

**As Reported by the Senate Judiciary--Civil Justice Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 5**

**Representative Huffman**

**Cosponsors: Representatives Okey, Murray, Letson, McKenney, Coley,  
Bubp, Carney, Combs, DeGeeter, Derickson, Foley, Garland, Luckie, Mallory,  
McClain, Milkovich, O'Brien, Patmon, Pillich, Slaby, Stebelton, Stinziano,**

**Williams Speaker Batchelder**

**Senators Seitz, Obhof, Kearney, Wagoner**

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**A B I L L**

To amend sections 117.091, 2329.66, 2901.02, 2929.18, 1  
2929.24, 2929.25, 2929.27, 2929.28, 2951.02, 2  
4507.02, 4507.164, 4507.35, 4510.036, 4510.037, 3  
4510.11, 4510.12, 4510.14, 4510.16, 4510.161, 4  
4510.21, 4510.22, 4510.41, 4511.19, 4511.203, 5  
4549.02, 4549.021, and 4549.03 and to enact 6  
sections 2746.01, 2746.02, 2746.03, 2746.04, 7  
2746.05, 2746.06, 2746.07, 2746.08, 2746.09, and 8  
4510.111 of the Revised Code to require the Ohio 9  
Judicial Conference periodically to adjust the 10  
dollar amounts specified in the general exemption 11  
statute, to provide consolidated references to 12  
Revised Code sections that establish costs and 13  
fees, other than attorney fees, in the courts of 14  
record of this state, to remove the provision 15  
specifying that an investigator appointed by the 16  
Auditor of State does not have the power and 17  
authority to carry a concealed weapon, to modify 18  
the penalties for certain offenses relating to the 19

operation of motor vehicles, and to allow for a 20  
certificate of judgment to collect a financial 21  
reimbursement sanction in certain cases, the 22  
modification of a community control sanction, the 23  
substitution of a community control sanction for 24  
non-mandatory jail days, and the modification of a 25  
community service sentence by substituting a 26  
contribution to the local entity that funds the 27  
court. 28

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

**Section 1.** That sections 117.091, 2329.66, 2901.02, 2929.18, 29  
2929.24, 2929.25, 2929.27, 2929.28, 2951.02, 4507.02, 4507.164, 30  
4507.35, 4510.036, 4510.037, 4510.11, 4510.12, 4510.14, 4510.16, 31  
4510.161, 4510.21, 4510.22, 4510.41, 4511.19, 4511.203, 4549.02, 32  
4549.021, and 4549.03 be amended and sections 2746.01, 2746.02, 33  
2746.03, 2746.04, 2746.05, 2746.06, 2746.07, 2746.08, 2746.09, and 34  
4510.111 of the Revised Code be enacted to read as follows: 35

**Sec. 117.091.** For the purpose of discharging the duties of 36  
the auditor of state, the auditor of state may appoint any 37  
investigators that are necessary. The auditor of state shall not 38  
appoint a person as an investigator under this section unless the 39  
person holds a valid certificate from the Ohio peace officer 40  
training council. While engaged in the scope of the investigator's 41  
duties in enforcing this chapter, an investigator appointed under 42  
this section has all of the powers and authority of a peace 43  
officer under the laws of this state, ~~except for the power and 44~~  
~~authority to carry a concealed weapon.~~ 45

**Sec. 2329.66.** (A) Every person who is domiciled in this state 46  
may hold property exempt from execution, garnishment, attachment, 47

or sale to satisfy a judgment or order, as follows: 48

(1)(a) In the case of a judgment or order regarding money 49  
owed for health care services rendered or health care supplies 50  
provided to the person or a dependent of the person, one parcel or 51  
item of real or personal property that the person or a dependent 52  
of the person uses as a residence. Division (A)(1)(a) of this 53  
section does not preclude, affect, or invalidate the creation 54  
under this chapter of a judgment lien upon the exempted property 55  
but only delays the enforcement of the lien until the property is 56  
sold or otherwise transferred by the owner or in accordance with 57  
other applicable laws to a person or entity other than the 58  
surviving spouse or surviving minor children of the judgment 59  
debtor. Every person who is domiciled in this state may hold 60  
exempt from a judgment lien created pursuant to division (A)(1)(a) 61  
of this section the person's interest, not to exceed twenty 62  
thousand two hundred dollars, in the exempted property. 63

(b) In the case of all other judgments and orders, the 64  
person's interest, not to exceed twenty thousand two hundred 65  
dollars, in one parcel or item of real or personal property that 66  
the person or a dependent of the person uses as a residence. 67

(2) The person's interest, not to exceed three thousand two 68  
hundred twenty-five dollars, in one motor vehicle; 69

(3) The person's interest, not to exceed four hundred 70  
dollars, in cash on hand, money due and payable, money to become 71  
due within ninety days, tax refunds, and money on deposit with a 72  
bank, savings and loan association, credit union, public utility, 73  
landlord, or other person, other than personal earnings. 74

(4)(a) The person's interest, not to exceed five hundred 75  
twenty-five dollars in any particular item or ten thousand seven 76  
hundred seventy-five dollars in aggregate value, in household 77  
furnishings, household goods, wearing apparel, appliances, books, 78

animals, crops, musical instruments, firearms, and hunting and	79
fishing equipment that are held primarily for the personal,	80
family, or household use of the person;	81
(b) The person's aggregate interest in one or more items of	82
jewelry, not to exceed one thousand three hundred fifty dollars,	83
held primarily for the personal, family, or household use of the	84
person or any of the person's dependents.	85
(5) The person's interest, not to exceed an aggregate of two	86
thousand twenty-five dollars, in all implements, professional	87
books, or tools of the person's profession, trade, or business,	88
including agriculture;	89
(6)(a) The person's interest in a beneficiary fund set apart,	90
appropriated, or paid by a benevolent association or society, as	91
exempted by section 2329.63 of the Revised Code;	92
(b) The person's interest in contracts of life or endowment	93
insurance or annuities, as exempted by section 3911.10 of the	94
Revised Code;	95
(c) The person's interest in a policy of group insurance or	96
the proceeds of a policy of group insurance, as exempted by	97
section 3917.05 of the Revised Code;	98
(d) The person's interest in money, benefits, charity,	99
relief, or aid to be paid, provided, or rendered by a fraternal	100
benefit society, as exempted by section 3921.18 of the Revised	101
Code;	102
(e) The person's interest in the portion of benefits under	103
policies of sickness and accident insurance and in lump sum	104
payments for dismemberment and other losses insured under those	105
policies, as exempted by section 3923.19 of the Revised Code.	106
(7) The person's professionally prescribed or medically	107
necessary health aids;	108

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	109 110 111
(9) The person's interest in the following:	112
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	113 114
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	115 116
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	117 118
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	119 120
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	121 122 123
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	124 125
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	126 127
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under 2929.193 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06	128 129 130 131 132 133 134 135 136 137 138

of the Revised Code, the person's right to a pension, benefit, 139  
annuity, retirement allowance, or accumulated contributions, the 140  
person's right to a participant account in any deferred 141  
compensation program offered by the Ohio public employees deferred 142  
compensation board, a government unit, or a municipal corporation, 143  
or the person's other accrued or accruing rights, as exempted by 144  
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 145  
5505.22 of the Revised Code, and the person's right to benefits 146  
from the Ohio public safety officers death benefit fund; 147

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 148  
3121.03, and 3123.06 of the Revised Code, the person's right to 149  
receive a payment under any pension, annuity, or similar plan or 150  
contract, not including a payment from a stock bonus or 151  
profit-sharing plan or a payment included in division (A)(6)(b) or 152  
(10)(a) of this section, on account of illness, disability, death, 153  
age, or length of service, to the extent reasonably necessary for 154  
the support of the person and any of the person's dependents, 155  
except if all the following apply: 156

(i) The plan or contract was established by or under the 157  
auspices of an insider that employed the person at the time the 158  
person's rights under the plan or contract arose. 159

(ii) The payment is on account of age or length of service. 160

(iii) The plan or contract is not qualified under the 161  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 162  
amended. 163

(c) Except for any portion of the assets that were deposited 164  
for the purpose of evading the payment of any debt and except as 165  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 166  
3123.06 of the Revised Code, the person's right in the assets held 167  
in, or to receive any payment under, any individual retirement 168  
account, individual retirement annuity, "Roth IRA," or education 169

individual retirement account that provides benefits by reason of 170  
illness, disability, death, or age, to the extent that the assets, 171  
payments, or benefits described in division (A)(10)(c) of this 172  
section are attributable to any of the following: 173

(i) Contributions of the person that were less than or equal 174  
to the applicable limits on deductible contributions to an 175  
individual retirement account or individual retirement annuity in 176  
the year that the contributions were made, whether or not the 177  
person was eligible to deduct the contributions on the person's 178  
federal tax return for the year in which the contributions were 179  
made; 180

(ii) Contributions of the person that were less than or equal 181  
to the applicable limits on contributions to a Roth IRA or 182  
education individual retirement account in the year that the 183  
contributions were made; 184

(iii) Contributions of the person that are within the 185  
applicable limits on rollover contributions under subsections 219, 186  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 187  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 188  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 189

(d) Except for any portion of the assets that were deposited 190  
for the purpose of evading the payment of any debt and except as 191  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 192  
3123.06 of the Revised Code, the person's right in the assets held 193  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 194  
that provides benefits by reason of illness, disability, death, or 195  
age, to the extent reasonably necessary for the support of the 196  
person and any of the person's dependents. 197

