) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance;

(5)(a) Persons who are accused of an offense while operating a commercial motor vehicle or persons who hold a commercial driver's license and are accused of any offense, if conviction of the offense would disqualify the person from operating a commercial motor vehicle under Chapter 4506. of the Revised Code or would subject the person to any other sanction under that chapter;

(b) As used in division (A)(5) of this section, "commercial

driver's license" and "commercial motor vehicle" have the same 78
meanings as in section 4506.01 of the Revised Code. 79

(B) An accused who enters a diversion program shall do all of 80
the following: 81

(1) Waive, in writing and contingent upon the accused's 82
successful completion of the program, the accused's right to a 83
speedy trial, the preliminary hearing, the time period within 84
which the grand jury may consider an indictment against the 85
accused, and arraignment, unless the hearing, indictment, or 86
arraignment has already occurred; 87

(2) Agree, in writing, to the tolling while in the program of 88
all periods of limitation established by statutes or rules of 89
court, that are applicable to the offense with which the accused 90
is charged and to the conditions of the diversion program 91
established by the prosecuting attorney; 92

(3) Agree, in writing, to pay any reasonable fee for 93
supervision services established by the prosecuting attorney. 94

(C) The trial court, upon the application of the prosecuting 95
attorney, shall order the release from confinement of any accused 96
who has agreed to enter a pre-trial diversion program and shall 97
discharge and release any existing bail and release any sureties 98
on recognizances and shall release the accused on a recognizance 99
bond conditioned upon the accused's compliance with the terms of 100
the diversion program. The prosecuting attorney shall notify every 101
victim of the crime and the arresting officers of the prosecuting 102
attorney's intent to permit the accused to enter a pre-trial 103
diversion program. The victim of the crime and the arresting 104
officers shall have the opportunity to file written objections 105
with the prosecuting attorney prior to the commencement of the 106
pre-trial diversion program. 107

(D) If the accused satisfactorily completes the diversion 108

program, the prosecuting attorney shall recommend to the trial 109
court that the charges against the accused be dismissed, and the 110
court, upon the recommendation of the prosecuting attorney, shall 111
dismiss the charges. If the accused chooses not to enter the 112
prosecuting attorney's diversion program, or if the accused 113
violates the conditions of the agreement pursuant to which the 114
accused has been released, the accused may be brought to trial 115
upon the charges in the manner provided by law, and the waiver 116
executed pursuant to division (B)(1) of this section shall be void 117
on the date the accused is removed from the program for the 118
violation. 119

(E) As used in this section: 120

(1) "Repeat offender" means a person who has a history of 121
persistent criminal activity and whose character and condition 122
reveal a substantial risk that the person will commit another 123
offense. It is prima-facie evidence that a person is a repeat 124
offender if any of the following applies: 125

(a) Having been convicted of one or more offenses of violence 126
and having been imprisoned pursuant to sentence for any such 127
offense, the person commits a subsequent offense of violence; 128

(b) Having been convicted of one or more sexually oriented 129
offenses or child-victim oriented offenses, both as defined in 130
section 2950.01 of the Revised Code, and having been imprisoned 131
pursuant to sentence for one or more of those offenses, the person 132
commits a subsequent sexually oriented offense or child-victim 133
oriented offense; 134

(c) Having been convicted of one or more theft offenses as 135
defined in section 2913.01 of the Revised Code and having been 136
imprisoned pursuant to sentence for one or more of those theft 137
offenses, the person commits a subsequent theft offense; 138

(d) Having been convicted of one or more felony drug abuse 139

offenses as defined in section 2925.01 of the Revised Code and 140
having been imprisoned pursuant to sentence for one or more of 141
those felony drug abuse offenses, the person commits a subsequent 142
felony drug abuse offense; 143

(e) Having been convicted of two or more felonies and having 144
been imprisoned pursuant to sentence for one or more felonies, the 145
person commits a subsequent offense; 146

(f) Having been convicted of three or more offenses of any 147
type or degree other than traffic offenses, alcoholic intoxication 148
offenses, or minor misdemeanors and having been imprisoned 149
pursuant to sentence for any such offense, the person commits a 150
subsequent offense. 151

(2) "Dangerous offender" means a person who has committed an 152
offense, whose history, character, and condition reveal a 153
substantial risk that the person will be a danger to others, and 154
whose conduct has been characterized by a pattern of repetitive, 155
compulsive, or aggressive behavior with heedless indifference to 156
the consequences. 157

Sec. 2951.041. (A)(1) If an offender is charged with a 158
criminal offense, including but not limited to a violation of 159
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 160
the Revised Code, and the court has reason to believe that drug or 161
alcohol usage by the offender was a factor leading to the criminal 162
offense with which the offender is charged or that, at the time of 163
committing that offense, the offender had a mental illness or was 164
a person with intellectual disability and that the mental illness 165
or status as a person with intellectual disability was a factor 166
leading to the offender's criminal behavior, the court may accept, 167
prior to the entry of a guilty plea, the offender's request for 168
intervention in lieu of conviction. The request shall include a 169
statement from the offender as to whether the offender is alleging 170

that drug or alcohol usage by the offender was a factor leading to 171
the criminal offense with which the offender is charged or is 172
alleging that, at the time of committing that offense, the 173
offender had a mental illness or was a person with intellectual 174
disability and that the mental illness or status as a person with 175
intellectual disability was a factor leading to the criminal 176
offense with which the offender is charged. The request also shall 177
include a waiver of the defendant's right to a speedy trial, the 178
preliminary hearing, the time period within which the grand jury 179
may consider an indictment against the offender, and arraignment, 180
unless the hearing, indictment, or arraignment has already 181
occurred. The court may reject an offender's request without a 182
hearing. If the court elects to consider an offender's request, 183
the court shall conduct a hearing to determine whether the 184
offender is eligible under this section for intervention in lieu 185
of conviction and shall stay all criminal proceedings pending the 186
outcome of the hearing. If the court schedules a hearing, the 187
court shall order an assessment of the offender for the purpose of 188
determining the offender's eligibility for intervention in lieu of 189
conviction and recommending an appropriate intervention plan. 190

If the offender alleges that drug or alcohol usage by the 191
offender was a factor leading to the criminal offense with which 192
the offender is charged, the court may order that the offender be 193
assessed by a program certified pursuant to section 3793.06 of the 194
Revised Code or a properly credentialed professional for the 195
purpose of determining the offender's eligibility for intervention 196
in lieu of conviction and recommending an appropriate intervention 197
plan. The program or the properly credentialed professional shall 198
provide a written assessment of the offender to the court. 199

(2) The victim notification provisions of division (C) of 200
section 2930.08 of the Revised Code apply in relation to any 201
hearing held under division (A)(1) of this section. 202

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose sentence under division (B)~~(2)~~(3)(b) of section 2929.13 of the Revised Code or with a misdemeanor.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A)(1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term, a mandatory term of local incarceration, or a mandatory term of imprisonment in a jail.

(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first, second, or third degree.

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender

be assessed by a program certified pursuant to section 3793.06 of 235
the Revised Code or a properly credentialed professional for the 236
purpose of determining the offender's eligibility for intervention 237
in lieu of conviction and recommending an appropriate intervention 238
plan, the offender has been assessed by a program of that nature 239
or a properly credentialed professional in accordance with the 240
court's order, and the program or properly credentialed 241
professional has filed the written assessment of the offender with 242
the court. 243

(5) If an offender alleges that, at the time of committing 244
the criminal offense with which the offender is charged, the 245
offender had a mental illness or was a person with intellectual 246
disability and that the mental illness or status as a person with 247
intellectual disability was a factor leading to that offense, the 248
offender has been assessed by a psychiatrist, psychologist, 249
independent social worker, or professional clinical counselor for 250
the purpose of determining the offender's eligibility for 251
intervention in lieu of conviction and recommending an appropriate 252
intervention plan. 253

(6) The offender's drug usage, alcohol usage, mental illness, 254
or intellectual disability, whichever is applicable, was a factor 255
leading to the criminal offense with which the offender is 256
charged, intervention in lieu of conviction would not demean the 257
seriousness of the offense, and intervention would substantially 258
reduce the likelihood of any future criminal activity. 259

(7) The alleged victim of the offense was not sixty-five 260
years of age or older, permanently and totally disabled, under 261
thirteen years of age, or a peace officer engaged in the officer's 262
official duties at the time of the alleged offense. 263

(8) If the offender is charged with a violation of section 264
2925.24 of the Revised Code, the alleged violation did not result 265
in physical harm to any person, and the offender previously has 266

not been treated for drug abuse. 267

(9) The offender is willing to comply with all terms and 268
conditions imposed by the court pursuant to division (D) of this 269
section. 270

(10) The offender is not charged with an offense that would 271
result in the offender being disqualified under Chapter 4506. of 272
the Revised Code from operating a commercial motor vehicle or 273
would subject the offender to any other sanction under that 274
chapter. 275

(C) At the conclusion of a hearing held pursuant to division 276
(A) of this section, the court shall enter its determination as to 277
whether the offender is eligible for intervention in lieu of 278
conviction and as to whether to grant the offender's request. If 279
the court finds under division (B) of this section that the 280
offender is eligible for intervention in lieu of conviction and 281
grants the offender's request, the court shall accept the 282
offender's plea of guilty and waiver of the defendant's right to a 283
speedy trial, the preliminary hearing, the time period within 284
which the grand jury may consider an indictment against the 285
offender, and arraignment, unless the hearing, indictment, or 286
arraignment has already occurred. In addition, the court then may 287
stay all criminal proceedings and order the offender to comply 288
with all terms and conditions imposed by the court pursuant to 289
division (D) of this section. If the court finds that the offender 290
is not eligible or does not grant the offender's request, the 291
criminal proceedings against the offender shall proceed as if the 292
offender's request for intervention in lieu of conviction had not 293
been made. 294

(D) If the court grants an offender's request for 295
intervention in lieu of conviction, the court shall place the 296
offender under the general control and supervision of the county 297
probation department, the adult parole authority, or another 298

appropriate local probation or court services agency, if one 299
exists, as if the offender was subject to a community control 300
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 301
Revised Code. The court shall establish an intervention plan for 302
the offender. The terms and conditions of the intervention plan 303
shall require the offender, for at least one year from the date on 304
which the court grants the order of intervention in lieu of 305
conviction, to abstain from the use of illegal drugs and alcohol, 306
to participate in treatment and recovery support services, and to 307
submit to regular random testing for drug and alcohol use and may 308
include any other treatment terms and conditions, or terms and 309
conditions similar to community control sanctions, which may 310
include community service or restitution, that are ordered by the 311
court. 312

(E) If the court grants an offender's request for 313
intervention in lieu of conviction and the court finds that the 314
offender has successfully completed the intervention plan for the 315
offender, including the requirement that the offender abstain from 316
using illegal drugs and alcohol for a period of at least one year 317
from the date on which the court granted the order of intervention 318
in lieu of conviction, the requirement that the offender 319
participate in treatment and recovery support services, and all 320
other terms and conditions ordered by the court, the court shall 321
dismiss the proceedings against the offender. Successful 322
completion of the intervention plan and period of abstinence under 323
this section shall be without adjudication of guilt and is not a 324
criminal conviction for purposes of any disqualification or 325
disability imposed by law and upon conviction of a crime, and the 326
court may order the sealing of records related to the offense in 327
question in the manner provided in sections 2953.31 to 2953.36 of 328
the Revised Code. 329

(F) If the court grants an offender's request for 330

intervention in lieu of conviction and the offender fails to 331
comply with any term or condition imposed as part of the 332
intervention plan for the offender, the supervising authority for 333
the offender promptly shall advise the court of this failure, and 334
the court shall hold a hearing to determine whether the offender 335
failed to comply with any term or condition imposed as part of the 336
plan. If the court determines that the offender has failed to 337
comply with any of those terms and conditions, it shall enter a 338
finding of guilty and shall impose an appropriate sanction under 339
Chapter 2929. of the Revised Code. If the court sentences the 340
offender to a prison term, the court, after consulting with the 341
department of rehabilitation and correction regarding the 342
availability of services, may order continued court-supervised 343
activity and treatment of the offender during the prison term and, 344
upon consideration of reports received from the department 345
concerning the offender's progress in the program of activity and 346
treatment, may consider judicial release under section 2929.20 of 347
the Revised Code. 348

(G) As used in this section: 349

(1) "Community control sanction" has the same meaning as in 350
section 2929.01 of the Revised Code. 351

(2) "Intervention in lieu of conviction" means any 352
court-supervised activity that complies with this section. 353

(3) "Peace officer" has the same meaning as in section 354
2935.01 of the Revised Code. 355

(4) "Mental illness" and "psychiatrist" have the same 356
meanings as in section 5122.01 of the Revised Code. 357

(5) "Person with intellectual disability" means a person 358
having significantly subaverage general intellectual functioning 359
existing concurrently with deficiencies in adaptive behavior, 360
manifested during the developmental period. 361

(6) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(H) Whenever the term "mentally retarded person" is used in any statute, rule, contract, grant, or other document, the reference shall be deemed to include a "person with intellectual disability," as defined in this section.

Sec. 4506.01. As used in this chapter:

(A) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath, or urine. When expressed as a percentage, it means grams of alcohol per the following:

(1) One hundred milliliters of whole blood, blood serum, or blood plasma;

(2) Two hundred ten liters of breath;

(3) One hundred milliliters of urine.

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.

(C) "Commercial ~~driver~~ driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.

(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight rating of 391
twenty-six thousand one pounds or more, or any such vehicle towing 392
a vehicle having a gross vehicle weight rating that is not in 393
excess of ten thousand pounds; 394

(3) Any single vehicle or combination of vehicles that is not 395
a class A or class B vehicle, but is designed to transport sixteen 396
or more passengers including the driver; 397

(4) Any school bus with a gross vehicle weight rating of less 398
than twenty-six thousand one pounds that is designed to transport 399
fewer than sixteen passengers including the driver; 400

(5) Is transporting hazardous materials for which placarding 401
is required under subpart F of 49 C.F.R. part 172, as amended; 402

(6) Any single vehicle or combination of vehicles that is 403
designed to be operated and to travel on a public street or 404
highway and is considered by the federal motor carrier safety 405
administration to be a commercial motor vehicle, including, but 406
not limited to, a motorized crane, a vehicle whose function is to 407
pump cement, a rig for drilling wells, and a portable crane. 408

(E) "Controlled substance" means all of the following: 409

(1) Any substance classified as a controlled substance under 410
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 411
802(6), as amended; 412

(2) Any substance included in schedules I through V of 21 413
C.F.R. part 1308, as amended; 414

(3) Any drug of abuse. 415

(F) "Conviction" means an unvacated adjudication of guilt or 416
a determination that a person has violated or failed to comply 417
with the law in a court of original jurisdiction or an authorized 418
administrative tribunal, an unvacated forfeiture of bail or 419
collateral deposited to secure the person's appearance in court, a 420

plea of guilty or nolo contendere accepted by the court, the 421
payment of a fine or court cost, or violation of a condition of 422
release without bail, regardless of whether or not the penalty is 423
rebated, suspended, or probated. 424

(G) "Disqualification" means any of the following: 425

(1) The suspension, revocation, or cancellation of a person's 426
privileges to operate a commercial motor vehicle; 427

(2) Any withdrawal of a person's privileges to operate a 428
commercial motor vehicle as the result of a violation of state or 429
local law relating to motor vehicle traffic control other than 430
parking, vehicle weight, or vehicle defect violations; 431

(3) A determination by the federal motor carrier safety 432
administration that a person is not qualified to operate a 433
commercial motor vehicle under 49 C.F.R. 391. 434

(H) "Downgrade" means any of the following, as applicable: 435

(1) A change in the commercial driver's license holder's 436
self-certified status as described in division (A)(2) of section 437
4506.10 of the Revised Code; 438

(2) A change to a lesser class of vehicle; 439

(3) Removal of commercial driver's license privileges from 440
the individual's driver's license. 441

(I) "Drive" means to drive, operate, or be in physical 442
control of a motor vehicle. 443

~~(I)~~(J) "Driver" means any person who drives, operates, or is 444
in physical control of a commercial motor vehicle or is required 445
to have a commercial driver's license. 446

~~(J)~~(K) "Driver's license" means a license issued by the 447
bureau of motor vehicles that authorizes an individual to drive. 448

~~(K)~~(L) "Drug of abuse" means any controlled substance, 449

dangerous drug as defined in section 4729.01 of the Revised Code, 450
or over-the-counter medication that, when taken in quantities 451
exceeding the recommended dosage, can result in impairment of 452
judgment or reflexes. 453

~~(L)~~(M) "Electronic device" includes a cellular telephone, a 454
personal digital assistant, a pager, a computer, and any other 455
device used to input, write, send, receive, or read text. 456

(N) "Eligible unit of local government" means a village, 457
township, or county that has a population of not more than three 458
thousand persons according to the most recent federal census. 459

~~(M)~~(O) "Employer" means any person, including the federal 460
government, any state, and a political subdivision of any state, 461
that owns or leases a commercial motor vehicle or assigns a person 462
to drive such a motor vehicle. 463

~~(N)~~(P) "Endorsement" means an authorization on a person's 464
commercial driver's license that is required to permit the person 465
to operate a specified type of commercial motor vehicle. 466

~~(O)~~(Q) "Farm truck" means a truck controlled and operated by 467
a farmer for use in the transportation to or from a farm, for a 468
distance of not more than one hundred fifty miles, of products of 469
the farm, including livestock and its products, poultry and its 470
products, floricultural and horticultural products, and in the 471
transportation to the farm, from a distance of not more than one 472
hundred fifty miles, of supplies for the farm, including tile, 473
fence, and every other thing or commodity used in agricultural, 474
floricultural, horticultural, livestock, and poultry production, 475
and livestock, poultry, and other animals and things used for 476
breeding, feeding, or other purposes connected with the operation 477
of the farm, when the truck is operated in accordance with this 478
division and is not used in the operations of a motor 479
transportation company or private motor carrier. 480

~~(P)~~(R) "Fatality" means the death of a person as the result 481
of a motor vehicle accident occurring not more than three hundred 482
sixty-five days prior to the date of death. 483

~~(Q)~~(S) "Felony" means any offense under federal or state law 484
that is punishable by death or specifically classified as a felony 485
under the law of this state, regardless of the penalty that may be 486
imposed. 487

~~(R)~~(T) "Foreign jurisdiction" means any jurisdiction other 488
than a state. 489

~~(S)~~(U) "Gross vehicle weight rating" means the value 490
specified by the manufacturer as the maximum loaded weight of a 491
single or a combination vehicle. The gross vehicle weight rating 492
of a combination vehicle is the gross vehicle weight rating of the 493
power unit plus the gross vehicle weight rating of each towed 494
unit. 495

~~(T)~~(V) "Hazardous materials" means any material that has been 496
designated as hazardous under 49 U.S.C. 5103 and is required to be 497
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 498
a material listed as a select agent or toxin in 42 C.F.R. part 73, 499
as amended. 500

~~(U)~~(W) "Imminent hazard" means the existence of a condition 501
that presents a substantial likelihood that death, serious 502
illness, severe personal injury, or a substantial endangerment to 503
health, property, or the environment may occur before the 504
reasonably foreseeable completion date of a formal proceeding 505
begun to lessen the risk of that death, illness, injury, or 506
endangerment. 507

~~(V)~~(X) "Medical variance" means one of the following received 508
by a driver from the federal motor carrier safety administration 509
that allows the driver to be issued a medical certificate: 510

(1) An exemption letter permitting operation of a commercial 511

motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 512

(2) A skill performance evaluation certificate permitting 513
operation of a commercial motor vehicle pursuant to 49 C.F.R. 514
391.49. 515

(Y) "Motor vehicle" means a vehicle, machine, tractor, 516
trailer, or semitrailer propelled or drawn by mechanical power 517
used on highways, except that such term does not include a 518
vehicle, machine, tractor, trailer, or semitrailer operated 519
exclusively on a rail. 520

~~(W)~~(Z) "Out-of-service order" means a declaration by an 521
authorized enforcement officer of a federal, state, local, 522
Canadian, or Mexican jurisdiction declaring that a driver, 523
commercial motor vehicle, or commercial motor carrier operation is 524
out of service as defined in 49 C.F.R. 390.5. 525

~~(X)~~(AA) "Peace officer" has the same meaning as in 526
2935.01 of the Revised Code. 527

~~(Y)~~(BB) "Portable tank" means a liquid or gaseous packaging 528
designed primarily to be loaded onto or temporarily attached to a 529
vehicle and equipped with skids, mountings, or accessories to 530
facilitate handling of the tank by mechanical means. 531

~~(Z)~~(CC) "Public safety vehicle" has the same meaning as in 532
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 533

~~(AA)~~(DD) "Recreational vehicle" includes every vehicle that 534
is defined as a recreational vehicle in section 4501.01 of the 535
Revised Code and is used exclusively for purposes other than 536
engaging in business for profit. 537

~~(BB)~~(EE) "Residence" means any person's residence determined 538
in accordance with standards prescribed in rules adopted by the 539
registrar. 540

~~(CC)~~(FF) "School bus" has the same meaning as in section 541

4511.01 of the Revised Code. 542

~~(DD)~~(GG) "Serious traffic violation" means a any of the 543
following: 544

(1) A conviction arising from a single charge of operating a 545
commercial motor vehicle in violation of any provision of section 546
4506.03 of the Revised Code ~~or a;~~ 547

(2) A violation while operating a commercial motor vehicle of 548
a law of this state, or any municipal ordinance or county or 549
township resolution prohibiting texting while driving, or any 550
other substantially similar law of another state or political 551
subdivision of another state; 552

(3) A conviction arising from the operation of any motor 553
vehicle that involves any of the following: 554

~~(1)~~(a) A single charge of any speed in excess of the posted 555
speed limit by fifteen miles per hour or more; 556

~~(2)~~(b) Violation of section 4511.20 or 4511.201 of the 557
Revised Code or any similar ordinance or resolution, or of any 558
similar law of another state or political subdivision of another 559
state; 560

~~(3)~~(c) Violation of a law of this state or an ordinance or 561
resolution relating to traffic control, other than a parking 562
violation, or of any similar law of another state or political 563
subdivision of another state, that results in a fatal accident; 564

~~(4)~~(d) Violation of section 4506.03 of the Revised Code or a 565
substantially similar municipal ordinance or county or township 566
resolution, or of any similar law of another state or political 567
subdivision of another state, that involves the operation of a 568
commercial motor vehicle without a valid commercial driver's 569
license with the proper class or endorsement for the specific 570
vehicle group being operated or for the passengers or type of 571

cargo being transported; 572

~~(5)~~(e) Violation of section 4506.03 of the Revised Code or a 573
substantially similar municipal ordinance or county or township 574
resolution, or of any similar law of another state or political 575
subdivision of another state, that involves the operation of a 576
commercial motor vehicle without a valid commercial driver's 577
license being in the person's possession; 578

~~(6)~~(f) Violation of section 4511.33 or 4511.34 of the Revised 579
Code, or any municipal ordinance or county or township resolution 580
substantially similar to either of those sections, or any 581
substantially similar law of another state or political 582
subdivision of another state; 583

~~(7)~~(g) Violation of any other law of this state or an 584
ordinance or resolution relating to traffic control, other than a 585
parking violation, that is determined to be a serious traffic 586
violation by the United States secretary of transportation and the 587
director designates as such by rule. 588

~~(EE)~~(HH) "State" means a state of the United States and 589
includes the District of Columbia. 590

~~(FF)~~(II) "Tank vehicle" means any commercial motor vehicle 591
that is designed to transport any liquid and has a maximum 592
capacity greater than one hundred nineteen gallons or is designed 593
to transport gaseous materials and has a water capacity greater 594
than one thousand pounds within a tank that is either permanently 595
or temporarily attached to the vehicle or its chassis. "Tank 596
vehicle" does not include any of the following: 597

(1) Any portable tank having a rated capacity of less than 598
one thousand gallons; 599

(2) Tanks used exclusively as a fuel tank for the motor 600
vehicle to which it is attached; 601

(3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;

(4) Ready-mix concrete mixers.

~~(GG)~~(JJ) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section 4506.09 of the Revised Code.

~~(HH)~~(KK) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. Texting includes short message service, e-mail, instant messaging, a command or request to access a world wide web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include the following:

(1) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call;

(2) Inputting, selecting, or reading information on a global positioning system or navigation system.

(LL) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

(MM) "United States" means the fifty states and the District of Columbia.

~~(II)~~(NN) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter; 632
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(OO) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code. 637
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Sec. 4506.05. (A) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this state if all of the following conditions are met: 639
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(1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state or jurisdiction in accordance with the minimum standards adopted by the federal motor carrier safety administration under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of commercial ~~drivers'~~ driver's licenses; 642
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(2) The person's commercial driver's license or permit is not suspended, revoked, or canceled; 649
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(3) The person is not disqualified from driving a commercial motor vehicle; 651
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(4) The person is not subject to an out-of-service order; 653

(5) The person is medically certified as physically qualified to operate a commercial motor vehicle in accordance with this chapter and is able to verify the medical certification when on duty as follows: 654
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(a) Prior to January 30, 2012, the person shall have in the person's possession the original or copy of the person's current medical examiner's certificate when on duty. 658
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(b) On or after January 30, 2012: 661

(i) A person who submitted a medical examiner's certificate to the registrar in accordance with division (A)(2) of section 4506.10 of the Revised Code and whose medical certification information is maintained in the commercial driver's license information system is not required to have the medical examiner's certificate in the person's possession when on duty.