(11) The person's right to receive spousal support, child 198  
support, an allowance, or other maintenance to the extent 199  
reasonably necessary for the support of the person and any of the 200

person's dependents;	201
(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:	202
(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;	203
(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;	204
(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;	205
(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.	206
(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:	207
(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one	208
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hundred thirty times the current federal minimum hourly wage that 232  
is in effect at the time the earnings are payable, as prescribed 233  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 234  
U.S.C. 206(a)(1), as amended; 235

(b) Seventy-five per cent of the disposable earnings owed to 236  
the person. 237

(14) The person's right in specific partnership property, as 238  
exempted by division (B)(3) of section 1775.24 of the Revised Code 239  
or the person's rights in a partnership pursuant to section 240  
1776.50 of the Revised Code, except as otherwise set forth in 241  
section 1776.50 of the Revised Code; 242

(15) A seal and official register of a notary public, as 243  
exempted by section 147.04 of the Revised Code; 244

(16) The person's interest in a tuition unit or a payment 245  
under section 3334.09 of the Revised Code pursuant to a tuition 246  
payment contract, as exempted by section 3334.15 of the Revised 247  
Code; 248

(17) Any other property that is specifically exempted from 249  
execution, attachment, garnishment, or sale by federal statutes 250  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 251  
U.S.C.A. 101, as amended; 252

(18) The person's aggregate interest in any property, not to 253  
exceed one thousand seventy-five dollars, except that division 254  
(A)(18) of this section applies only in bankruptcy proceedings. 255

(B) On April 1, 2010, and on the first day of April in each 256  
third calendar year after 2010, the Ohio judicial conference shall 257  
adjust each dollar amount set forth in this section ~~shall be~~ 258  
~~adjusted, when determining the amount that is exempt from~~ 259  
~~execution, garnishment, attachment, or sale pursuant to this~~ 260  
~~section,~~ to reflect the change in the consumer price index for all 261  
urban consumers, as published by the United States department of 262

labor, or, if that index is no longer published, a generally 263  
available comparable index, for the three-year period ending on 264  
the thirty-first day of December of the preceding year. Any 265  
adjustments required by this division shall be rounded to the 266  
nearest twenty-five dollars. 267

The Ohio judicial conference shall prepare a memorandum 268  
specifying the adjusted dollar amounts. The judicial conference 269  
shall transmit the memorandum to the director of the legislative 270  
service commission, and the director shall publish the memorandum 271  
in the register of Ohio. (Publication of the memorandum in the 272  
register of Ohio shall continue until the next memorandum 273  
specifying an adjustment is so published.) The judicial conference 274  
also may publish the memorandum in any other manner it concludes 275  
will be reasonably likely to inform persons who are affected by 276  
its adjustment of the dollar amounts. 277

(C) As used in this section: 278

(1) "Disposable earnings" means net earnings after the 279  
garnishee has made deductions required by law, excluding the 280  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 281  
3121.03, or 3123.06 of the Revised Code. 282

(2) "Insider" means: 283

(a) If the person who claims an exemption is an individual, a 284  
relative of the individual, a relative of a general partner of the 285  
individual, a partnership in which the individual is a general 286  
partner, a general partner of the individual, or a corporation of 287  
which the individual is a director, officer, or in control; 288

(b) If the person who claims an exemption is a corporation, a 289  
director or officer of the corporation; a person in control of the 290  
corporation; a partnership in which the corporation is a general 291  
partner; a general partner of the corporation; or a relative of a 292  
general partner, director, officer, or person in control of the 293

corporation; 294

(c) If the person who claims an exemption is a partnership, a 295  
general partner in the partnership; a general partner of the 296  
partnership; a person in control of the partnership; a partnership 297  
in which the partnership is a general partner; or a relative in, a 298  
general partner of, or a person in control of the partnership; 299

(d) An entity or person to which or whom any of the following 300  
applies: 301

(i) The entity directly or indirectly owns, controls, or 302  
holds with power to vote, twenty per cent or more of the 303  
outstanding voting securities of the person who claims an 304  
exemption, unless the entity holds the securities in a fiduciary 305  
or agency capacity without sole discretionary power to vote the 306  
securities or holds the securities solely to secure to debt and 307  
the entity has not in fact exercised the power to vote. 308

(ii) The entity is a corporation, twenty per cent or more of 309  
whose outstanding voting securities are directly or indirectly 310  
owned, controlled, or held with power to vote, by the person who 311  
claims an exemption or by an entity to which division (C)(2)(d)(i) 312  
of this section applies. 313

(iii) A person whose business is operated under a lease or 314  
operating agreement by the person who claims an exemption, or a 315  
person substantially all of whose business is operated under an 316  
operating agreement with the person who claims an exemption. 317

(iv) The entity operates the business or all or substantially 318  
all of the property of the person who claims an exemption under a 319  
lease or operating agreement. 320

(e) An insider, as otherwise defined in this section, of a 321  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 322  
(iv) of this section applies, as if the person or entity were a 323  
person who claims an exemption; 324

(f) A managing agent of the person who claims an exemption.	325
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	326 327
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	328 329
(D) For purposes of this section, "interest" shall be determined as follows:	330 331
(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;	332 333 334
(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.	335 336 337
An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.	338 339 340
<u>Sec. 2746.01. A court of record of this state shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:</u>	341 342 343 344 345
<u>(A) Appraisers, commissioners, or arbitrators appointed to make or procure an appraisal or valuation of any property, as provided in section 2335.02 of the Revised Code;</u>	346 347 348
<u>(B) Auctioneers appointed to conduct any public auction of goods, chattels, or lands required to be sold by an officer of the court, as provided in section 2335.021 of the Revised Code;</u>	349 350 351
<u>(C) Commissioners appointed to make partition of lands or to assign dower and appraisers of real or personal property on</u>	352 353

<u>execution, replevin, or attachment or to fix the value of exempt</u>	354
<u>property, as provided in section 2335.01 of the Revised Code;</u>	355
<u>(D) Deposit of rent with the clerk of court by a resident of</u>	356
<u>a manufactured home park, as provided in section 3733.121 of the</u>	357
<u>Revised Code, or by a tenant of residential premises, as provided</u>	358
<u>in section 5321.08 of the Revised Code;</u>	359
<u>(E) Interpreters, as provided in section 2335.09 of the</u>	360
<u>Revised Code;</u>	361
<u>(F) Fees in a civil action or appeal commenced by an inmate</u>	362
<u>against a government entity or employee, as provided in section</u>	363
<u>2969.22 of the Revised Code;</u>	364
<u>(G) Procurement of a transcript of a judgment or proceeding</u>	365
<u>or exemplification of a record in an appeal or other civil action,</u>	366
<u>as provided in section 2303.21 of the Revised Code;</u>	367
<u>(H) Publication of an advertisement, notice, or proclamation</u>	368
<u>required to be published by a trustee, assignee, executor,</u>	369
<u>administrator, receiver, or other officer of the court or a party</u>	370
<u>in a case or proceeding, as provided in section 7.13 of the</u>	371
<u>Revised Code;</u>	372
<u>(I) Publication of calendars, motion dockets, legal</u>	373
<u>advertisements, and notices, the fees for which are not fixed by</u>	374
<u>law, as provided in section 2701.09 of the Revised Code;</u>	375
<u>(J) Sheriffs, as provided in section 311.17 of the Revised</u>	376
<u>Code;</u>	377
<u>(K) Township constables or members of the police force of a</u>	378
<u>township police district or joint police district, as provided in</u>	379
<u>section 509.15 of the Revised Code;</u>	380
<u>(L) Witnesses, as follows:</u>	381
<u>(1) Fees and mileage in civil cases, as provided in section</u>	382
<u>2335.06 of the Revised Code;</u>	383

<u>(2) Fees and mileage in criminal cases, as provided in</u>	384
<u>section 2335.08 of the Revised Code;</u>	385
<u>(3) Fees in all cases or proceedings not specified in</u>	386
<u>sections 2335.06 and 2335.08 of the Revised Code, as provided in</u>	387
<u>section 2335.05 of the Revised Code;</u>	388
<u>(4) Fees of municipal police officers in state felony cases,</u>	389
<u>as provided in section 2335.17 of the Revised Code;</u>	390
<u>(5) Fees in arbitration proceedings, as provided in section</u>	391
<u>2711.06 of the Revised Code.</u>	392
<u>(M) In an action to abate a nuisance or to enforce a local</u>	393
<u>code relating to buildings, the expenses of operating and</u>	394
<u>conserving the building, as provided in section 3767.41 of the</u>	395
<u>Revised Code.</u>	396
<b><u>Sec. 2746.02. A court of record of this state shall tax as</u></b>	397
<b><u>costs or otherwise require the payment of fees for the following</u></b>	398
<b><u>services rendered, as compensation for the following persons, or</u></b>	399
<b><u>as part of the sentence imposed by the court, or any other of the</u></b>	400
<b><u>following fees that are applicable in a particular case:</u></b>	401
<u>(A) In a felony case, financial sanctions, as provided in</u>	402
<u>section 2929.18 of the Revised Code;</u>	403
<u>(B) In any criminal case, the costs of prosecution, as</u>	404
<u>provided in section 2947.23 of the Revised Code;</u>	405
<u>(C) In a misdemeanor case in which the offender is sentenced</u>	406
<u>to a jail term, the local detention facility is covered by a</u>	407
<u>policy adopted by the facility's governing authority requiring</u>	408
<u>reimbursement for the costs of confinement, and the offender is</u>	409
<u>presented with an itemized bill pursuant to section 2929.37 of the</u>	410
<u>Revised Code for such costs, the costs of confinement, as provided</u>	411
<u>in section 2929.24 of the Revised Code;</u>	412
<u>(D) In a case in which an offender is sentenced for</u>	413

endangering children in violation of section 2919.22 of the 414  
Revised Code, the costs of the offender's supervised community 415  
service work, as provided in section 2919.22 of the Revised Code; 416