(ii) A person whose medical certification information is not maintained in the commercial driver's license information system is required to have in the person's possession when on duty the original or copy of a current medical examiner's certificate that was issued prior to January 30, 2012, except that after January 30, 2014, such person is required to have in the person's possession when on duty, the original or a copy of the current medical examiner's certificate that was submitted to the registrar, but the person may operate a commercial motor vehicle with such proof of medical certification for not more than fifteen days after the date the current medical examiner's certificate was issued to the person.

(iii) A person who has a medical variance shall have in the person's possession the original or copy of the medical variance documentation at all times while on duty.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.07. (A) Every application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's temporary instruction permit, or a duplicate of such a license, shall be made upon a form approved and furnished by the registrar of motor vehicles. Except as provided in section 4506.24 of the Revised Code in regard to a restricted commercial driver's license, the application shall be signed by the applicant and shall contain the following information:

(1) The applicant's name, date of birth, social security account number, sex, general description including height, weight, and color of hair and eyes, current residence, duration of residence in this state, country of citizenship, and occupation;

(2) Whether the applicant previously has been licensed to operate a commercial motor vehicle or any other type of motor vehicle in another state or a foreign jurisdiction and, if so, when, by what state, and whether the license or driving privileges currently are suspended or revoked in any jurisdiction, or the applicant otherwise has been disqualified from operating a commercial motor vehicle, or is subject to an out-of-service order issued under this chapter or any similar law of another state or a foreign jurisdiction and, if so, the date of, locations involved, and reason for the suspension, revocation, disqualification, or out-of-service order;

(3) Whether the applicant is afflicted with or suffering from any physical or mental disability or disease that prevents the applicant from exercising reasonable and ordinary control over a motor vehicle while operating it upon a highway or is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and, if so, the nature and extent of the disability, disease, or condition, and the names and addresses of the physicians attending the applicant;

(4) Whether the applicant has obtained a medical examiner's certificate as required by this chapter and, beginning January 30, 2012, the applicant, prior to or at the time of applying, has self-certified to the registrar the applicable status of the applicant under division (A)(2) of section 4506.10 of the Revised Code;

(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court

having jurisdiction of the offense, and the date when the offense occurred; 725
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(6) Whether the applicant wishes to certify willingness to make an anatomical gift under section 2108.05 of the Revised Code, which shall be given no consideration in the issuance of a license; 727
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(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument; 731
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(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license. 740
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(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following: 746
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(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver; 748
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(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction; 751
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(3) Any additional information, certification, or evidence 756
that the registrar requires by rule in order to ensure that the 757
issuance of a commercial driver's license to the applicant is in 758
compliance with the law of this state and with federal law. 759

(C) Every applicant shall execute a form, approved and 760
furnished by the registrar, under which the applicant consents to 761
the release by the registrar of information from the applicant's 762
driving record. 763

(D) The registrar or a deputy registrar, in accordance with 764
section 3503.11 of the Revised Code, shall register as an elector 765
any applicant for a commercial driver's license or for a renewal 766
or duplicate of such a license under this chapter, if the 767
applicant is eligible and wishes to be registered as an elector. 768
The decision of an applicant whether to register as an elector 769
shall be given no consideration in the decision of whether to 770
issue the applicant a license or a renewal or duplicate. 771

(E) The registrar or a deputy registrar, in accordance with 772
section 3503.11 of the Revised Code, shall offer the opportunity 773
of completing a notice of change of residence or change of name to 774
any applicant for a commercial driver's license or for a renewal 775
or duplicate of such a license who is a resident of this state, if 776
the applicant is a registered elector who has changed the 777
applicant's residence or name and has not filed such a notice. 778

(F) In considering any application submitted pursuant to this 779
section, the bureau of motor vehicles may conduct any inquiries 780
necessary to ensure that issuance or renewal of a commercial 781
driver's license would not violate any provision of the Revised 782
Code or federal law. 783

(G) In addition to any other information it contains, on and 784
after October 7, 2009, the form approved and furnished by the 785
registrar of motor vehicles for an application for a commercial 786

driver's license, restricted commercial driver's license, or a 787
commercial driver's temporary instruction permit or an application 788
for a duplicate of such a license shall inform applicants that the 789
applicant must present a copy of the applicant's DD-214 or an 790
equivalent document in order to qualify to have the license or 791
duplicate indicate that the applicant is a veteran, active duty, 792
or reservist of the armed forces of the United States based on a 793
request made pursuant to division (A)(8) of this section. 794

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 795
approval by the director of public safety, shall adopt rules 796
conforming with applicable standards adopted by the federal motor 797
carrier safety administration as regulations under Pub. L. No. 798
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 799
31317. The rules shall establish requirements for the 800
qualification and testing of persons applying for a commercial 801
driver's license, which shall be in addition to other requirements 802
established by this chapter. Except as provided in division (B) of 803
this section, the highway patrol or any other employee of the 804
department of public safety the registrar authorizes shall 805
supervise and conduct the testing of persons applying for a 806
commercial driver's license. 807

(B) The director may adopt rules, in accordance with Chapter 808
119. of the Revised Code and applicable requirements of the 809
federal motor carrier safety administration, authorizing the 810
skills test specified in this section to be administered by any 811
person, by an agency of this or another state, or by an agency, 812
department, or instrumentality of local government. Each party 813
authorized under this division to administer the skills test may 814
charge a maximum divisible fee of eighty-five dollars for each 815
skills test given as part of a commercial driver's license 816
examination. The fee shall consist of not more than twenty dollars 817
for the pre-trip inspection portion of the test, not more than 818

twenty dollars for the off-road maneuvering portion of the test, 819
and not more than forty-five dollars for the on-road portion of 820
the test. Each such party may require an appointment fee in the 821
same manner provided in division ~~(E)~~(F)(2) of this section, except 822
that the maximum amount such a party may require as an appointment 823
fee is eighty-five dollars. The skills test administered by 824
another party under this division shall be the same as otherwise 825
would be administered by this state. The other party shall enter 826
into an agreement with the director that, without limitation, does 827
all of the following: 828

(1) Allows the director or the director's representative and 829
the federal motor carrier safety administration or its 830
representative to conduct random examinations, inspections, and 831
audits of the other party without prior notice; 832

(2) Requires the director or the director's representative to 833
conduct on-site inspections of the other party at least annually; 834

(3) Requires that all examiners of the other party meet the 835
same qualification and training standards as examiners of the 836
department of public safety, to the extent necessary to conduct 837
skills tests in the manner required by 49 C.F.R. 383.110 through 838
383.135; 839

(4) Requires either that state employees take, at least 840
annually and as though the employees were test applicants, the 841
tests actually administered by the other party, that the director 842
test a sample of drivers who were examined by the other party to 843
compare the test results, or that state employees accompany a test 844
applicant during an actual test; 845

(5) Reserves to this state the right to take prompt and 846
appropriate remedial action against testers of the other party if 847
the other party fails to comply with standards of this state or 848
federal standards for the testing program or with any other terms 849

of the contract. 850

(C) The director shall enter into an agreement with the 851
department of education authorizing the skills test specified in 852
this section to be administered by the department at any location 853
operated by the department for purposes of training and testing 854
school bus drivers, provided that the agreement between the 855
director and the department complies with the requirements of 856
division (B) of this section. Skills tests administered by the 857
department shall be limited to persons applying for a commercial 858
driver's license with a school bus endorsement. 859

(D) The director shall adopt rules, in accordance with 860
Chapter 119. of the Revised Code, authorizing waiver of the skills 861
test specified in this section for any applicant for a commercial 862
driver's license who meets all of the following requirements: 863

(1) Certifies that, during the two-year period immediately 864
preceding application for a commercial driver's license, all of 865
the following apply: 866

(a) The applicant has not had more than one license. 867

(b) The applicant has not had any license suspended, revoked, 868
or canceled. 869

(c) The applicant has not had any convictions for any type of 870
motor vehicle for the offenses for which disqualification is 871
prescribed in section 4506.16 of the Revised Code. 872

(d) The applicant has not had any violation of a state or 873
local law relating to motor vehicle traffic control other than a 874
parking violation arising in connection with any traffic accident 875
and has no record of an accident in which the applicant was at 876
fault. 877

(e) The applicant has previously taken and passed a skills 878
test given by a state with a classified licensing and testing 879

system in which the test was behind-the-wheel in a representative 880
vehicle for the applicant's commercial driver's license 881
classification. 882

(2) Certifies and also provides evidence that the applicant 883
is regularly employed in a job requiring operation of a commercial 884
motor vehicle and that one of the following applies: 885

(a) The applicant has previously taken and passed a skills 886
test given by a state with a classified licensing and testing 887
system in which the test was behind-the-wheel in a representative 888
vehicle for the applicant's commercial driver's license 889
classification. 890

(b) The applicant has regularly operated, for at least two 891
years immediately preceding application for a commercial driver's 892
license, a vehicle representative of the commercial motor vehicle 893
the applicant operates or expects to operate. 894

(E) The director shall adopt rules, in accordance with 895
Chapter 119. of the Revised Code, authorizing waiver of the skills 896
test specified in this section for any applicant for a commercial 897
driver's license who meets all of the following requirements: 898

(1) At the time of applying, is a member or uniformed 899
employee of the armed forces of the United States or their reserve 900
components, including the Ohio national guard, or separated from 901
such service or employment within the preceding ninety days; 902

(2) Certifies that, during the two-year period immediately 903
preceding application for a commercial driver's license, all of 904
the following apply: 905

(a) The applicant has not had more than one license, 906
excluding any military license. 907

(b) The applicant has not had any license suspended, revoked, 908
or canceled. 909

(c) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code. 910
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(d) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 913
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(e) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault. 915
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(3) In accordance with rules adopted by the director, certifies and also provides evidence of all of the following: 920
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(a) That the applicant is regularly employed or was regularly employed within the preceding ninety days in a military position requiring operation of a commercial motor vehicle; 922
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(b) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code; 925
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(c) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate. 928
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(F)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test. 934
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(2) The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test, to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee shall serve as the skills test fee. If the applicant schedules an appointment to take all portions of the skills test and fails to appear at the time and location specified for the appointment, no portion of the appointment fee shall be refunded. If the applicant schedules an appointment to take all portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test, no portion of the appointment fee shall be refunded. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment time, the applicant shall not forfeit the appointment fee.

An applicant for a commercial driver's license who schedules an appointment to take one or more, but not all, portions of the skills test shall be required to pay an appointment fee equal to the costs of each test scheduled, as prescribed in division ~~(E)~~(F)(1) of this section, when scheduling such an appointment. If the applicant appears at the time and location specified for the appointment and takes all the portions of the skills test during that appointment that the applicant was scheduled to take, the appointment fee shall serve as the skills test fee. If the applicant schedules an appointment to take one or more, but not all, portions of the skills test and fails to appear at the time and location specified for the appointment, no portion of the appointment fee shall be refunded. If the applicant schedules an appointment to take one or more, but not all, portions of the

skills test and appears at the time and location specified for the 973
appointment, but declines or is unable to take all portions of the 974
skills test that the applicant was scheduled to take, no portion 975
of the appointment fee shall be refunded. If the applicant cancels 976
a scheduled appointment forty-eight hours or more prior to the 977
time of the appointment time, the applicant shall not forfeit the 978
appointment fee. 979

(3) The department of public safety shall deposit all fees it 980
collects under division ~~(E)~~(F) of this section in the state 981
highway safety fund. 982

~~(F)~~(G) As used in this section, "skills test" means a test of 983
an applicant's ability to drive the type of commercial motor 984
vehicle for which the applicant seeks a commercial driver's 985
license by having the applicant drive such a motor vehicle while 986
under the supervision of an authorized state driver's license 987
examiner or tester. 988

Sec. 4506.10. (A) No person who holds a valid commercial 989
driver's license shall drive a commercial motor vehicle unless the 990
person is physically qualified to do so. ~~Each~~ 991

(1) Prior to January 30, 2012, each person who drives or 992
expects to drive a commercial motor vehicle in interstate or 993
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 994
seq., as amended, shall certify to the registrar of motor vehicles 995
at the time of application for a commercial driver's license that 996
the person is in compliance with these standards. Any person who 997
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 998
certify at the time of application that the person is not subject 999
to these standards. 1000

(2) Beginning on January 30, 2012, any person applying for a 1001
commercial driver's license, renewing of a commercial driver's 1002
license, or transferring a commercial driver's license from out of 1003

state shall self-certify to the registrar for purposes of 49 1004
C.F.R. 383.71, one of the following in regard to the applicant's 1005
operation of a commercial motor vehicle, as applicable: 1006