(E) In a case in which a defendant is charged with any of 417  
certain sexual assault or prostitution-related offenses and is 418  
found to be suffering from a venereal disease in an infectious 419  
stage, the cost of medical treatment, as provided in section 420  
2907.27 of the Revised Code; 421

(F) In a case in which a defendant is charged with harassment 422  
with a bodily substance, the cost of medical testing, as provided 423  
in section 2921.38 of the Revised Code; 424

(G) In a case in which a defendant is charged with violating 425  
a protection order in violation of section 2919.27 of the Revised 426  
Code or of a municipal ordinance that is substantially similar to 427  
that section, the costs of any evaluation and preceding 428  
examination of the defendant, as provided in section 2919.271 of 429  
the Revised Code; 430

(H) Presentence psychological or psychiatric reports, as 431  
provided in section 2947.06 of the Revised Code; 432

(I) In a criminal proceeding, the taking of a deposition of a 433  
person who is imprisoned in a detention facility or state 434  
correctional institution within this state or who is in the 435  
custody of the department of youth services, as provided in 436  
section 2945.47 of the Revised Code; 437

(J) In a case in which a person is convicted of or pleads 438  
guilty to any offense other than a parking violation or in which a 439  
child is found to be a delinquent child or a juvenile traffic 440  
offender for an act that, if committed by an adult, would be an 441  
offense other than a parking violation, additional costs and bail, 442  
if applicable, as provided in sections 2743.70 and 2949.091 of the 443  
Revised Code, but subject to waiver as provided in section 444

2949.092 of the Revised Code; 445

(K) In a case in which a person is convicted of or pleads 446  
guilty to a moving violation or in which a child is found to be a 447  
juvenile traffic offender for an act which, if committed by an 448  
adult, would be a moving violation, additional costs and bail, if 449  
applicable, as provided in sections 2949.093 and 2949.094 of the 450  
Revised Code, but subject to waiver as provided in section 451  
2949.092 of the Revised Code; 452

(L) In a case in which a defendant is convicted of abandoning 453  
a junk vessel or outboard motor without notifying the appropriate 454  
law enforcement officer, the cost incurred by the state or a 455  
political subdivision in disposing of the vessel or motor, as 456  
provided in section 1547.99 of the Revised Code; 457

(M) The costs of electronic monitoring in the following 458  
cases: 459

(1) In a misdemeanor case in which the offender is convicted 460  
of any of certain prostitution-related offenses and a 461  
specification under section 2941.1421 of the Revised Code, as 462  
provided in section 2929.24 of the Revised Code; 463

(2) In a case in which the court issues a criminal protection 464  
order against a minor upon a petition alleging that the respondent 465  
committed any of certain assault, menacing, or trespass offenses, 466  
a sexually oriented offense, or an offense under a municipal 467  
ordinance that is substantially equivalent to any of those 468  
offenses, as provided in section 2151.34 of the Revised Code; 469

(3) In a case in which the court issues a protection order 470  
against an adult upon a petition alleging that the respondent 471  
committed menacing by stalking or a sexually oriented offense, as 472  
provided in section 2903.214 of the Revised Code; 473

(4) In a case in which an offender is convicted of violating 474  
a protection order, as provided in section 2919.27 of the Revised 475

<u>Code;</u>	476
<u>(5) In a case in which the offender is convicted of any</u>	477
<u>sexually oriented offense and is a tier III sex</u>	478
<u>offender/child-victim offender relative to that offense, as</u>	479
<u>provided in section 2929.13 of the Revised Code.</u>	480
<u>(N) In a proceeding for post-conviction relief, a transcript,</u>	481
<u>as provided in section 2953.21 of the Revised Code;</u>	482
<u>(O) In a proceeding for the sealing of a conviction record,</u>	483
<u>the fee provided for in section 2953.32 of the Revised Code.</u>	484
<b><u>Sec. 2746.03. In addition to any applicable fees or costs set</u></b>	485
<b><u>forth in sections 2746.01 and 2746.02 of the Revised Code or any</u></b>	486
<b><u>other applicable provision of law, the supreme court, a court of</u></b>	487
<b><u>appeals, or the court of claims shall tax as costs or otherwise</u></b>	488
<b><u>require the payment of fees for the following services rendered or</u></b>	489
<b><u>as compensation for the following persons or any other of the</u></b>	490
<b><u>following fees that are applicable in a particular case:</u></b>	491
<u>(A) In the supreme court, filing fees, as provided in section</u>	492
<u>2503.17 of the Revised Code;</u>	493
<u>(B) In a court of appeals:</u>	494
<u>(1) Fees collectible by the clerk of a court of common pleas</u>	495
<u>when acting as the clerk of the court of appeals of the county, as</u>	496
<u>provided in section 2303.03 of the Revised Code;</u>	497
<u>(2) Additional filing fees or charges for special projects,</u>	498
<u>programs, or services, as provided in section 2501.16 of the</u>	499
<u>Revised Code;</u>	500
<u>(3) Sheriffs or other officers who serve process, as provided</u>	501
<u>in section 2501.19 of the Revised Code;</u>	502
<u>(4) Shorthand reporters, as provided in section 2501.17 of</u>	503
<u>the Revised Code;</u>	504

(5) The expense of preparing and transcribing the record in an appeal to the tenth district court of appeals from a ruling of the director of health under the certificate of need program, as provided in section 3702.60 of the Revised Code. 505  
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(C) In the court of claims: 509

(1) The fees provided for in section 2743.09 of the Revised Code; 510  
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(2) Witness fees and mileage, as provided in section 2743.06 of the Revised Code. 512  
513

**Sec. 2746.04.** In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case: 514  
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(A) The fees provided for in section 2303.20 of the Revised Code; 521  
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(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of the court, as provided in section 2303.201 and, for a court that has a domestic relations division, section 2301.031 of the Revised Code; 523  
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(C) Filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, as provided in section 3109.14 of the Revised Code; 531  
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(D) Filing of a foreign judgment pursuant to section 2329.022 534

<u>of the Revised Code, as provided in section 2329.025 of the</u>	535
<u>Revised Code;</u>	536
<u>(E) Interpreters, as provided in section 2301.14 of the</u>	537
<u>Revised Code;</u>	538
<u>(F) Jurors in civil actions, as provided in section 2335.28</u>	539
<u>of the Revised Code;</u>	540
<u>(G) Shorthand reporters, as provided in sections 2301.21 and</u>	541
<u>2301.24 of the Revised Code;</u>	542
<u>(H) In a case involving the operation by a nonresident of a</u>	543
<u>vessel upon the waters in this state, or the operation on the</u>	544
<u>waters in this state of a vessel owned by a nonresident if</u>	545
<u>operated with his consent, actual traveling expenses of the</u>	546
<u>defendant, as provided in section 1547.36 of the Revised Code;</u>	547
<u>(I) In a civil case, the expenses of taking a deposition of a</u>	548
<u>person who is imprisoned in a workhouse, juvenile detention</u>	549
<u>facility, jail, or state correctional institution within this</u>	550
<u>state, or who is in the custody of the department of youth</u>	551
<u>services, as provided in section 2317.06 of the Revised Code;</u>	552
<u>(J) In proceedings relating to the examination of a judgment</u>	553
<u>debtor under sections 2333.09 to 2333.27 of the Revised Code,</u>	554
<u>compensation for clerks, sheriffs, referees, receivers, and</u>	555
<u>witnesses, as provided in section 2333.27 of the Revised Code;</u>	556
<u>(K) In an appeal from an order of an agency issued pursuant</u>	557
<u>to an adjudication under section 119.12 of the Revised Code, the</u>	558
<u>expense of preparing and transcribing the record;</u>	559
<u>(L) In a case in which the court issues a protection order</u>	560
<u>upon a petition alleging that the respondent engaged in domestic</u>	561
<u>violence against a family or household member, the cost of</u>	562
<u>supervision of the respondent's exercise of parenting time,</u>	563
<u>visitation, or companionship rights, as provided in section</u>	564

3113.31 of the Revised Code; 565

(M) Upon a petition to have a person involuntarily 566  
institutionalized, the costs of appointed counsel for the 567  
respondent at a full hearing, as provided in section 5123.76 of 568  
the Revised Code; 569

(N) In a case before the domestic relations division of the 570  
Hamilton county court of common pleas, the expense of serving a 571  
summons, warrant, citation, subpoena, or other writ issued to an 572  
officer other than a bailiff, constable, or staff investigator of 573  
the division, as provided in section 2301.03 of the Revised Code. 574

Sec. 2746.05. In addition to any applicable fees or costs set 575  
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 576  
Code or any other applicable provision of law, a juvenile court 577  
shall tax as costs or otherwise require the payment of fees for 578  
the following services or as compensation for the following 579  
persons: 580

(A) The fees provided for in section 2151.54 of the Revised 581  
Code; 582

(B) Additional fees to computerize the court, make available 583  
computerized legal research services, and computerize the office 584  
of the clerk of the court, as provided in sections 2151.541, 585  
2153.081, and 2301.031 of the Revised Code; 586

(C) The costs of house arrest with electronic monitoring, as 587  
provided in section 2152.19 of the Revised Code; 588