(a)(i) If the applicant operates or expects to operate a 1007
commercial motor vehicle in interstate or foreign commerce and is 1008
subject to and meets the requirements under 49 C.F.R. part 391, 1009
the applicant shall self-certify that the applicant is 1010
non-excepted interstate and shall provide the registrar with the 1011
original or a copy of a medical examiner's certificate and each 1012
subsequently issued medical examiner's certificate prepared by a 1013
qualified medical examiner to maintain a medically certified 1014
status on the applicant's commercial driver licensing system 1015
driver record; 1016

(ii) If the applicant operates or expects to operate a 1017
commercial motor vehicle in interstate commerce, but engages in 1018
transportation or operations excepted under 49 C.F.R. 390.3(f), 1019
391.2, 391.68, or 398.3 from all or parts of the qualification 1020
requirements of 49 C.F.R. part 391, the applicant shall 1021
self-certify that the applicant is excepted interstate and is not 1022
required to obtain a medical examiner's certificate; 1023

(b)(i) If the applicant operates only in intrastate commerce 1024
and is subject to state driver qualification requirements, the 1025
applicant shall self-certify that the applicant is non-excepted 1026
intrastate; 1027

(ii) If the applicant operates only in intrastate commerce 1028
and is excepted from all or parts of the state driver 1029
qualification requirements, the applicant shall self-certify that 1030
the applicant is excepted intrastate. 1031

(3) Notwithstanding the expiration date on a person's 1032
commercial driver's license, every commercial driver's license 1033
holder shall provide the registrar with the certification required 1034

by this section, on or after January 30, 2012, but prior to 1035
January 30, 2014. 1036

(B) A person is qualified to drive a school bus if the person 1037
holds a valid commercial driver's license along with the proper 1038
endorsements, and if the person has been certified as medically 1039
qualified in accordance with rules adopted by the department of 1040
education. 1041

(C)(1) Except as provided in division (C)(2) of this section, 1042
any medical examination required by this section shall be 1043
performed only by one of the following: 1044

(a) A person licensed under Chapter 4731. of the Revised Code 1045
to practice medicine or surgery or osteopathic medicine and 1046
surgery in this state, or licensed under any similar law of 1047
another state; 1048

(b) A physician assistant who is authorized by the 1049
supervising physician to perform such a medical examination; 1050

(c) A certified nurse practitioner, a clinical nurse 1051
specialist, or a certified nurse-midwife; 1052

(d) A doctor of chiropractic. 1053

(2) Any part of an examination required by this section that 1054
pertains to visual acuity, field of vision, and the ability to 1055
recognize colors may be performed by a person licensed under 1056
Chapter 4725. of the Revised Code to practice optometry in this 1057
state, or licensed under any similar law of another state. 1058

(3) Any written documentation of a physical examination 1059
conducted pursuant to this section shall be completed by the 1060
individual who performed the examination on a form that 1061
substantially complies with the requirements of 49 C.F.R. 1062
391.43(h). 1063

(D) Whenever good cause appears, the registrar, upon issuing 1064

a commercial driver's license under this chapter, may impose 1065
restrictions suitable to the licensee's driving ability with 1066
respect to the type of motor vehicle or special mechanical control 1067
devices required on a motor vehicle that the licensee may operate, 1068
or such other restrictions applicable to the licensee as the 1069
registrar determines to be necessary. 1070

The registrar may either issue a special restricted license 1071
or may set forth upon the usual license form the restrictions 1072
imposed. 1073

The registrar, upon receiving satisfactory evidence of any 1074
violation of the restrictions of the license, may impose a class D 1075
license suspension of the license for the period of time specified 1076
in division (B)(4) of section 4510.02 of the Revised Code. 1077

The registrar, upon receiving satisfactory evidence that an 1078
applicant or holder of a commercial driver's license has violated 1079
division (A)(4) of section 4506.04 of the Revised Code and 1080
knowingly given false information in any application or 1081
certification required by section 4506.07 of the Revised Code, 1082
shall cancel the commercial driver's license of the person or any 1083
pending application from the person for a commercial driver's 1084
license or class D driver's license for a period of at least sixty 1085
days, during which time no application for a commercial driver's 1086
license or class D driver's license shall be received from the 1087
person. 1088

(E) Whoever violates this section is guilty of a misdemeanor 1089
of the first degree. 1090

Sec. 4506.101. Notwithstanding any provision of the Revised 1091
Code, the bureau of motor vehicles shall not issue or renew a 1092
commercial driver's license if issuance or renewal of the license 1093
would violate federal law. No person shall retain a commercial 1094
driver's license if the retention of the license would violate 1095

federal law. 1096

Sec. 4506.12. (A) Commercial ~~drivers'~~ driver's licenses shall 1097
be issued in the following classes and shall include any 1098
endorsements and restrictions that are applicable. Subject to any 1099
such endorsements and restrictions, the holder of a valid 1100
commercial driver's license may drive all commercial motor 1101
vehicles in the class for which that license is issued and all 1102
lesser classes of vehicles, except that the holder shall not 1103
operate a motorcycle unless the holder is licensed to do so under 1104
Chapter 4507. of the Revised Code. 1105

(B) The classes of commercial ~~drivers'~~ driver's licenses and 1106
the commercial motor vehicles that they authorize the operation of 1107
are as follows: 1108

(1) Class A--any combination of vehicles with a combined 1109
gross vehicle weight rating of twenty-six thousand one pounds or 1110
more, if the gross vehicle weight rating of the vehicle or 1111
vehicles being towed is in excess of ten thousand pounds. 1112

(2) Class B--any single vehicle with a gross vehicle weight 1113
rating of twenty-six thousand one pounds or more or any such 1114
vehicle towing a vehicle having a gross vehicle weight rating that 1115
is not in excess of ten thousand pounds. 1116

(3) Class C--any single vehicle, or combination of vehicles, 1117
that is not a class A or class B vehicle, but that is designed to 1118
transport sixteen or more passengers, including the driver, or is 1119
transporting hazardous materials in an amount requiring 1120
placarding, or any school bus with a gross vehicle weight rating 1121
of less than twenty-six thousand one pounds that is designed to 1122
transport fewer than sixteen passengers including the driver. 1123

(C) The following endorsements and restrictions apply to 1124
commercial drivers' licenses: 1125

- (1) H--authorizes the driver to drive a vehicle transporting hazardous materials in an amount requiring placarding; 1126
1127
- (2) K--restricts the driver to only intrastate operation; 1128
- (3) L--restricts the driver to vehicles not equipped with air brakes; 1129
1130
- (4) T--authorizes the driver to drive a vehicle configured with double or triple trailers that create more than one articulation point for the combination; 1131
1132
1133
- (5) P--authorizes the driver to drive vehicles designed to transport sixteen or more passengers, including the driver; 1134
1135
- (6) P1--authorizes the driver to drive class A vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle; 1136
1137
1138
1139
- (7) P2--authorizes the driver to drive class A or B vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle; 1140
1141
1142
1143
- (8) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver. 1144
1145
1146
- (9) N--authorizes the driver to drive tank vehicles; 1147
- (10) S--authorizes the driver to drive school buses transporting children; 1148
1149
- (11) X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding; 1150
1151
1152
- (12) W--restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm-related service industries issued under section 4506.24 of the Revised 1153
1154
1155

Code*i* 1156

(13) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver record. 1157
1158
1159

(D) In addition to any endorsement that otherwise may apply, 1160
a person who is engaged in the towing of a disabled or wrecked 1161
motor vehicle shall hold a commercial driver's license bearing any 1162
endorsement required to drive the towed vehicle except the driver 1163
is not required to have either of the following: 1164

(1) A passenger endorsement to tow an unoccupied passenger 1165
vehicle; 1166

(2) Any endorsement required for the wrecked or disabled 1167
vehicle when the driver initially removes a vehicle from the site 1168
of the emergency where the vehicle became wrecked or disabled to 1169
the nearest appropriate repair, disposal, or storage facility, as 1170
applicable. 1171

(E) No person shall drive any commercial motor vehicle for 1172
which an endorsement is required under this section unless the 1173
proper endorsement appears on the person's commercial driver's 1174
license. 1175

(F) Whoever violates this section is guilty of a misdemeanor 1176
of the first degree. 1177

Sec. 4506.13. (A) The registrar of motor vehicles may 1178
authorize the highway patrol or any other employee of the 1179
department of public safety to issue an examiner's commercial 1180
examinations passed form to an applicant who has passed the 1181
required examinations. The examiner's commercial examinations 1182
passed form shall be used, once it has been validated, to indicate 1183
the examinations taken and passed by the commercial driver's 1184
license applicant. 1185

(B)(1) Before issuing, renewing, transferring, or upgrading a commercial driver's license, the registrar of motor vehicles shall obtain information about the applicant's driving record through the commercial ~~driver~~ driver's license information system, the applicant's state of licensure, and when available, and the national driver register. ~~If~~ In addition, beginning January 30, 2012, before issuing, renewing, transferring, or upgrading a commercial driver's license the registrar shall check the applicant's driver record to ensure that an applicant who self-certified under division (A)(2)(a)(i) of section 4506.10 of the Revised Code that the applicant's operation of a commercial motor vehicle is non-excepted interstate, is medically certified. 1186
1187
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(2) The registrar shall not issue, renew, upgrade, or transfer the applicant's commercial driver's license if any of the following apply: 1198
1199
1200

(a) The registrar obtains adverse information regarding the applicant's driving record. 1201
1202

(b) There is no information regarding the driver's self-certification type as required by division (A)(2) of section 4506.10 of the Revised Code. 1203
1204
1205

(c) The applicant's medical status is not certified, when required to be certified under division (A)(2)(a)(i) of section 4506.10 of the Revised Code. 1206
1207
1208

(3) If the record check reveals information that the applicant claims is outdated, contested, or invalid, the registrar shall deny the application until the applicant can resolve the conflict. 1209
1210
1211
1212

(C)(1) Within ten days after issuing a commercial driver's license, the registrar shall notify the commercial ~~driver~~ driver's license information system, when available, of that fact and shall provide all information required to ensure identification of the 1213
1214
1215
1216

licensee. If the registrar is notified that driver has been issued 1217
a medical variance, the registrar shall indicate the existence of 1218
the medical variance on the commercial driver's license holder's 1219
commercial driver's license information system driver record. 1220

(2) Beginning on January 30, 2012, the registrar shall do all 1221
of the following: 1222

(a) For those driver's self-certifying under division 1223
(A)(2)(a)(i) of section 4506.10 of the Revised Code as 1224
non-excepted interstate, post the applicant's medical status as 1225
certified or non-certified on the applicant's commercial driver's 1226
license information system driver record upon receiving a valid 1227
original or copy of the medical examiner's certificate; 1228

(b) Post the driver's self-certification type as set forth in 1229
division (A)(2) of section 4506.10 of the Revised Code; 1230

(c) Post information from the medical examiner's certificate, 1231
if applicable, on the commercial driver's license holder's 1232
commercial driver's license information system driver record 1233
within ten business days of issuing the commercial driver's 1234
license; 1235

(d) Retain the original or a copy of the commercial driver's 1236
license holder's medical certificate for a minimum of three years 1237
after the date the certificate was issued; 1238

(3) The registrar shall post and maintain as part of the 1239
commercial driver's license information system driver record all 1240
convictions, disqualifications, and other licensing actions for 1241
violations of any state or municipal ordinances related to motor 1242
vehicle traffic control, other than parking violations for all 1243
persons who hold a commercial driver's license or operate a motor 1244
vehicle for which a commercial driver's license is required. 1245

(4) Beginning January 30, 2014, the registrar shall post an 1246
applicant's status of medically non-certified on the applicant's 1247

commercial driver's license information system driver record and 1248
shall downgrade the commercial driver's license holder's 1249
commercial driver's license in accordance with division (D) of 1250
this section if either of the following applies: 1251

(a) The commercial driver's license holder fails to provide 1252
the driver's self-certification type as required by division 1253
(A)(2) of section 4506.10 of the Revised Code. 1254

(b) The commercial driver's license holder self-certifying 1255
under division (A)(2)(a)(i) of section 4506.10 of the Revised Code 1256
as non-excepted interstate fails to provide the registrar with a 1257
current medical examiner's certificate. 1258

(5) The registrar shall mark the commercial driver's license 1259
information system driver record as non-certified for any 1260
commercial driver's license holder who has not self-certified 1261
under division (A)(2) of section 4506.10 of the Revised Code by 1262
January 30, 2014 and shall initiate the commercial driver's 1263
license commercial driver's license downgrade procedures described 1264
in division (D) of this section. 1265

(6) Beginning on January 30, 2012, within ten days after a 1266
commercial driver's license holder's medical certification status 1267
expires or a medical variance expires or is rescinded, the 1268
registrar shall update the person's medical certification status 1269
to non-certified. Within ten calendar days after receiving 1270
information from the federal motor carrier safety administration 1271
regarding issuance or renewal of a medical variance for a driver, 1272
the registrar shall update the driver's commercial driver's 1273
license information system driver record to include the medical 1274
variance information provided by the federal motor carrier safety 1275
administration. 1276

(D) If a driver's medical certification or medical variance 1277
expires or the federal motor carrier safety administration 1278

notifies the registrar that a medical variance was removed or 1279
rescinded, the registrar shall do the following: 1280

(1) Send notice to the commercial driver's license holder of 1281
the holder's medically not certified status. The notice shall 1282
inform the driver that the driver's commercial driver's license 1283
privileges will be removed unless the driver resolves the medical 1284
certification or medical variance defect by submitting a current 1285
medical certificate or medical variance, as applicable, or 1286
changing the driver's self-certification under division (A)(2) of 1287
section 4506.10 of the Revised Code to driving only in excepted 1288
interstate or excepted intrastate commerce within sixty days. 1289

(2) Sixty days after the change to a medically not certified 1290
status, if the commercial driver's license holder has not resolved 1291
the medical certification or medical variance defect as described 1292
in division (D)(1) of this section, the registrar shall change the 1293
person's commercial driver's license status to reflect no 1294
commercial driver's license privileges and shall send the person a 1295
second notice informing the person that the commercial driver's 1296
license privilege has been removed from the driver's license and 1297
that, unless the driver resolves the medical certification or 1298
medical variance defect by submitting a current medical 1299
certificate or medical variance, as applicable, or changing the 1300
driver's self-certification under division (A)(2) of section 1301
4506.10 of the Revised Code to driving only in excepted interstate 1302
or excepted intrastate commerce within one hundred eighty days, 1303
the person's commercial driver's license will be downgraded to a 1304
noncommercial driver's license class of license. 1305

Sec. 4506.131. (A) The registrar of motor vehicles shall not 1306
issue, renew, upgrade, or transfer a hazardous materials 1307
endorsement for a commercial driver's license to any individual 1308
authorizing that individual to operate a commercial motor vehicle 1309

transporting a hazardous material in commerce unless the registrar 1310
has received from the transportation security administration a 1311
determination indicating that the individual does not pose a 1312
security risk warranting denial of the endorsement. 1313

(B)(1) Immediately upon receiving a determination from the 1314
transportation security administration that an individual poses a 1315
security risk warranting denial of a hazardous materials 1316
endorsement, the registrar shall revoke any existing hazardous 1317
materials endorsement and shall refuse to issue a hazardous 1318
materials endorsement for the individual named as a security risk. 1319

(2) Within fifteen days of receiving any determination from 1320
the transportation security administration indicating the status 1321
of an individual's security risk, the registrar shall notify the 1322
commercial driver license information system of the results of the 1323
security assessment. 1324

(C) The registrar shall order any revocation under division 1325
(B) of this section without a hearing. Any person adversely 1326
affected by the order may request an administrative hearing before 1327
the registrar. The scope of the hearing shall be limited to 1328
whether the bureau of motor vehicles properly revoked the 1329
hazardous material endorsement after receiving notification from 1330
the transportation security administration and shall not include 1331
consideration of whether the transportation security 1332
administration acted properly in sending the notification. 1333

Sec. 4506.14. (A) Commercial driver's licenses shall expire 1334
as follows: 1335

(1) Except as provided in division (A)(3) or (4) of this 1336
section, each such license issued to replace an operator's or 1337
chauffeur's license shall expire on the original expiration date 1338
of the operator's or chauffeur's license and, upon renewal, shall 1339

expire on the licensee's birthday in the fourth year after the 1340
date of issuance. 1341

(2) Except as provided in division (A)(3) or (4) of this 1342
section, each such license issued as an original license to a 1343
person whose residence is in this state shall expire on the 1344
licensee's birthday in the fourth year after the date of issuance, 1345
and each such license issued to a person whose temporary residence 1346
is in this state shall expire in accordance with rules adopted by 1347
the registrar of motor vehicles. A license issued to a person with 1348
a temporary residence in this state is nonrenewable, but may be 1349
replaced with a new license within ninety days prior to its 1350
expiration upon the applicant's compliance with all applicable 1351
requirements. 1352

(3) The registrar or a deputy registrar may issue a license 1353
that expires on a date earlier than the licensee's birthday in the 1354
fourth year after the date of issuance if the licensee has 1355
undergone a security threat assessment required by federal law to 1356
obtain a hazardous materials endorsement and the assessment will 1357
expire before that date. 1358

(4) Each such license issued to replace the operator's or 1359
chauffeur's license of a person who is less than twenty-one years 1360
of age, and each such license issued as an original license to a 1361
person who is less than twenty-one years of age, shall expire on 1362
the licensee's twenty-first birthday. 1363

(B) No commercial driver's license shall be issued for a 1364
period longer than four years and one hundred eighty days. Except 1365
as provided in section 4507.12 of the Revised Code, the registrar 1366
may waive the examination of any person applying for the renewal 1367
of a commercial driver's license issued under this chapter, 1368
provided that the applicant presents either an unexpired 1369
commercial driver's license or a commercial driver's license that 1370
has expired not more than six months prior to the date of 1371

application. 1372

(C) Subject to the requirements of this chapter and except as 1373
provided in division (A)(2) of this section in regard to a person 1374
whose temporary residence is in this state, every commercial 1375
driver's license shall be renewable one hundred eighty days before 1376
its expiration upon payment of the fees required by section 1377
4506.08 of the Revised Code. Each person applying for renewal or 1378
transfer of a commercial driver's license shall complete the 1379
application form prescribed by section 4506.07 of the Revised Code 1380
and shall provide all certifications required. Beginning on 1381
January 30, 2012, prior to applying for renewal of a commercial 1382
driver's license, each applicant shall submit a new copy or 1383
original medical examiner's certificate required by section 1384
4506.10 of the Revised Code; if the person's medical status has 1385
changed, the registrar shall take the appropriate action to 1386
address the change in medical status. If the person wishes to 1387
retain an endorsement authorizing the person to transport 1388
hazardous materials, the person shall take and successfully 1389
complete the written test for the endorsement and shall submit to 1390
any background check required by federal law. 1391

(D) Each person licensed as a driver under this chapter shall 1392
notify the registrar of any change in the person's address within 1393
ten days following that change. The notification shall be in 1394
writing on a form provided by the registrar and shall include the 1395
full name, date of birth, license number, county of residence, 1396
social security number, and new address of the person. 1397

(E) Whoever violates division (D) of this section is guilty 1398
of a minor misdemeanor. 1399

Sec. 4506.15. (A) No person who holds a commercial driver's 1400
license or operates a motor vehicle for which a commercial 1401
driver's license is required shall do any of the following: 1402

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;	1403 1404 1405
(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;	1406 1407 1408
(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;	1409 1410 1411
(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;	1412 1413 1414
(5) Drive a motor vehicle while under the influence of a controlled substance;	1415 1416
(6) <u>Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;</u>	1417 1418 1419
<u>(7)</u> Use a motor vehicle in the commission of a felony;	1420
(7) <u>(8)</u> Refuse to submit to a test under section 4506.17 <u>or 4511.191</u> of the Revised Code;	1421 1422
(8) <u>(9)</u> Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;	1423 1424 1425
(9) <u>(10)</u> Cause a fatality though <u>through</u> the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	1426 1427 1428 1429
(10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised	1430 1431 1432

~~Code or the possession with intent to manufacture, distribute, or~~ 1433
~~dispense a controlled substance (11) Fail to stop after an~~ 1434
~~accident in violation of sections 4549.02 to 4549.03 of the~~ 1435
~~Revised Code;~~ 1436

~~(11)~~(12) Drive a commercial motor vehicle in violation of any 1437
provision of sections 4511.61 to 4511.63 of the Revised Code or 1438
any federal or local law or ordinance pertaining to 1439
railroad-highway grade crossings; 1440

~~(12) Violate any prohibition described in divisions (A)(2) to~~ 1441
~~(11) of this section while transporting hazardous materials (13)~~ 1442
Use a motor vehicle in the commission of a felony involving the 1443
manufacture, distribution, or dispensing of a controlled substance 1444
as defined in section 3719.01 of the Revised Code or the 1445
possession with intent to manufacture, distribute, or dispense a 1446
controlled substance. 1447

(B) Whoever violates this section is guilty of a misdemeanor 1448
of the first degree. 1449

Sec. 4506.16. (A) Any person who is found to have been 1450
convicted of a violation of an out-of-service order shall be 1451
disqualified by the registrar of motor vehicles as follows: 1452

(1) If the person has not been convicted previously of a 1453
violation of an out-of-service order, the period of 1454
disqualification is ~~ninety~~ one hundred eighty days. 1455

(2) If, during any ten-year period, the driver is convicted 1456
of a second violation of an out-of-service order in an incident 1457
separate from the incident that resulted in the first violation, 1458
the period of disqualification is ~~one year~~ two years. 1459

(3) If, during any ten-year period, the driver is convicted 1460
of a third or subsequent violation of an out-of-service order in 1461
an incident separate from the incidents that resulted in the 1462

previous violations during that ten-year period, the period of 1463
disqualification is three years. 1464

(B)(1) A driver is disqualified for one hundred eighty days 1465
if the driver is convicted of a first violation of an 1466
out-of-service order while transporting hazardous materials 1467
required to be placarded under the "Hazardous Materials 1468
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 1469
amended, or while operating a motor vehicle designed to transport 1470
sixteen or more passengers, including the driver. 1471

(2) A driver is disqualified for a period of three years if, 1472
during any ten-year period, the driver is convicted of a second or 1473
subsequent violation, in an incident separate from the incident 1474
that resulted in a previous violation during that ten-year period, 1475
of an out-of-service order while transporting hazardous materials 1476
required to be placarded under that act, or while operating a 1477
motor vehicle designed to transport sixteen or more passengers, 1478
including the driver. 1479

(C) Whoever violates division (A)(1) of section 4506.15 of 1480
the Revised Code or a similar law of another state or a foreign 1481
jurisdiction, immediately shall be placed out-of-service for 1482
twenty-four hours, in addition to any disqualification required by 1483
this section and any other penalty imposed by the Revised Code. 1484

(D) The registrar of motor vehicles shall disqualify any 1485
holder of a commercial driver's license, or any operator of a 1486
commercial motor vehicle for which a commercial driver's license 1487
is required, from operating a commercial motor vehicle as follows: 1488

(1) Upon a first conviction for a violation of any provision 1489
of divisions (A)(2) to ~~(9)(12)~~ of section 4506.15 of the Revised 1490
Code, ~~or of section 4511.19 or sections 4549.02 to 4549.03 of the~~ 1491
~~Revised Code,~~ or a similar law of another state or a foreign 1492
jurisdiction, or upon a first suspension imposed under section 1493

4511.191 of the Revised Code or a similar law of another state or foreign jurisdiction, one year; 1494
1495

(2) Upon a second conviction for a violation of any provision 1496
of divisions (A)(2) to ~~(9)~~(12) of section 4506.15 of the Revised 1497
Code, ~~or of section 4511.19 or sections 4549.02 to 4549.03 of the~~ 1498
~~Revised Code,~~ or a similar law of another state or a foreign 1499
jurisdiction, or upon a second suspension imposed under section 1500
4511.191 of the Revised Code or a similar law of another state or 1501
foreign jurisdiction, or any combination of such violations 1502
arising from two or more separate incidents, the person shall be 1503
disqualified for life or for any other period of time as 1504
determined by the United States secretary of transportation and 1505
designated by the director of public safety by rule; 1506

(3) Upon a first conviction for ~~a violation of division~~ any 1507
of the following violations while transporting hazardous 1508
materials, three years: 1509

(a) Divisions (A)~~(12)~~(2) to (12) of section 4506.15 of the 1510
Revised Code ~~or a;~~ 1511

(b) A similar law of another state or a foreign jurisdiction, 1512
~~three years;~~ 1513

(4) Upon conviction of a violation of division (A)~~(10)~~(13) of 1514
section 4506.15 of the Revised Code or a similar law of another 1515
state or a foreign jurisdiction, the person shall be disqualified 1516
for life; 1517

(5)(a) Upon conviction of two serious traffic violations 1518
involving the operation of a commercial motor vehicle by the 1519
person and arising from separate incidents occurring in a 1520
three-year period, the person shall be disqualified for sixty 1521
days, which disqualification shall be imposed consecutively to any 1522
other separate disqualification imposed under division (D)(5) or 1523
(6) of this section; 1524

(b) Upon conviction of three serious traffic violations 1525
involving the operation of a commercial motor vehicle by the 1526
person and arising from separate incidents occurring in a 1527
three-year period, the person shall be disqualified for one 1528
hundred twenty days, which disqualification shall be imposed 1529
consecutively to any other separate disqualification imposed under 1530
division (D)(5) or (6) of this section; 1531

(6)(a) Upon conviction of two serious traffic violations 1532
involving the operation of a vehicle other than a commercial 1533
motor vehicle by the person and arising from separate incidents 1534
occurring in a three-year period, the person shall be disqualified 1535
for sixty days if the conviction results in the suspension, 1536
cancellation, or revocation of the holder's commercial driver's 1537
license or noncommercial motor vehicle driving privileges, which 1538
disqualification shall be imposed consecutively to any other 1539
separate disqualification imposed under division (D)(5) or (6) of 1540
this section; 1541

~~(6)~~(b) Upon conviction of three serious traffic violations 1542
involving the operation of a vehicle other than a commercial 1543
motor vehicle by the person and arising from separate incidents 1544
occurring in a three-year period, the person shall be disqualified 1545
for one hundred twenty days if the conviction results in the 1546
suspension, cancellation, or revocation of the holder's commercial 1547
driver's license or noncommercial motor vehicle driving 1548
privileges, which disqualification shall be imposed consecutively 1549
to any other separate disqualification imposed under division 1550
(D)(5) or (6) of this section. 1551

(7) Upon a first conviction involving the operation of a 1552
commercial motor vehicle in violation of any provisions of 1553
sections 4511.61 to 4511.63 of the Revised Code or a similar law 1554
of another state or foreign jurisdiction, not less than sixty 1555
days; 1556

(8) Upon a second conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one hundred twenty days;

(9) Upon a third or subsequent conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one year;

(10) Upon receiving notification from the federal motor carrier safety administration, the registrar immediately, prior to any hearing, shall disqualify any commercial motor vehicle driver whose driving is determined to constitute an imminent hazard as defined under federal motor carrier safety regulation 49 C.F.R. 383.52.