(D) Witness fees, as provided in section 2151.28 of the 589  
Revised Code. 590

Sec. 2746.06. In addition to any applicable fees or costs set 591  
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 592  
Code or any other applicable provision of law, and subject to any 593

waiver of fees for combat zone casualties under section 2101.164 594  
of the Revised Code and any reduction of fees under section 595  
2101.20 of the Revised Code, a probate court shall tax as costs or 596  
otherwise require the payment of fees for the following services 597  
rendered or as compensation for the following persons or any other 598  
of the following fees that are applicable in a particular case: 599

(A) The fees provided for in sections 2101.16, 2101.17, 600  
2101.18, and 2101.32 of the Revised Code; 601

(B) Additional fees to computerize the court, make available 602  
computerized legal research services, and computerize the office 603  
of the clerk of the court, as provided in section 2101.162 of the 604  
Revised Code; 605

(C) In a proceeding upon the assignment of property in trust 606  
for the benefit of creditors, the fees provided for in section 607  
1313.52 of the Revised Code; 608

(D) The fees allowable to a special master commissioner under 609  
section 2101.07 of the Revised Code; 610

(E) In a proceeding filed pursuant to dispute resolution 611  
procedures established by rule of the probate judge, a filing fee, 612  
as provided in section 2101.163 of the Revised Code; 613

(F) Costs incident to the appointment of a fiduciary, as 614  
provided in section 2101.21 of the Revised Code; 615

(G) A fee for solemnizing a marriage, as provided in section 616  
2101.27 of the Revised Code; 617

(H) The additional marriage license fee provided for in 618  
section 3113.34 of the Revised Code; 619

(I) The fee for deposit of a will provided for in section 620  
2107.07 of the Revised Code; 621

(J) In a proceeding for the appointment of a guardian for an 622

alleged incompetent, physicians and other qualified persons to 623  
examine, investigate, or represent the alleged incompetent, as 624  
provided in section 2111.031 of the Revised Code; 625

(K) In an action to obtain authority to sell real estate, the 626  
fees for failure to enter a release and satisfaction provided for 627  
in section 2127.19 of the Revised Code; 628

(L) In a proceeding in aid of execution, the fees provided 629  
for in section 2333.26 and 2333.27 of the Revised Code. 630

**Sec. 2746.07.** In addition to any applicable fees or costs set 631  
forth in sections 2746.01, 2746.02, and 2746.04 of the Revised 632  
Code or any other applicable provision of law, a municipal court 633  
shall tax as costs or otherwise require the payment of fees for 634  
the following services or as compensation for the following 635  
persons: 636

(A) The fees and costs provided for in section 1901.26 of the 637  
Revised Code; 638

(B) Additional fees to computerize the court, make available 639  
computerized legal research services, and computerize the office 640  
of the clerk of the court, as provided in section 1901.261 of the 641  
Revised Code; 642

(C) Jurors, as provided in section 1901.25 of the Revised 643  
Code; 644

(D) In proceedings in the small claims division, the fees and 645  
costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, 646  
and 1925.15 of the Revised Code; 647

(E) In a case in which an accused is brought before the court 648  
pursuant to a warrant to keep the peace, an appeal bond, as 649  
provided in section 2933.06 of the Revised Code; 650

(F) In a proceeding filed pursuant to dispute resolution 651  
procedures established by rule of the court, a filing fee, as 652

provided in section 1901.262 of the Revised Code; 653

(G) In a case in which the clerk of the Cleveland municipal court files a copy of a defendant's bond with the county recorder, the recording fees and charges, as provided in section 1901.21 of the Revised Code; 654  
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(H) In a criminal case, the expenses of an evaluation of the defendant's competence to stand trial or the defendant's mental condition at the time of the commission of the offense, as provided in section 2945.37 of the Revised Code. 658  
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**Sec. 2746.08.** In addition to any applicable fees or costs set forth in sections 2746.01, 2746.02, and 2746.04 of the Revised Code or any other applicable provision of law, a county court shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or such other of the following fees as are applicable in a particular case: 662  
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(A) The fees and costs provided for in section 1907.24 of the Revised Code; 669  
670

(B) Additional fees to computerize the court, make available computerized legal research services, and computerize the office of the clerk of the court, as provided in section 1907.261 of the Revised Code; 671  
672  
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674

(C) Arbitrators, as provided in section 1907.42 of the Revised Code; 675  
676

(D) Jurors, as provided in section 1907.28 of the Revised Code; 677  
678

(E) Performing a marriage ceremony, as provided in section 1907.26 of the Revised Code; 679  
680

(F) Witnesses, as provided in section 1907.27 of the Revised Code; 681  
682

(G) In proceedings in the small claims division, the fees and costs provided for in sections 1925.02, 1925.04, 1925.05, 1925.11, and 1925.15 of the Revised Code; 683  
684  
685

(H) In a case in which an accused is brought before the court pursuant to a warrant to keep the peace, an appeal bond, as provided in section 2933.06 of the Revised Code; 686  
687  
688

(I) In a proceeding filed pursuant to dispute resolution procedures established by rule of the court, a filing fee, as provided in section 1907.262 of the Revised Code. 689  
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**Sec. 2746.09.** In addition to any other applicable fees or costs set forth in this chapter, a court shall tax as costs or otherwise require the payment of the following fees, costs, or expenses: 692  
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695

(A) The costs and expenses of a receiver allowed by the court under section 323.49 of the Revised Code in a proceeding brought by a county treasurer to be appointed receiver for the purposes of collecting taxes and assessments charged upon real estate; 696  
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699

(B) The expenses of a referee or receiver allowed by the court under section 1334.08 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the business opportunity plans act; 700  
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(C) The expenses of a referee or receiver allowed by the court under section 1345.07 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the consumer sales practices act; 704  
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(D) The expenses of a master or receiver allowed by the court under section 5311.27 of the Revised Code in an action brought by the attorney general pursuant to that section for a violation of the condominium act; 708  
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(E) Fees to which a receiver appointed under section 2715.20 712

<u>or 2735.01 of the Revised Code may be entitled;</u>	713
<u>(F) Fees allowed to a receiver under any applicable rule of court.</u>	714 715
<b>Sec. 2901.02.</b> As used in the Revised Code:	716
(A) Offenses include aggravated murder, murder, felonies of the first, second, third, fourth, and fifth degree, misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and offenses not specifically classified.	717 718 719 720
(B) Aggravated murder when the indictment or the count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of Revised Code, and any other offense for which death may be imposed as a penalty, is a capital offense.	721 722 723 724 725
(C) Aggravated murder and murder are felonies.	726
(D) Regardless of the penalty that may be imposed, any offense specifically classified as a felony is a felony, and any offense specifically classified as a misdemeanor is a misdemeanor.	727 728 729
(E) Any offense not specifically classified is a felony if imprisonment for more than one year may be imposed as a penalty.	730 731
(F) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.	732 733 734
(G) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is one of the following:	735 736 737
(1) For an offense committed prior to <del>the effective date of this amendment</del> <u>January 1, 2004</u> , a fine not exceeding one hundred dollars;	738 739 740
(2) For an offense committed on or after <del>the effective date</del>	741

~~of this amendment~~ January 1, 2004, a fine not exceeding one 742  
hundred fifty dollars, community service under division ~~(C)~~(D) of 743  
section 2929.27 of the Revised Code, or a financial sanction other 744  
than a fine under section 2929.28 of the Revised Code. 745

**Sec. 2929.18.** (A) Except as otherwise provided in this 746  
division and in addition to imposing court costs pursuant to 747  
section 2947.23 of the Revised Code, the court imposing a sentence 748  
upon an offender for a felony may sentence the offender to any 749  
financial sanction or combination of financial sanctions 750  
authorized under this section or, in the circumstances specified 751  
in section 2929.32 of the Revised Code, may impose upon the 752  
offender a fine in accordance with that section. Financial 753  
sanctions that may be imposed pursuant to this section include, 754  
but are not limited to, the following: 755

(1) Restitution by the offender to the victim of the 756  
offender's crime or any survivor of the victim, in an amount based 757  
on the victim's economic loss. If the court imposes restitution, 758  
the court shall order that the restitution be made to the victim 759  
in open court, to the adult probation department that serves the 760  
county on behalf of the victim, to the clerk of courts, or to 761  
another agency designated by the court. If the court imposes 762  
restitution, at sentencing, the court shall determine the amount 763  
of restitution to be made by the offender. If the court imposes 764  
restitution, the court may base the amount of restitution it 765  
orders on an amount recommended by the victim, the offender, a 766  
presentence investigation report, estimates or receipts indicating 767  
the cost of repairing or replacing property, and other 768  
information, provided that the amount the court orders as 769  
restitution shall not exceed the amount of the economic loss 770  
suffered by the victim as a direct and proximate result of the 771  
commission of the offense. If the court decides to impose 772  
restitution, the court shall hold a hearing on restitution if the 773

offender, victim, or survivor disputes the amount. All restitution 774  
payments shall be credited against any recovery of economic loss 775  
in a civil action brought by the victim or any survivor of the 776  
victim against the offender. 777

If the court imposes restitution, the court may order that 778  
the offender pay a surcharge of not more than five per cent of the 779  
amount of the restitution otherwise ordered to the entity 780  
responsible for collecting and processing restitution payments. 781

The victim or survivor may request that the prosecutor in the 782  
case file a motion, or the offender may file a motion, for 783  
modification of the payment terms of any restitution ordered. If 784  
the court grants the motion, it may modify the payment terms as it 785  
determines appropriate. 786

(2) Except as provided in division (B)(1), (3), or (4) of 787  
this section, a fine payable by the offender to the state, to a 788  
political subdivision, or as described in division (B)(2) of this 789  
section to one or more law enforcement agencies, with the amount 790  
of the fine based on a standard percentage of the offender's daily 791  
income over a period of time determined by the court and based 792  
upon the seriousness of the offense. A fine ordered under this 793  
division shall not exceed the maximum conventional fine amount 794  
authorized for the level of the offense under division (A)(3) of 795  
this section. 796

(3) Except as provided in division (B)(1), (3), or (4) of 797  
this section, a fine payable by the offender to the state, to a 798  
political subdivision when appropriate for a felony, or as 799  
described in division (B)(2) of this section to one or more law 800  
enforcement agencies, in the following amount: 801

(a) For a felony of the first degree, not more than twenty 802  
thousand dollars; 803

(b) For a felony of the second degree, not more than fifteen 804

thousand dollars;	805
(c) For a felony of the third degree, not more than ten thousand dollars;	806 807
(d) For a felony of the fourth degree, not more than five thousand dollars;	808 809
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	810 811
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	812 813
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	814 815 816
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	817 818 819
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	820 821 822 823 824 825
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	826 827 828 829 830
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation,	831 832 833 834

or another local governmental entity, if, pursuant to section 835  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 836  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 837  
Code, the board, legislative authority, or other local 838  
governmental entity requires prisoners to reimburse the county, 839  
municipal corporation, or other entity for its expenses incurred 840  
by reason of the prisoner's confinement, and if the court does not 841  
impose a financial sanction under division (A)(5)(a)(ii) of this 842  
section, confinement costs may be assessed pursuant to section 843  
2929.37 of the Revised Code. In addition, the offender may be 844  
required to pay the fees specified in section 2929.38 of the 845  
Revised Code in accordance with that section. 846

(c) Reimbursement by the offender for costs pursuant to 847  
section 2929.71 of the Revised Code. 848

(B)(1) For a first, second, or third degree felony violation 849  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 850  
Code, the sentencing court shall impose upon the offender a 851  
mandatory fine of at least one-half of, but not more than, the 852  
maximum statutory fine amount authorized for the level of the 853  
offense pursuant to division (A)(3) of this section. If an 854  
offender alleges in an affidavit filed with the court prior to 855  
sentencing that the offender is indigent and unable to pay the 856  
mandatory fine and if the court determines the offender is an 857  
indigent person and is unable to pay the mandatory fine described 858  
in this division, the court shall not impose the mandatory fine 859  
upon the offender. 860

(2) Any mandatory fine imposed upon an offender under 861  
division (B)(1) of this section and any fine imposed upon an 862  
offender under division (A)(2) or (3) of this section for any 863  
fourth or fifth degree felony violation of any provision of 864  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 865  
to law enforcement agencies pursuant to division (F) of section 866

2925.03 of the Revised Code. 867

(3) For a fourth degree felony OVI offense and for a third 868  
degree felony OVI offense, the sentencing court shall impose upon 869  
the offender a mandatory fine in the amount specified in division 870  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 871  
is applicable. The mandatory fine so imposed shall be disbursed as 872  
provided in the division pursuant to which it is imposed. 873

(4) Notwithstanding any fine otherwise authorized or required 874  
to be imposed under division (A)(2) or (3) or (B)(1) of this 875  
section or section 2929.31 of the Revised Code for a violation of 876  
section 2925.03 of the Revised Code, in addition to any penalty or 877  
sanction imposed for that offense under section 2925.03 or 878  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 879  
the forfeiture of property in connection with the offense as 880  
prescribed in Chapter 2981. of the Revised Code, the court that 881  
sentences an offender for a violation of section 2925.03 of the 882  
Revised Code may impose upon the offender a fine in addition to 883  
any fine imposed under division (A)(2) or (3) of this section and 884  
in addition to any mandatory fine imposed under division (B)(1) of 885  
this section. The fine imposed under division (B)(4) of this 886  
section shall be used as provided in division (H) of section 887  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 888  
of this section shall not exceed whichever of the following is 889  
applicable: 890

(a) The total value of any personal or real property in which 891  
the offender has an interest and that was used in the course of, 892  
intended for use in the course of, derived from, or realized 893  
through conduct in violation of section 2925.03 of the Revised 894  
Code, including any property that constitutes proceeds derived 895  
from that offense; 896

(b) If the offender has no interest in any property of the 897  
type described in division (B)(4)(a) of this section or if it is 898

not possible to ascertain whether the offender has an interest in 899  
any property of that type in which the offender may have an 900  
interest, the amount of the mandatory fine for the offense imposed 901  
under division (B)(1) of this section or, if no mandatory fine is 902  
imposed under division (B)(1) of this section, the amount of the 903  
fine authorized for the level of the offense imposed under 904  
division (A)(3) of this section. 905

(5) Prior to imposing a fine under division (B)(4) of this 906  
section, the court shall determine whether the offender has an 907  
interest in any property of the type described in division 908  
(B)(4)(a) of this section. Except as provided in division (B)(6) 909  
or (7) of this section, a fine that is authorized and imposed 910  
under division (B)(4) of this section does not limit or affect the 911  
imposition of the penalties and sanctions for a violation of 912  
section 2925.03 of the Revised Code prescribed under those 913  
sections or sections 2929.11 to 2929.18 of the Revised Code and 914  
does not limit or affect a forfeiture of property in connection 915  
with the offense as prescribed in Chapter 2981. of the Revised 916  
Code. 917

(6) If the sum total of a mandatory fine amount imposed for a 918  
first, second, or third degree felony violation of section 2925.03 919  
of the Revised Code under division (B)(1) of this section plus the 920  
amount of any fine imposed under division (B)(4) of this section 921  
does not exceed the maximum statutory fine amount authorized for 922  
the level of the offense under division (A)(3) of this section or 923  
section 2929.31 of the Revised Code, the court may impose a fine 924  
for the offense in addition to the mandatory fine and the fine 925  
imposed under division (B)(4) of this section. The sum total of 926  
the amounts of the mandatory fine, the fine imposed under division 927  
(B)(4) of this section, and the additional fine imposed under 928  
division (B)(6) of this section shall not exceed the maximum 929  
statutory fine amount authorized for the level of the offense 930

under division (A)(3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B)(6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B)(4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(8)(a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;

(ii) The value of the victim's labor as guaranteed under the 963  
minimum wage and overtime provisions of the "Federal Fair Labor 964  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 965  
labor laws. 966

(b) If a court imposing sentence upon an offender for a 967  
felony is required to impose upon the offender a financial 968  
sanction of restitution under division (B)(8)(a) of this section, 969  
in addition to that financial sanction of restitution, the court 970  
may sentence the offender to any other financial sanction or 971  
combination of financial sanctions authorized under this section, 972  
including a restitution sanction under division (A)(1) of this 973  
section. 974

(C)(1) The offender shall pay reimbursements imposed upon the 975  
offender pursuant to division (A)(5)(a) of this section to pay the 976  
costs incurred by the department of rehabilitation and correction 977  
in operating a prison or other facility used to confine offenders 978  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 979  
2929.16 of the Revised Code to the treasurer of state. The 980  
treasurer of state shall deposit the reimbursements in the 981  
confinement cost reimbursement fund that is hereby created in the 982  
state treasury. The department of rehabilitation and correction 983  
shall use the amounts deposited in the fund to fund the operation 984  
of facilities used to confine offenders pursuant to sections 985  
2929.14, 2929.142, and 2929.16 of the Revised Code. 986

(2) Except as provided in section 2951.021 of the Revised 987  
Code, the offender shall pay reimbursements imposed upon the 988  
offender pursuant to division (A)(5)(a) of this section to pay the 989  
costs incurred by a county pursuant to any sanction imposed under 990  
this section or section 2929.16 or 2929.17 of the Revised Code or 991  
in operating a facility used to confine offenders pursuant to a 992  
sanction imposed under section 2929.16 of the Revised Code to the 993  
county treasurer. The county treasurer shall deposit the 994

reimbursements in the sanction cost reimbursement fund that each 995  
board of county commissioners shall create in its county treasury. 996  
The county shall use the amounts deposited in the fund to pay the 997  
costs incurred by the county pursuant to any sanction imposed 998  
under this section or section 2929.16 or 2929.17 of the Revised 999  
Code or in operating a facility used to confine offenders pursuant 1000  
to a sanction imposed under section 2929.16 of the Revised Code. 1001

(3) Except as provided in section 2951.021 of the Revised 1002  
Code, the offender shall pay reimbursements imposed upon the 1003  
offender pursuant to division (A)(5)(a) of this section to pay the 1004  
costs incurred by a municipal corporation pursuant to any sanction 1005  
imposed under this section or section 2929.16 or 2929.17 of the 1006  
Revised Code or in operating a facility used to confine offenders 1007  
pursuant to a sanction imposed under section 2929.16 of the 1008  
Revised Code to the treasurer of the municipal corporation. The 1009  
treasurer shall deposit the reimbursements in a special fund that 1010  
shall be established in the treasury of each municipal 1011  
corporation. The municipal corporation shall use the amounts 1012  
deposited in the fund to pay the costs incurred by the municipal 1013  
corporation pursuant to any sanction imposed under this section or 1014  
section 2929.16 or 2929.17 of the Revised Code or in operating a 1015  
facility used to confine offenders pursuant to a sanction imposed 1016  
under section 2929.16 of the Revised Code. 1017

(4) Except as provided in section 2951.021 of the Revised 1018  
Code, the offender shall pay reimbursements imposed pursuant to 1019  
division (A)(5)(a) of this section for the costs incurred by a 1020  
private provider pursuant to a sanction imposed under this section 1021  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 1022