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the person's commercial driver's license.

(2) The offense occurs on or after September 30, 2005.

(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license in the person's possession as described in division ~~(DD)(7)~~(GG)(3)(e) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the court with jurisdiction over the case before the date of the person's initial appearance that shows that the person held a valid commercial driver's license at the time of the violation, the violation shall not be deemed to be a serious traffic violation.

(H) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.

(I) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action within ten days after it occurs.

(J) The registrar immediately shall notify a driver who is finally convicted of any offense described in section 4506.15 of the Revised Code or division (B)(4), (5), or (6) of this section and thereby is subject to disqualification, of the offense or offenses involved, of the length of time for which disqualification is to be imposed, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not

made within thirty days of the mailing of the notice, the order of 1619
disqualification is final. The registrar may designate hearing 1620
examiners who, after affording all parties reasonable notice, 1621
shall conduct a hearing to determine whether the disqualification 1622
order is supported by reliable evidence. The registrar shall adopt 1623
rules to implement this division. 1624

(K) Any person who is disqualified from operating a 1625
commercial motor vehicle under this section may apply to the 1626
registrar for a driver's license to operate a motor vehicle other 1627
than a commercial motor vehicle, provided the person's commercial 1628
driver's license is not otherwise suspended. A person whose 1629
commercial driver's license is suspended shall not apply to the 1630
registrar for or receive a driver's license under Chapter 4507. of 1631
the Revised Code during the period of suspension. 1632

(L) The disqualifications imposed under this section are in 1633
addition to any other penalty imposed by the Revised Code. 1634

Sec. 4506.161. No court shall issue an order granting limited 1635
driving privileges for operation of a commercial motor vehicle to 1636
any person whose driver's license or commercial driver's license 1637
has been suspended or who has been disqualified from operating a 1638
commercial motor vehicle. In regard to an offense involving the 1639
operation of a commercial motor vehicle, no court shall modify any 1640
record, or consent to the modification of any record, if the 1641
resulting record would no longer reflect the operation of a 1642
commercial motor vehicle by the person, unless a determination of 1643
the facts indicates that that person was not operating a 1644
commercial motor vehicle at the time of the offense. 1645

Sec. 4506.17. (A) Any person who holds a commercial driver's 1646
license or operates a commercial motor vehicle requiring a 1647
commercial driver's license within this state shall be deemed to 1648

have given consent to a test or tests of the person's whole blood, 1649
blood serum or plasma, breath, or urine for the purpose of 1650
determining the person's alcohol concentration or the presence of 1651
any controlled substance or a metabolite of a controlled 1652
substance. 1653

(B) A test or tests as provided in division (A) of this 1654
section may be administered at the direction of a peace officer 1655
having reasonable ground to stop or detain the person and, after 1656
investigating the circumstances surrounding the operation of the 1657
commercial motor vehicle, also having reasonable ground to believe 1658
the person was driving the commercial vehicle while having a 1659
measurable or detectable amount of alcohol or of a controlled 1660
substance or a metabolite of a controlled substance in the 1661
person's whole blood, blood serum or plasma, breath, or urine. Any 1662
such test shall be given within two hours of the time of the 1663
alleged violation. 1664

(C) A person requested to submit to a test under division (A) 1665
of this section shall be advised by the peace officer requesting 1666
the test that a refusal to submit to the test will result in the 1667
person immediately being placed out-of-service for a period of 1668
twenty-four hours and being disqualified from operating a 1669
commercial motor vehicle for a period of not less than one year, 1670
and that the person is required to surrender the person's 1671
commercial driver's license to the peace officer. 1672

(D) If a person refuses to submit to a test after being 1673
warned as provided in division (C) of this section or submits to a 1674
test that discloses the presence of an amount of alcohol or a 1675
controlled substance prohibited by divisions (A)(1) to (5) of 1676
section 4506.15 of the Revised Code or a metabolite of a 1677
controlled substance, ~~an alcohol concentration of four hundredths~~ 1678
~~of one per cent or more by whole blood or breath, an alcohol~~ 1679

~~concentration of forty eight thousandths of one per cent or more~~ 1680
~~by blood serum or blood plasma, or an alcohol concentration of~~ 1681
~~fifty six thousandths of one per cent or more by urine, the person~~ 1682
immediately shall surrender the person's commercial driver's 1683
license to the peace officer. The peace officer shall forward the 1684
license, together with a sworn report, to the registrar of motor 1685
vehicles certifying that the test was requested pursuant to 1686
division (A) of this section and that the person either refused to 1687
submit to testing or submitted to a test that disclosed the 1688
presence of ~~a controlled substance or a metabolite of a controlled~~ 1689
~~substance or a prohibited alcohol concentration~~ one of the 1690
prohibited concentrations of a substance listed in divisions 1691
(A)(1) to (5) of section 4506.15 of the Revised Code or a 1692
metabolite of a controlled substance. The form and contents of the 1693
report required by this section shall be established by the 1694
registrar by rule, but shall contain the advice to be read to the 1695
driver and a statement to be signed by the driver acknowledging 1696
that the driver has been read the advice and that the form was 1697
shown to the driver. 1698

(E) Upon receipt of a sworn report from a peace officer as 1699
provided in division (D) of this section, or upon receipt of 1700
notification that a person has been disqualified under a similar 1701
law of another state or foreign jurisdiction, the registrar shall 1702
disqualify the person named in the report from driving a 1703
commercial motor vehicle for the period described below: 1704

(1) Upon a first incident, one year; 1705

(2) Upon an incident of refusal or of a prohibited 1706
concentration of alcohol, a controlled substance, or a metabolite 1707
of a controlled substance after one or more previous incidents of 1708
either refusal or of a prohibited concentration of alcohol, a 1709
controlled substance, or a metabolite of a controlled substance, 1710
the person shall be disqualified for life or such lesser period as 1711

prescribed by rule by the registrar. 1712

(F) A test of a person's whole blood or a person's blood 1713
serum or plasma given under this section shall comply with the 1714
applicable provisions of division (D) of section 4511.19 of the 1715
Revised Code and any physician, registered nurse, emergency 1716
medical technician-intermediate, emergency medical 1717
technician-paramedic, or qualified technician, chemist, or 1718
phlebotomist who withdraws whole blood or blood serum or plasma 1719
from a person under this section, and any hospital, first-aid 1720
station, clinic, or other facility at which whole blood or blood 1721
serum or plasma is withdrawn from a person pursuant to this 1722
section, is immune from criminal liability, and from civil 1723
liability that is based upon a claim of assault and battery or 1724
based upon any other claim of malpractice, for any act performed 1725
in withdrawing whole blood or blood serum or plasma from the 1726
person. The immunity provided in this division also extends to an 1727
emergency medical service organization that employs an emergency 1728
medical technician-intermediate or emergency medical 1729
technician-paramedic who withdraws blood under this section. 1730

(G) When a person submits to a test under this section, the 1731
results of the test, at the person's request, shall be made 1732
available to the person, the person's attorney, or the person's 1733
agent, immediately upon completion of the chemical test analysis. 1734
The person also may have an additional test administered by a 1735
physician, a registered nurse, or a qualified technician, chemist, 1736
or phlebotomist of the person's own choosing as provided in 1737
division (D) of section 4511.19 of the Revised Code for tests 1738
administered under that section, and the failure to obtain such a 1739
test has the same effect as in that division. 1740

(H) No person shall refuse to immediately surrender the 1741
person's commercial driver's license to a peace officer when 1742
required to do so by this section. 1743

(I) A peace officer issuing an out-of-service order or 1744
receiving a commercial driver's license surrendered under this 1745
section may remove or arrange for the removal of any commercial 1746
motor vehicle affected by the issuance of that order or the 1747
surrender of that license. 1748

(J)(1) Except for civil actions arising out of the operation 1749
of a motor vehicle and civil actions in which the state is a 1750
plaintiff, no peace officer of any law enforcement agency within 1751
this state is liable in compensatory damages in any civil action 1752
that arises under the Revised Code or common law of this state for 1753
an injury, death, or loss to person or property caused in the 1754
performance of official duties under this section and rules 1755
adopted under this section, unless the officer's actions were 1756
manifestly outside the scope of the officer's employment or 1757
official responsibilities, or unless the officer acted with 1758
malicious purpose, in bad faith, or in a wanton or reckless 1759
manner. 1760

(2) Except for civil actions that arise out of the operation 1761
of a motor vehicle and civil actions in which the state is a 1762
plaintiff, no peace officer of any law enforcement agency within 1763
this state is liable in punitive or exemplary damages in any civil 1764
action that arises under the Revised Code or common law of this 1765
state for any injury, death, or loss to person or property caused 1766
in the performance of official duties under this section of the 1767
Revised Code and rules adopted under this section, unless the 1768
officer's actions were manifestly outside the scope of the 1769
officer's employment or official responsibilities, or unless the 1770
officer acted with malicious purpose, in bad faith, or in a wanton 1771
or reckless manner. 1772

(K) When disqualifying a driver, the registrar shall cause 1773
the records of the bureau of motor vehicles to be updated to 1774
reflect the disqualification within ten days after it occurs. 1775

(L) The registrar immediately shall notify a driver who is 1776
subject to disqualification of the disqualification, of the length 1777
of the disqualification, and that the driver may request a hearing 1778
within thirty days of the mailing of the notice to show cause why 1779
the driver should not be disqualified from operating a commercial 1780
motor vehicle. If a request for such a hearing is not made within 1781
thirty days of the mailing of the notice, the order of 1782
disqualification is final. The registrar may designate hearing 1783
examiners who, after affording all parties reasonable notice, 1784
shall conduct a hearing to determine whether the disqualification 1785
order is supported by reliable evidence. The registrar shall adopt 1786
rules to implement this division. 1787

(M) Any person who is disqualified from operating a 1788
commercial motor vehicle under this section may apply to the 1789
registrar for a driver's license to operate a motor vehicle other 1790
than a commercial motor vehicle, provided the person's commercial 1791
driver's license is not otherwise suspended. A person whose 1792
commercial driver's license is suspended shall not apply to the 1793
registrar for or receive a driver's license under Chapter 4507. of 1794
the Revised Code during the period of suspension. 1795

(N) Whoever violates division (H) of this section is guilty 1796
of a misdemeanor of the first degree. 1797

(O) As used in this section, "emergency medical 1798
technician-intermediate" and "emergency medical 1799
technician-paramedic" have the same meanings as in section 4765.01 1800
of the Revised Code. 1801

Sec. 4506.21. Within ten days after receiving a report of the 1802
conviction of any nonresident ~~holder of a commercial driver's~~ 1803
~~license~~ for a violation of a state law or local ordinance or 1804
resolution relating to traffic control, other than parking 1805
violations, committed in a commercial motor vehicle, the registrar 1806

of motor vehicles shall notify the driver licensing authority in 1807
the state jurisdiction in which the person resides and the driver 1808
licensing authority that issued the nonresident's commercial 1809
driver's license of the conviction, if different from the state of 1810
residence. 1811

Sec. 4510.03. (A) Every county court judge, mayor of a 1812
mayor's court, and clerk of a court of record shall keep a full 1813
record of every case in which a person is charged with any 1814
violation of any provision of sections 4511.01 to 4511.771 or 1815
4513.01 to 4513.36 of the Revised Code or of any other law or 1816
ordinance regulating the operation of vehicles, streetcars, and 1817
trackless trolleys on highways or streets. 1818