(D) Except as otherwise provided in this division, a 1023  
financial sanction imposed pursuant to division (A) or (B) of this 1024  
section is a judgment in favor of the state or a political 1025  
subdivision in which the court that imposed the financial sanction 1026

is located, and the offender subject to the financial sanction is 1027  
the judgment debtor. A financial sanction of reimbursement imposed 1028  
pursuant to division (A)(5)(a)(ii) of this section upon an 1029  
offender who is incarcerated in a state facility or a municipal 1030  
jail is a judgment in favor of the state or the municipal 1031  
corporation, and the offender subject to the financial sanction is 1032  
the judgment debtor. A financial sanction of reimbursement imposed 1033  
upon an offender pursuant to this section for costs incurred by a 1034  
private provider of sanctions is a judgment in favor of the 1035  
private provider, and the offender subject to the financial 1036  
sanction is the judgment debtor. A financial sanction of 1037  
restitution imposed pursuant to division (A)(1) or (B)(8) of this 1038  
section is an order in favor of the victim of the offender's 1039  
criminal act that can be collected through a certificate of 1040  
judgment as described in division (D)(1) of this section, through 1041  
execution as described in division (D)~~(1)~~(2) of this section, or 1042  
through an order as described in division (D)~~(2)~~(3) of this 1043  
section, and the offender shall be considered for purposes of the 1044  
collection as the judgment debtor. Imposition of a financial 1045  
sanction and execution on the judgment does not preclude any other 1046  
power of the court to impose or enforce sanctions on the offender. 1047  
Once the financial sanction is imposed as a judgment or order 1048  
under this division, the victim, private provider, state, or 1049  
political subdivision may ~~bring an action to~~ do any of the 1050  
following: 1051

(1) Obtain from the clerk of the court in which the judgment 1052  
was entered a certificate of judgment that shall be in the same 1053  
manner and form as a certificate of judgment issued in a civil 1054  
action; 1055

(2) Obtain execution of the judgment or order through any 1056  
available procedure, including: 1057

(a) An execution against the property of the judgment debtor 1058

under Chapter 2329. of the Revised Code;	1059
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	1060 1061
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	1062 1063
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	1064 1065 1066
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	1067 1068
(iii) A creditor's suit under section 2333.01 of the Revised Code.	1069 1070
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	1071 1072
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	1073 1074
<del>(2)</del> (3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	1075 1076
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	1077 1078 1079 1080
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised	1081 1082 1083 1084 1085 1086 1087 1088

Code. Before entering into a contract for the collection of 1089  
amounts due from an offender pursuant to any financial sanction 1090  
imposed pursuant to this section or section 2929.32 of the Revised 1091  
Code, a court shall comply with sections 307.86 to 307.92 of the 1092  
Revised Code. 1093

(G) If a court that imposes a financial sanction under 1094  
division (A) or (B) of this section finds that an offender 1095  
satisfactorily has completed all other sanctions imposed upon the 1096  
offender and that all restitution that has been ordered has been 1097  
paid as ordered, the court may suspend any financial sanctions 1098  
imposed pursuant to this section or section 2929.32 of the Revised 1099  
Code that have not been paid. 1100

(H) No financial sanction imposed under this section or 1101  
section 2929.32 of the Revised Code shall preclude a victim from 1102  
bringing a civil action against the offender. 1103

**Sec. 2929.24.** (A) Except as provided in section 2929.22 or 1104  
2929.23 of the Revised Code or division (E) or (F) of this section 1105  
and unless another term is required or authorized pursuant to law, 1106  
if the sentencing court imposing a sentence upon an offender for a 1107  
misdemeanor elects or is required to impose a jail term on the 1108  
offender pursuant to this chapter, the court shall impose a 1109  
definite jail term that shall be one of the following: 1110

(1) For a misdemeanor of the first degree, not more than one 1111  
hundred eighty days; 1112

(2) For a misdemeanor of the second degree, not more than 1113  
ninety days; 1114

(3) For a misdemeanor of the third degree, not more than 1115  
sixty days; 1116

(4) For a misdemeanor of the fourth degree, not more than 1117  
thirty days. 1118

(B)(1) A court that sentences an offender to a jail term 1119  
under this section may permit the offender to serve the sentence 1120  
in intermittent confinement or may authorize a limited release of 1121  
the offender as provided in division (B) of section 2929.26 of the 1122  
Revised Code. The court retains jurisdiction over every offender 1123  
sentenced to jail to modify the jail sentence imposed at any time, 1124  
but the court shall not reduce any mandatory jail term. 1125

(2)(a) If a prosecutor, as defined in section 2935.01 of the 1126  
Revised Code, has filed a notice with the court that the 1127  
prosecutor wants to be notified about a particular case and if the 1128  
court is considering modifying the jail sentence of the offender 1129  
in that case, the court shall notify the prosecutor that the court 1130  
is considering modifying the jail sentence of the offender in that 1131  
case. The prosecutor may request a hearing regarding the court's 1132  
consideration of modifying the jail sentence of the offender in 1133  
that case, and, if the prosecutor requests a hearing, the court 1134  
shall notify the eligible offender of the hearing. 1135

(b) If the prosecutor requests a hearing regarding the 1136  
court's consideration of modifying the jail sentence of the 1137  
offender in that case, the court shall hold the hearing before 1138  
considering whether or not to release the offender from the 1139  
offender's jail sentence. 1140

(C) If a court sentences an offender to a jail term under 1141  
this section and the court assigns the offender to a county jail 1142  
that has established a county jail industry program pursuant to 1143  
section 5147.30 of the Revised Code, the court shall specify, as 1144  
part of the sentence, whether the offender may be considered for 1145  
participation in the program. During the offender's term in the 1146  
county jail, the court retains jurisdiction to modify its 1147  
specification regarding the offender's participation in the county 1148  
jail industry program. 1149

(D) If a person is sentenced to a jail term pursuant to this 1150

section, the court may impose as part of the sentence pursuant to 1151  
section 2929.28 of the Revised Code a reimbursement sanction, and, 1152  
if the local detention facility in which the term is to be served 1153  
is covered by a policy adopted pursuant to section 307.93, 341.14, 1154  
341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 1155  
2947.19 of the Revised Code and section 2929.37 of the Revised 1156  
Code, both of the following apply: 1157

(1) The court shall specify both of the following as part of 1158  
the sentence: 1159

(a) If the person is presented with an itemized bill pursuant 1160  
to section 2929.37 of the Revised Code for payment of the costs of 1161  
confinement, the person is required to pay the bill in accordance 1162  
with that section. 1163

(b) If the person does not dispute the bill described in 1164  
division (D)(1)(a) of this section and does not pay the bill by 1165  
the times specified in section 2929.37 of the Revised Code, the 1166  
clerk of the court may issue a certificate of judgment against the 1167  
person as described in that section. 1168

(2) The sentence automatically includes any certificate of 1169  
judgment issued as described in division (D)(1)(b) of this 1170  
section. 1171

(E) If an offender who is convicted of or pleads guilty to a 1172  
violation of division (B) of section 4511.19 of the Revised Code 1173  
also is convicted of or also pleads guilty to a specification of 1174  
the type described in section 2941.1416 of the Revised Code and if 1175  
the court imposes a jail term on the offender for the underlying 1176  
offense, the court shall impose upon the offender an additional 1177  
definite jail term of not more than six months. The additional 1178  
jail term shall not be reduced pursuant to any provision of the 1179  
Revised Code. The offender shall serve the additional jail term 1180  
consecutively to and prior to the jail term imposed for the 1181

underlying offense and consecutively to any other mandatory term 1182  
imposed in relation to the offense. 1183

(F)(1) If an offender is convicted of or pleads guilty to a 1184  
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 1185  
2907.25 of the Revised Code and to a specification of the type 1186  
described in section 2941.1421 of the Revised Code and if the 1187  
court imposes a jail term on the offender for the misdemeanor 1188  
violation, the court may impose upon the offender an additional 1189  
definite jail term as follows: 1190

(a) Subject to division (F)(1)(b) of this section, an 1191  
additional definite jail term of not more than sixty days; 1192

(b) If the offender previously has been convicted of or 1193  
pleaded guilty to one or more misdemeanor or felony violations of 1194  
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1195  
Revised Code and also was convicted of or pleaded guilty to a 1196  
specification of the type described in section 2941.1421 of the 1197  
Revised Code regarding one or more of those violations, an 1198  
additional definite jail term of not more than one hundred twenty 1199  
days. 1200

(2) In lieu of imposing an additional definite jail term 1201  
under division (F)(1) of this section, the court may directly 1202  
impose on the offender a sanction that requires the offender to 1203  
wear a real-time processing, continual tracking electronic 1204  
monitoring device during the period of time specified by the 1205  
court. The period of time specified by the court shall equal the 1206  
duration of an additional jail term that the court could have 1207  
imposed upon the offender under division (F)(1) of this section. A 1208  
sanction imposed under this division shall commence on the date 1209  
specified by the court, provided that the sanction shall not 1210  
commence until after the offender has served the jail term imposed 1211  
for the misdemeanor violation of section 2907.23, 2907.24, 1212  
2907.241, or 2907.25 of the Revised Code and any residential 1213

sanction imposed for the violation under section 2929.26 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.25 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(G) If an offender is convicted of or pleads guilty to a misdemeanor violation of section 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, the court shall impose on the offender a mandatory jail term that is a definite term of at least thirty days.

(H) If a court sentences an offender to a jail term under this section, the sentencing court retains jurisdiction over the offender and the jail term. Upon motion of either party or upon the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may substitute one or more community control sanctions under section 2929.26 or 2929.27 of the Revised Code for any jail days that are not mandatory jail days.

**Sec. 2929.25.** (A)(1) Except as provided in sections 2929.22 and 2929.23 of the Revised Code or when a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following:

(a) Directly impose a sentence that consists of one or more community control sanctions authorized by section 2929.26, 2929.27, or 2929.28 of the Revised Code. The court may impose any other conditions of release under a community control sanction that the court considers appropriate. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanctions in addition to the jail term.

(b) Impose a jail term under section 2929.24 of the Revised Code from the range of jail terms authorized under that section for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code.

(2) The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years.

(3) At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (A)(1)(a) or (B) of this section, the court shall state the duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following:

(a) Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five-year limit specified in division (A)(2) of this section;

(b) Impose a more restrictive community control sanction under section 2929.26, 2929.27, or 2929.28 of the Revised Code, but the court is not required to impose any particular sanction or

sanctions;	1276
(c) Impose a definite jail term from the range of jail terms authorized for the offense under section 2929.24 of the Revised Code.	1277 1278 1279
(B) <u>If a court sentences an offender to any community control sanction or combination of community control sanctions pursuant to division (A)(1)(a) of this section, the sentencing court retains jurisdiction over the offender and the period of community control for the duration of the period of community control. Upon the motion of either party or on the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may modify the community control sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.</u>	1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291
(C)(1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration	1292 1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 1305 1306 1307

of the sanction or sanctions imposed. 1308

(2) The sentencing court shall require as a condition of any 1309  
community control sanction that the offender abide by the law and 1310  
not leave the state without the permission of the court or the 1311  
offender's probation officer. In the interests of doing justice, 1312  
rehabilitating the offender, and ensuring the offender's good 1313  
behavior, the court may impose additional requirements on the 1314  
offender. The offender's compliance with the additional 1315  
requirements also shall be a condition of the community control 1316  
sanction imposed upon the offender. 1317

~~(C)~~(D)(1) If the court imposing sentence upon an offender 1318  
sentences the offender to any community control sanction or 1319  
combination of community control sanctions authorized under 1320  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1321  
the offender violates any of the conditions of the sanctions, the 1322  
public or private person or entity that supervises or administers 1323  
the program or activity that comprises the sanction shall report 1324  
the violation directly to the sentencing court or to the 1325  
department of probation or probation officer with general control 1326  
and supervision over the offender. If the public or private person 1327  
or entity reports the violation to the department of probation or 1328  
probation officer, the department or officer shall report the 1329  
violation to the sentencing court. 1330

(2) If an offender violates any condition of a community 1331  
control sanction, the sentencing court may impose upon the 1332  
violation one or more of the following penalties: 1333

(a) A longer time under the same community control sanction 1334  
if the total time under all of the community control sanctions 1335  
imposed on the violator does not exceed the five-year limit 1336  
specified in division (A)(2) of this section; 1337

(b) A more restrictive community control sanction; 1338

(c) A combination of community control sanctions, including a 1339  
jail term. 1340

(3) If the court imposes a jail term upon a violator pursuant 1341  
to division ~~(C)~~(D)(2) of this section, the total time spent in 1342  
jail for the misdemeanor offense and the violation of a condition 1343  
of the community control sanction shall not exceed the maximum 1344  
jail term available for the offense for which the sanction that 1345  
was violated was imposed. The court may reduce the longer period 1346  
of time that the violator is required to spend under the longer 1347  
sanction or the more restrictive sanction imposed under division 1348  
~~(C)~~(D)(2) of this section by all or part of the time the violator 1349  
successfully spent under the sanction that was initially imposed. 1350

~~(D)~~(E) Except as otherwise provided in this division, if an 1351  
offender, for a significant period of time, fulfills the 1352  
conditions of a community control sanction imposed pursuant to 1353  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1354  
exemplary manner, the court may reduce the period of time under 1355  
the community control sanction or impose a less restrictive 1356  
community control sanction. Fulfilling the conditions of a 1357  
community control sanction does not relieve the offender of a duty 1358  
to make restitution under section 2929.28 of the Revised Code. 1359

**Sec. 2929.27.** (A) Except when a mandatory jail term is 1360  
required by law, the court imposing a sentence for a misdemeanor, 1361  
other than a minor misdemeanor, may impose upon the offender any 1362  
nonresidential sanction or combination of nonresidential sanctions 1363  
authorized under this division. Nonresidential sanctions include, 1364  
but are not limited to, the following: 1365

(1) A term of day reporting; 1366

(2) A term of house arrest with electronic monitoring or 1367  
continuous alcohol monitoring or both electronic monitoring and 1368  
continuous alcohol monitoring, a term of electronic monitoring or 1369

continuous alcohol monitoring without house arrest, or a term of 1370  
house arrest without electronic monitoring or continuous alcohol 1371  
monitoring; 1372

(3) A term of community service of up to five hundred hours 1373  
for a misdemeanor of the first degree or two hundred hours for a 1374  
misdemeanor of the second, third, or fourth degree; 1375

(4) A term in a drug treatment program with a level of 1376  
security for the offender as determined necessary by the court; 1377

(5) A term of intensive probation supervision; 1378

(6) A term of basic probation supervision; 1379

(7) A term of monitored time; 1380

(8) A term of drug and alcohol use monitoring, including 1381  
random drug testing; 1382

(9) A curfew term; 1383

(10) A requirement that the offender obtain employment; 1384

(11) A requirement that the offender obtain education or 1385  
training; 1386

(12) Provided the court obtains the prior approval of the 1387  
victim, a requirement that the offender participate in 1388  
victim-offender mediation; 1389

(13) If authorized by law, suspension of the offender's 1390  
privilege to operate a motor vehicle, immobilization or forfeiture 1391  
of the offender's motor vehicle, a requirement that the offender 1392  
obtain a valid motor vehicle operator's license, or any other 1393  
related sanction; 1394

(14) A requirement that the offender obtain counseling if the 1395  
offense is a violation of section 2919.25 or a violation of 1396  
section 2903.13 of the Revised Code involving a person who was a 1397  
family or household member at the time of the violation, if the 1398

offender committed the offense in the vicinity of one or more 1399  
children who are not victims of the offense, and if the offender 1400  
or the victim of the offense is a parent, guardian, custodian, or 1401  
person in loco parentis of one or more of those children. This 1402  
division does not limit the court in requiring that the offender 1403  
obtain counseling for any offense or in any circumstance not 1404  
specified in this division. 1405

(B) If the court imposes a term of community service pursuant 1406  
to division (A)(3) of this section, the offender may request that 1407  
the court modify the sentence to authorize the offender to make a 1408  
reasonable contribution, as determined by the court, to the 1409  
general fund of the county, municipality, or other local entity 1410  
that provides funding to the court. The court may grant the 1411  
request if the offender demonstrates a change in circumstances 1412  
from the date the court imposes the sentence or that the 1413  
modification would otherwise be in the interests of justice. If 1414  
the court grants the request, the offender shall make a reasonable 1415  
contribution to the court, and the clerk of the court shall 1416  
deposit that contribution into the general fund of the county, 1417  
municipality, or other local entity that provides funding to the 1418  
court. If more than one entity provides funding to the court, the 1419  
clerk shall deposit a percentage of the reasonable contribution 1420  
equal to the percentage of funding the entity provides to the 1421  
court in that entity's general fund. 1422

(C) In addition to the sanctions authorized under division 1423  
(A) of this section, the court imposing a sentence for a 1424  
misdemeanor, other than a minor misdemeanor, upon an offender who 1425  
is not required to serve a mandatory jail term may impose any 1426  
other sanction that is intended to discourage the offender or 1427  
other persons from committing a similar offense if the sanction is 1428  
reasonably related to the overriding purposes and principles of 1429  
misdemeanor sentencing. 1430

~~(C)~~(D) The court imposing a sentence for a minor misdemeanor 1431  
may impose a term of community service in lieu of all or part of a 1432  
fine. The term of community service imposed for a minor 1433  
misdemeanor shall not exceed thirty hours. After imposing a term 1434  
of community service, the court may modify the sentence to 1435  
authorize a reasonable contribution, as determined by the court, 1436  
to the appropriate general fund as provided in division (B) of 1437  
this section. 1438

**Sec. 2929.28.** (A) In addition to imposing court costs 1439  
pursuant to section 2947.23 of the Revised Code, the court 1440  
imposing a sentence upon an offender for a misdemeanor, including 1441  
a minor misdemeanor, may sentence the offender to any financial 1442  
sanction or combination of financial sanctions authorized under 1443  
this section. If the court in its discretion imposes one or more 1444  
financial sanctions, the financial sanctions that may be imposed 1445  
pursuant to this section include, but are not limited to, the 1446  
following: 1447

(1) Unless the misdemeanor offense is a minor misdemeanor or 1448  
could be disposed of by the traffic violations bureau serving the 1449  
court under Traffic Rule 13, restitution by the offender to the 1450  
victim of the offender's crime or any survivor of the victim, in 1451  
an amount based on the victim's economic loss. The court may not 1452  
impose restitution as a sanction pursuant to this division if the 1453  
offense is a minor misdemeanor or could be disposed of by the 1454  
traffic violations bureau serving the court under Traffic Rule 13. 1455  
If the court requires restitution, the court shall order that the 1456  
restitution be made to the victim in open court or to the adult 1457  
probation department that serves the jurisdiction or the clerk of 1458  
the court on behalf of the victim. 1459