(B) If a person is convicted of or forfeits bail in relation 1819
to a violation of any section listed in division (A) of this 1820
section or a violation of any other law or ordinance regulating 1821
the operation of vehicles, streetcars, and trackless trolleys on 1822
highways or streets, the county court judge, mayor of a mayor's 1823
court, or clerk, within ~~ten~~ seven days after the conviction or 1824
bail forfeiture, shall prepare and immediately forward to the 1825
bureau of motor vehicles an abstract, certified by the preparer to 1826
be true and correct, of the court record covering the case in 1827
which the person was convicted or forfeited bail. Every court of 1828
record also shall forward to the bureau of motor vehicles an 1829
abstract of the court record as described in division (C) of this 1830
section upon the conviction of any person of aggravated vehicular 1831
homicide or vehicular homicide or of a felony in the commission of 1832
which a vehicle was used. 1833

(C) Each abstract required by this section shall be made upon 1834
a form approved and furnished by the bureau and shall include the 1835
name and address of the person charged, the number of the person's 1836
driver's or commercial driver's license, probationary driver's 1837

license, or temporary instruction permit, the registration number 1838
of the vehicle involved, the nature of the offense, the date of 1839
the offense, the date of hearing, the plea, the judgment, or 1840
whether bail was forfeited, and the amount of the fine or 1841
forfeiture. 1842

Sec. 4510.036. (A) The bureau of motor vehicles shall record 1843
within ten days, ~~after receipt,~~ of conviction or bail forfeiture 1844
and shall keep at its main office, all abstracts received under 1845
this section or section 4510.03, 4510.031, 4510.032, or 4510.034 1846
of the Revised Code and shall maintain records of convictions and 1847
bond forfeitures for any violation of a state law or a municipal 1848
ordinance regulating the operation of vehicles, streetcars, and 1849
trackless trolleys on highways and streets, except a violation 1850
related to parking a motor vehicle. 1851

(B) Every court of record or mayor's court before which a 1852
person is charged with a violation for which points are chargeable 1853
by this section shall assess and transcribe to the abstract of 1854
conviction that is furnished by the bureau to the court the number 1855
of points chargeable by this section in the correct space assigned 1856
on the reporting form. A United States district court that has 1857
jurisdiction within this state and before which a person is 1858
charged with a violation for which points are chargeable by this 1859
section may assess and transcribe to the abstract of conviction 1860
report that is furnished by the bureau the number of points 1861
chargeable by this section in the correct space assigned on the 1862
reporting form. If the federal court so assesses and transcribes 1863
the points chargeable for the offense and furnishes the report to 1864
the bureau, the bureau shall record the points in the same manner 1865
as those assessed and transcribed by a court of record or mayor's 1866
court. 1867

(C) A court shall assess the following points for an offense 1868

based on the following formula:	1869
(1) Aggravated vehicular homicide, vehicular homicide,	1870
vehicular manslaughter, aggravated vehicular assault, or vehicular	1871
assault when the offense involves the operation of a vehicle,	1872
streetcar, or trackless trolley on a highway or street	1873
6 points	1874
(2) A violation of section 2921.331 of the Revised Code or	1875
any ordinance prohibiting the willful fleeing or eluding of a law	1876
enforcement officer 6 points	1877
(3) A violation of section 4549.02 or 4549.021 of the Revised	1878
Code or any ordinance requiring the driver of a vehicle to stop	1879
and disclose identity at the scene of an accident 6	1880
points	1881
(4) A violation of section 4511.251 of the Revised Code or	1882
any ordinance prohibiting street racing 6 points	1883
(5) A violation of section 4510.037 of the Revised Code or	1884
any ordinance prohibiting the operation of a motor vehicle while	1885
the driver's or commercial driver's license is under a	1886
twelve-point suspension 6 points	1887
(6) A violation of section 4510.14 of the Revised Code, or	1888
any ordinance prohibiting the operation of a motor vehicle upon	1889
the public roads or highways within this state while the driver's	1890
or commercial driver's license of the person is under suspension	1891
and the suspension was imposed under section 4511.19, 4511.191, or	1892
4511.196 of the Revised Code or section 4510.07 of the Revised	1893
Code due to a conviction for a violation of a municipal OVI	1894
ordinance or any ordinance prohibiting the operation of a motor	1895
vehicle while the driver's or commercial driver's license is under	1896
suspension for an OVI offense 6 points	1897
(7) A violation of division (A) of section 4511.19 of the	1898
Revised Code, any ordinance prohibiting the operation of a vehicle	1899

while under the influence of alcohol, a drug of abuse, or a 1900
combination of them, or any ordinance substantially equivalent to 1901
division (A) of section 4511.19 of the Revised Code prohibiting 1902
the operation of a vehicle with a prohibited concentration of 1903
alcohol, a controlled substance, or a metabolite of a controlled 1904
substance in the whole blood, blood serum or plasma, breath, or 1905
urine 6 points 1906

(8) A violation of section 2913.03 of the Revised Code that 1907
does not involve an aircraft or motorboat or any ordinance 1908
prohibiting the operation of a vehicle without the consent of the 1909
owner 6 points 1910

(9) Any offense under the motor vehicle laws of this state 1911
that is a felony, or any other felony in the commission of which a 1912
motor vehicle was used 6 points 1913

(10) A violation of division (B) of section 4511.19 of the 1914
Revised Code or any ordinance substantially equivalent to that 1915
division prohibiting the operation of a vehicle with a prohibited 1916
concentration of alcohol in the whole blood, blood serum or 1917
plasma, breath, or urine 4 points 1918

(11) A violation of section 4511.20 of the Revised Code or 1919
any ordinance prohibiting the operation of a motor vehicle in 1920
willful or wanton disregard of the safety of persons or property 1921
..... 4 points 1922

(12) A violation of any law or ordinance pertaining to speed: 1923

(a) Notwithstanding divisions (C)(12)(b) and (c) of this 1924
section, when the speed exceeds the lawful speed limit by thirty 1925
miles per hour or more 4 points 1926

(b) When the speed exceeds the lawful speed limit of 1927
fifty-five miles per hour or more by more than ten miles per hour 1928
..... 2 points 1929

(c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour	2 points	1930 1931 1932
(d) When the speed does not exceed the amounts set forth in divisions (C)(12)(a), (b), or (c) of this section	0 points	1933 1934 1935
(13) Operating a motor vehicle in violation of a restriction imposed by the registrar	2 points	1936 1937
(14) A violation of section 4510.11, 4510.111, 4510.16, or 4510.21 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension	2 points	1938 1939 1940 1941
(15) With the exception of violations under section 4510.12 of the Revised Code where no points shall be assessed, all other moving violations reported under this section	2 points	1942 1943 1944
(D) Upon receiving notification from the proper court, including a United States district court that has jurisdiction within this state, the bureau shall delete any points entered for a bond forfeiture if the driver is acquitted of the offense for which bond was posted.		1945 1946 1947 1948 1949
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are chargeable for each of the offenses, points shall be charged for only the conviction or bond forfeiture for which the greater number of points is chargeable, and, if the number of points chargeable for each offense is equal, only one offense shall be recorded, and points shall be charged only for that offense.		1950 1951 1952 1953 1954 1955 1956
Sec. 4513.37. Every county court judge, mayor, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of sections 4511.01 to		1957 1958 1959

4511.78, section 4511.99, and sections 4513.01 to 4513.37 of the Revised Code, or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways.

Within ~~ten~~ seven days after the conviction or forfeiture of bail of a person upon a charge of violating any of such sections or other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways, said judge, mayor, or clerk shall prepare and immediately forward to the department of public safety an abstract of the court record covering the case in which said person was convicted ~~for~~ or forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct.

~~Said~~ The abstract shall be made upon a form approved and furnished by the department and shall include the name and address of the party charged, the number of ~~his~~ the party's driver's or commercial driver's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited, and the amount of the fine or forfeiture.

Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of such officer to comply with this section constitutes misconduct in office and is ground for removal therefrom.

The department shall keep all abstracts received under this section at its main office.

Sec. 5101.35. (A) As used in this section:

(1) "Agency" means the following entities that administer a

family services program:	1990
(a) The department of job and family services;	1991
(b) A county department of job and family services;	1992
(c) A public children services agency;	1993
(d) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.	1994 1995 1996 1997
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	1998 1999 2000 2001 2002
(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under Chapter 5104., 5111., or 5115. or section 5119.69, 5101.141, 5101.46, 5101.461, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.	2003 2004 2005 2006 2007 2008 2009 2010 2011
(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. A state hearing decision is	2012 2013 2014 2015 2016 2017 2018 2019 2020

binding upon the agency and department, unless it is reversed or 2021
modified on appeal to the director of job and family services or a 2022
court of common pleas. 2023

(C) Except as provided by division (G) of this section, an 2024
appellant who disagrees with a state hearing decision may make an 2025
administrative appeal to the director of job and family services 2026
in accordance with rules adopted under this section. This 2027
administrative appeal does not require a hearing, but the director 2028
or the director's designee shall review the state hearing decision 2029
and previous administrative action and may affirm, modify, remand, 2030
or reverse the state hearing decision. ~~Any person designated to~~ 2031
~~make an administrative appeal decision on behalf of the director~~ 2032
~~shall have been admitted to the practice of law in this state.~~ An 2033
administrative appeal decision is the final decision of the 2034
department and is binding upon the department and agency, unless 2035
it is reversed or modified on appeal to the court of common pleas. 2036

(D) An agency shall comply with a decision issued pursuant to 2037
division (B) or (C) of this section within the time limits 2038
established by rules adopted under this section. If a county 2039
department of job and family services or a public children 2040
services agency fails to comply within these time limits, the 2041
department may take action pursuant to section 5101.24 of the 2042
Revised Code. If another agency fails to comply within the time 2043
limits, the department may force compliance by withholding funds 2044
due the agency or imposing another sanction established by rules 2045
adopted under this section. 2046

(E) An appellant who disagrees with an administrative appeal 2047
decision of the director of job and family services or the 2048
director's designee issued under division (C) of this section may 2049
appeal from the decision to the court of common pleas pursuant to 2050
section 119.12 of the Revised Code. The appeal shall be governed 2051
by section 119.12 of the Revised Code except that: 2052

(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common pleas of Franklin county if the person does not reside in this state.

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family

services to request a county conference with the county department 2084
before the state hearing is held. 2085

(2) Administrative appeals under division (C) of this 2086
section; 2087

(3) Time limits for complying with a decision issued under 2088
division (B) or (C) of this section; 2089

(4) Sanctions that may be applied against an agency under 2090
division (D) of this section. 2091

(G) The department of job and family services may adopt rules 2092
in accordance with Chapter 119. of the Revised Code establishing 2093
an appeals process for an appellant who appeals a decision or 2094
order regarding a Title IV-A program identified under division 2095
(A)(4)(c), (d), (e), or (f) of section 5101.80 of the Revised Code 2096
that is different from the appeals process established by this 2097
section. The different appeals process may include having a state 2098
agency that administers the Title IV-A program pursuant to an 2099
interagency agreement entered into under section 5101.801 of the 2100
Revised Code administer the appeals process. 2101

(H) If an appellant receiving medicaid through a health 2102
insuring corporation that holds a certificate of authority under 2103
Chapter 1751. of the Revised Code is appealing a denial of 2104
medicaid services based on lack of medical necessity or other 2105
clinical issues regarding coverage by the health insuring 2106
corporation, the person hearing the appeal may order an 2107
independent medical review if that person determines that a review 2108
is necessary. The review shall be performed by a health care 2109
professional with appropriate clinical expertise in treating the 2110
recipient's condition or disease. The department shall pay the 2111
costs associated with the review. 2112

A review ordered under this division shall be part of the 2113
record of the hearing and shall be given appropriate evidentiary 2114

consideration by the person hearing the appeal. 2115

(I) The requirements of Chapter 119. of the Revised Code 2116
apply to a state hearing or administrative appeal under this 2117
section only to the extent, if any, specifically provided by rules 2118
adopted under this section. 2119

Sec. 5101.351. The department of job and family services may 2120
employ or contract with hearing officers to draft and recommend 2121
state hearing decisions under division (B) of section 5101.35 of 2122
the Revised Code. The department may employ or contract with 2123
hearing authorities to issue state hearing decisions under 2124
division (B) of section 5101.35 of the Revised Code. ~~A hearing~~ 2125
~~authority employed or contracted with on or after the effective~~ 2126
~~date of this section shall have been admitted to the practice of~~ 2127
~~law in this state.~~ A hearing authority employed or contracted with 2128
~~before the effective date of~~ under this section is not required to 2129
have been admitted to the practice of law in this state. 2130

Sec. 5107.12. An assistance group seeking to participate in 2131
the Ohio works first program shall apply to a county department of 2132
job and family services using an application containing 2133
information the director of job and family services requires 2134
pursuant to rules adopted under section 5107.05 of the Revised 2135
Code and any additional information the county department 2136
requires. If cash assistance under the program is to be paid by 2137
the director of budget and management through the medium of direct 2138
deposit as provided by section 329.03 of the Revised Code, the 2139
application shall be accompanied by information the director needs 2140
to make direct deposits. 2141

When a county department receives an application for 2142
participation in Ohio works first, it shall promptly make an 2143
investigation and record of the circumstances of the applicant in 2144

order to ascertain the facts surrounding the application and to 2145
obtain such other information as may be required. Upon the 2146
completion of the investigation, the county department shall 2147
determine as soon as possible whether the applicant is eligible to 2148
participate, the amount of cash assistance the applicant should 2149
receive, and the approximate date when participation shall begin. 2150
~~The county department shall not delay making the determination of~~ 2151
~~whether the applicant is eligible to participate on the basis that~~ 2152
~~the individuals required by section 5107.14 of the Revised Code to~~ 2153
~~enter into a written self-sufficiency contract with the county~~ 2154
~~department have not yet done that.~~ The amount of cash assistance 2155
so determined shall be certified to the department of job and 2156
family services in such form as the department shall prescribe. 2157
Warrants, direct deposits, or debit cards shall be delivered or 2158
made payable in the manner the department may prescribe. 2159

To the extent required by rules adopted under section 5107.05 2160
of the Revised Code, a participant of Ohio works first shall 2161
notify the county department immediately upon the receipt or 2162
possession of additional income not previously reported to the 2163
county department. Any failure to so notify a county department 2164
shall be regarded as prima-facie evidence of an intent to defraud. 2165

Sec. 5107.14. (A) An assistance group is ineligible to 2166
participate in Ohio works first unless the following enter into a 2167
written self-sufficiency contract with the county department of 2168
job and family services ~~not later than thirty days after the~~ 2169
~~assistance group applies for or undergoes a redetermination of~~ 2170
~~eligibility for the program:~~ 2171

(1) Each adult member of the assistance group; 2172

(2) The assistance group's minor head of household ~~unless the~~ 2173
~~minor head of household is participating in the LEAD program.~~ 2174

(B) A self-sufficiency contract shall set forth the rights 2175

and responsibilities of the assistance group as applicants for and 2176
participants of Ohio works first. Each self-sufficiency contract 2177
shall include, based on appraisals conducted under section 5107.41 2178
of the Revised Code and assessments conducted under section 2179
5107.70 of the Revised Code, the following: 2180

(1) The assistance group's plan, developed under section 2181
5107.41 of the Revised Code, to achieve the goal of self 2182
sufficiency and personal responsibility through unsubsidized 2183
employment within the time limit for participating in Ohio works 2184
first established by section 5107.18 of the Revised Code; 2185

(2) Work activities, developmental activities, and 2186
alternative work activities to which members of the assistance 2187
group are assigned under sections 5107.40 to 5107.69 of the 2188
Revised Code; 2189

(3) The responsibility of a caretaker member of the 2190
assistance group to cooperate in establishing a minor child's 2191
paternity and establishing, modifying, and enforcing a support 2192
order for the child in accordance with section 5107.22 of the 2193
Revised Code; 2194

(4) Other responsibilities that members of the assistance 2195
group must satisfy to participate in Ohio works first and the 2196
consequences for failure or refusal to satisfy the 2197
responsibilities; 2198

(5) An agreement that, except as otherwise provided in a 2199
waiver issued under section 5107.714 of the Revised Code, the 2200
assistance group will comply with the conditions of participating 2201
in Ohio works first established by this chapter and sections 2202
5101.58, 5101.59, and 5101.83 of the Revised Code; 2203

(6) Assistance and services the county department will 2204
provide to the assistance group; 2205

(7) Assistance and services the child support enforcement 2206

agency and public children services agency will provide to the 2207
assistance group pursuant to a plan of cooperation entered into 2208
under section 307.983 of the Revised Code; 2209

(8) Other provisions designed to assist the assistance group 2210
in achieving self sufficiency and personal responsibility; 2211

(9) Procedures for assessing whether responsibilities are 2212
being satisfied and whether the contract should be amended; 2213

(10) Procedures for amending the contract. 2214

(C) No self-sufficiency contract shall include provisions 2215
regarding the LEAP program. 2216

(D) The county department shall provide without charge a copy 2217
of the self-sufficiency contract to each assistance group member 2218
who signs it. 2219

Sec. 5577.05. (A) No vehicle shall be operated upon the 2220
public highways, streets, bridges, and culverts within the state, 2221
whose dimensions exceed those specified in this section. 2222

(B) No such vehicle shall have a width in excess of: 2223

(1) One hundred four inches for passenger bus type vehicles 2224
operated exclusively within municipal corporations; 2225

(2) One hundred two inches, excluding such safety devices as 2226
are required by law, for passenger bus type vehicles operated over 2227
freeways, and such other state roads with minimum pavement widths 2228
of twenty-two feet, except those roads or portions ~~thereof~~ of 2229
roads over which operation of one hundred two-inch buses is 2230
prohibited by order of the director of transportation; 2231

(3) One hundred thirty-two inches for traction engines; 2232

(4) One hundred two inches for recreational vehicles, 2233
excluding safety devices and retracted awnings and other 2234
appurtenances of six inches or less in width and except that the 2235

director may prohibit the operation of one hundred two inch 2236
recreational vehicles on designated state highways or portions of 2237
highways; 2238

(5) One hundred two inches, including load, for all other 2239
vehicles, except that the director may prohibit the operation of 2240
one hundred two-inch vehicles on such state highways or portions 2241
~~thereof~~ of state highways as the director designates. 2242

(C) No such vehicle shall have a length in excess of: 2243

(1) Sixty-six feet for passenger bus type vehicles and 2244
articulated passenger bus type vehicles operated by a regional 2245
transit authority pursuant to sections 306.30 to 306.54 of the 2246
Revised Code; 2247

(2) Forty-five feet for all other passenger bus type 2248
vehicles; 2249

(3) Fifty-three feet for any semitrailer when operated in a 2250
commercial tractor-semitrailer combination, with or without load, 2251
except that the director may prohibit the operation of any such 2252
commercial tractor-semitrailer combination on such state highways 2253
or portions ~~thereof~~ of state highways as the director designates. 2254

(4) Twenty-eight and one-half feet for any semitrailer or 2255
trailer when operated in a commercial tractor-semitrailer-trailer 2256
or commercial tractor-semitrailer-semitrailer combination, except 2257
that the director may prohibit the operation of any such 2258
commercial tractor-semitrailer-trailer or commercial 2259
tractor-semitrailer-semitrailer combination on such state highways 2260
or portions ~~thereof~~ of state highways as the director designates; 2261

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 2262
transporter combinations and drive-away saddlemount with fullmount 2263
vehicle transporter combinations when operated on any interstate, 2264
United States route, or state route, including reasonable access 2265
travel on all other roadways for a distance not to exceed one road 2266

mile from any interstate, United States route, or state route, not 2267
to exceed three saddlemounted vehicles, but which may include one 2268
fullmount; 2269

(b) Seventy-five feet for drive-away saddlemount vehicle 2270
transporter combinations and drive-away saddlemount with fullmount 2271
vehicle transporter combinations, when operated on any roadway not 2272
designated as an interstate, United States route, or state route, 2273
not to exceed three saddlemounted vehicles, but which may include 2274
one fullmount; 2275

(6) Sixty-five feet for any other combination of vehicles 2276
coupled together, with or without load, except as provided in 2277
divisions (C)(3) and (4), and in division (E) of this section; 2278

(7) Forty-five feet for recreational vehicles; 2279

(8) Forty feet for all other vehicles except trailers and 2280
semitrailers, with or without load. 2281

(D) No such vehicle shall have a height in excess of thirteen 2282
feet six inches, with or without load. 2283

(E) An automobile transporter or boat transporter shall be 2284
allowed a length of sixty-five feet and a stinger-steered 2285
automobile transporter or stinger-steered boat transporter shall 2286
be allowed a length of seventy-five feet, except that the load 2287
thereon may extend no more than four feet beyond the rear of such 2288
vehicles and may extend no more than three feet beyond the front 2289
of such vehicles, and except further that the director may 2290
prohibit the operation of a stinger-steered automobile 2291
transporter, stinger-steered boat transporter, or a B-train 2292
assembly on any state highway or portion thereof of any state 2293
highway that the director designates. 2294

(F) The widths prescribed in division (B) of this section 2295
shall not include side mirrors, turn signal lamps, marker lamps, 2296
handholds for cab entry and egress, flexible fender extensions, 2297

mud flaps, splash and spray suppressant devices, and load-induced 2298
tire bulge. 2299

The width prescribed in division (B)(5) of this section shall 2300
not include automatic covering devices, tarp and tarp hardware, 2301
and tiedown assemblies, provided these safety devices do not 2302
extend more than three inches from each side of the vehicle. 2303

The lengths prescribed in divisions (C)(2) to (8) of this 2304
section shall not include safety devices, bumpers attached to the 2305
front or rear of such bus or combination, nonproperty carrying 2306
devices or components that do not extend more than twenty-four 2307
inches beyond the rear of the vehicle and are needed for loading 2308
or unloading, B-train assembly used between the first and second 2309
semitrailer of a commercial tractor-semitrailer-semitrailer 2310
combination, energy conservation devices as provided in any 2311
regulations adopted by the secretary of the United States 2312
department of transportation, or any noncargo-carrying 2313
refrigeration equipment attached to the front of trailers and 2314
semitrailers. In special cases, vehicles whose dimensions exceed 2315
those prescribed by this section may operate in accordance with 2316
rules adopted by the director. 2317

(G) This section does not apply to fire engines, fire trucks, 2318
or other vehicles or apparatus belonging to any municipal 2319
corporation or to the volunteer fire department of any municipal 2320
corporation or used by such department in the discharge of its 2321
functions. This section does not apply to vehicles and pole 2322
trailers used in the transportation of wooden and metal poles, nor 2323
to the transportation of pipes or well-drilling equipment, nor to 2324
farm machinery and equipment. The owner or operator of any 2325
vehicle, machinery, or equipment not specifically enumerated in 2326
this section but the dimensions of which exceed the dimensions 2327
provided by this section, when operating the same on the highways 2328
and streets of this state, shall comply with the rules of the 2329

director governing such movement, ~~which~~ that the director may 2330
adopt. Sections 119.01 to 119.13 of the Revised Code apply to any 2331
rules the director adopts under this section, or the amendment or 2332
rescission ~~thereof~~ of the rules, and any person adversely affected 2333
shall have the same right of appeal as provided in those sections. 2334

This section does not require the state, a municipal 2335
corporation, county, township, or any railroad or other private 2336
corporation to provide sufficient vertical clearance to permit the 2337
operation of such vehicle, or to make any changes in or about 2338
existing structures now crossing streets, roads, and other public 2339
thoroughfares in this state. 2340

(H) As used in this section, "recreational vehicle" has the 2341
same meaning as in section 4501.01 of the Revised Code. 2342

Section 2. That existing sections 2935.36, 2951.041, 4506.01, 2343
4506.05, 4506.07, 4506.09, 4506.10, 4506.101, 4506.12, 4506.13, 2344
4506.14, 4506.15, 4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 2345
4510.036, 4513.37, 5101.35, 5101.351, 5107.12, 5107.14, and 2346
5577.05 of the Revised Code are hereby repealed. 2347

Section 3. Notwithstanding any provision of section 4141.301 2348
of the Revised Code to the contrary, with respect to compensation 2349
for weeks of unemployment beginning after December 17, 2010, and 2350
ending on the close of the last day of the week ending four weeks 2351
prior to the last week in which one hundred per cent federal 2352
sharing is available under Section 2005(a) of the "American 2353
Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, without 2354
regard to the extension of federal sharing for certain claims as 2355
provided under Section 2005(c) of that Act, and the option of a 2356
three-year look-back is authorized by the "Tax Relief, 2357
Unemployment Insurance Reauthorization, and Job Creation Act of 2358
2010," Pub. L. No. 111-312, as amended, or any other federal law 2359

that authorizes both, the word "two" as used in divisions 2360
(A)(3)(a)(ii) and (A)(5) of section 4141.301 of the Revised Code 2361
shall be changed to "three." 2362

Section 4. Section 3 of this act first applies retroactively 2363
as of December 31, 2011. 2364

Section 5. This act is hereby declared to be an emergency 2365
measure necessary for the immediate preservation of the public 2366
peace, health, and safety. The reasons for such necessity lie in 2367
the fact that money to fund state highway construction and repair 2368
projects necessary for the safety and convenience of the traveling 2369
public and the ability to issue commercial driver's licenses to 2370
Ohioans to operate commercial motor vehicles in interstate 2371
commerce are at risk if this legislation is not effective by 2372
January 1, 2012, and in the need, in these times of high 2373
unemployment, to provide continued assistance to those who have 2374
been struggling to find work in this difficult economic climate, 2375
while at the same time protecting the health and safety of the 2376
public. Therefore, this act shall go into immediate effect. 2377