If the court imposes restitution, the court shall determine 1460  
the amount of restitution to be paid by the offender. If the court 1461

imposes restitution, the court may base the amount of restitution 1462  
it orders on an amount recommended by the victim, the offender, a 1463  
presentence investigation report, estimates or receipts indicating 1464  
the cost of repairing or replacing property, and other 1465  
information, provided that the amount the court orders as 1466  
restitution shall not exceed the amount of the economic loss 1467  
suffered by the victim as a direct and proximate result of the 1468  
commission of the offense. If the court decides to impose 1469  
restitution, the court shall hold an evidentiary hearing on 1470  
restitution if the offender, victim, or survivor disputes the 1471  
amount of restitution. If the court holds an evidentiary hearing, 1472  
at the hearing the victim or survivor has the burden to prove by a 1473  
preponderance of the evidence the amount of restitution sought 1474  
from the offender. 1475

All restitution payments shall be credited against any 1476  
recovery of economic loss in a civil action brought by the victim 1477  
or any survivor of the victim against the offender. No person may 1478  
introduce evidence of an award of restitution under this section 1479  
in a civil action for purposes of imposing liability against an 1480  
insurer under section 3937.18 of the Revised Code. 1481

If the court imposes restitution, the court may order that 1482  
the offender pay a surcharge, of not more than five per cent of 1483  
the amount of the restitution otherwise ordered, to the entity 1484  
responsible for collecting and processing restitution payments. 1485

The victim or survivor may request that the prosecutor in the 1486  
case file a motion, or the offender may file a motion, for 1487  
modification of the payment terms of any restitution ordered. If 1488  
the court grants the motion, it may modify the payment terms as it 1489  
determines appropriate. 1490

(2) A fine of the type described in divisions (A)(2)(a) and 1491  
(b) of this section payable to the appropriate entity as required 1492  
by law: 1493

(a) A fine in the following amount:	1494
(i) For a misdemeanor of the first degree, not more than one thousand dollars;	1495 1496
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	1497 1498
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	1499 1500
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	1501 1502
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	1503 1504
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	1505 1506
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	1507 1508 1509
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	1510 1511 1512
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	1513 1514 1515 1516 1517
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	1518 1519 1520 1521 1522
(b) The amount of reimbursement ordered under division	1523

(A)(3)(a) of this section shall not exceed the total amount of 1524  
reimbursement the offender is able to pay and shall not exceed the 1525  
actual cost of the sanctions. The court may collect any amount of 1526  
reimbursement the offender is required to pay under that division. 1527  
If the court does not order reimbursement under that division, 1528  
confinement costs may be assessed pursuant to a repayment policy 1529  
adopted under section 2929.37 of the Revised Code. In addition, 1530  
the offender may be required to pay the fees specified in section 1531  
2929.38 of the Revised Code in accordance with that section. 1532

(B) If the court determines a hearing is necessary, the court 1533  
may hold a hearing to determine whether the offender is able to 1534  
pay the financial sanction imposed pursuant to this section or 1535  
court costs or is likely in the future to be able to pay the 1536  
sanction or costs. 1537

If the court determines that the offender is indigent and 1538  
unable to pay the financial sanction or court costs, the court 1539  
shall consider imposing and may impose a term of community service 1540  
under division (A) of section 2929.27 of the Revised Code in lieu 1541  
of imposing a financial sanction or court costs. If the court does 1542  
not determine that the offender is indigent, the court may impose 1543  
a term of community service under division (A) of section 2929.27 1544  
of the Revised Code in lieu of or in addition to imposing a 1545  
financial sanction under this section and in addition to imposing 1546  
court costs. The court may order community service for a minor 1547  
misdemeanor pursuant to division ~~(C)~~(D) of section 2929.27 of the 1548  
Revised Code in lieu of or in addition to imposing a financial 1549  
sanction under this section and in addition to imposing court 1550  
costs. If a person fails to pay a financial sanction or court 1551  
costs, the court may order community service in lieu of the 1552  
financial sanction or court costs. 1553

(C)(1) The offender shall pay reimbursements imposed upon the 1554  
offender pursuant to division (A)(3) of this section to pay the 1555

costs incurred by a county pursuant to any sanction imposed under 1556  
this section or section 2929.26 or 2929.27 of the Revised Code or 1557  
in operating a facility used to confine offenders pursuant to a 1558  
sanction imposed under section 2929.26 of the Revised Code to the 1559  
county treasurer. The county treasurer shall deposit the 1560  
reimbursements in the county's general fund. The county shall use 1561  
the amounts deposited in the fund to pay the costs incurred by the 1562  
county pursuant to any sanction imposed under this section or 1563  
section 2929.26 or 2929.27 of the Revised Code or in operating a 1564  
facility used to confine offenders pursuant to a sanction imposed 1565  
under section 2929.26 of the Revised Code. 1566

(2) The offender shall pay reimbursements imposed upon the 1567  
offender pursuant to division (A)(3) of this section to pay the 1568  
costs incurred by a municipal corporation pursuant to any sanction 1569  
imposed under this section or section 2929.26 or 2929.27 of the 1570  
Revised Code or in operating a facility used to confine offenders 1571  
pursuant to a sanction imposed under section 2929.26 of the 1572  
Revised Code to the treasurer of the municipal corporation. The 1573  
treasurer shall deposit the reimbursements in the municipal 1574  
corporation's general fund. The municipal corporation shall use 1575  
the amounts deposited in the fund to pay the costs incurred by the 1576  
municipal corporation pursuant to any sanction imposed under this 1577  
section or section 2929.26 or 2929.27 of the Revised Code or in 1578  
operating a facility used to confine offenders pursuant to a 1579  
sanction imposed under section 2929.26 of the Revised Code. 1580

(3) The offender shall pay reimbursements imposed pursuant to 1581  
division (A)(3) of this section for the costs incurred by a 1582  
private provider pursuant to a sanction imposed under this section 1583  
or section 2929.26 or 2929.27 of the Revised Code to the provider. 1584

(D) Except as otherwise provided in this division, a 1585  
financial sanction imposed under division (A) of this section is a 1586  
judgment in favor of the state or the political subdivision that 1587

operates the court that imposed the financial sanction, and the 1588  
offender subject to the financial sanction is the judgment debtor. 1589  
A financial sanction of reimbursement imposed pursuant to division 1590  
(A)(3)(a)(i) of this section upon an offender is a judgment in 1591  
favor of the entity administering the community control sanction, 1592  
and the offender subject to the financial sanction is the judgment 1593  
debtor. A financial sanction of reimbursement imposed pursuant to 1594  
division (A)(3)(a)(ii) of this section upon an offender confined 1595  
in a jail or other residential facility is a judgment in favor of 1596  
the entity operating the jail or other residential facility, and 1597  
the offender subject to the financial sanction is the judgment 1598  
debtor. A financial sanction of restitution imposed pursuant to 1599  
division (A)(1) of this section is an order in favor of the victim 1600  
of the offender's criminal act that can be collected through a 1601  
certificate of judgment as described in division (D)(1) of this 1602  
section, through execution as described in division (D)~~(1)~~(2) of 1603  
this section, or through an order as described in division 1604  
(D)~~(2)~~(3) of this section, and the offender shall be considered 1605  
for purposes of the collection as the judgment debtor. 1606

Once the financial sanction is imposed as a judgment or order 1607  
under this division, the victim, private provider, state, or 1608  
political subdivision may ~~bring an action to~~ do any of the 1609  
following: 1610

(1) Obtain from the clerk of the court in which the judgment 1611  
was entered a certificate of judgment that shall be in the same 1612  
manner and form as a certificate of judgment issued in a civil 1613  
action; 1614

(2) Obtain execution of the judgment or order through any 1615  
available procedure, including any of the procedures identified in 1616  
divisions (D)(1)~~(a) to (e)~~ and (2) of section 2929.18 of the 1617  
Revised Code. 1618

~~(2)~~(3) Obtain an order for the assignment of wages of the 1619

judgment debtor under section 1321.33 of the Revised Code. 1620

(E) The civil remedies authorized under division (D) of this 1621  
section for the collection of the financial sanction supplement, 1622  
but do not preclude, enforcement of the criminal sentence. 1623

(F) Each court imposing a financial sanction upon an offender 1624  
under this section may designate the clerk of the court or another 1625  
person to collect the financial sanction. The clerk, or another 1626  
person authorized by law or the court to collect the financial 1627  
sanction may do the following: 1628

(1) Enter into contracts with one or more public agencies or 1629  
private vendors for the collection of amounts due under the 1630  
sanction. Before entering into a contract for the collection of 1631  
amounts due from an offender pursuant to any financial sanction 1632  
imposed pursuant to this section, a court shall comply with 1633  
sections 307.86 to 307.92 of the Revised Code. 1634

(2) Permit payment of all or any portion of the sanction in 1635  
installments, by financial transaction device if the court is a 1636  
county court or a municipal court operated by a county, by credit 1637  
or debit card or by another electronic transfer if the court is a 1638  
municipal court not operated by a county, or by any other 1639  
reasonable method, in any time, and on any terms that court 1640  
considers just, except that the maximum time permitted for payment 1641  
shall not exceed five years. If the court is a county court or a 1642  
municipal court operated by a county, the acceptance of payments 1643  
by any financial transaction device shall be governed by the 1644  
policy adopted by the board of county commissioners of the county 1645  
pursuant to section 301.28 of the Revised Code. If the court is a 1646  
municipal court not operated by a county, the clerk may pay any 1647  
fee associated with processing an electronic transfer out of 1648  
public money or may charge the fee to the offender. 1649

(3) To defray administrative costs, charge a reasonable fee 1650

to an offender who elects a payment plan rather than a lump sum 1651  
payment of any financial sanction. 1652

(G) No financial sanction imposed under this section shall 1653  
preclude a victim from bringing a civil action against the 1654  
offender. 1655

**Sec. 2951.02.** (A) During the period of a misdemeanor 1656  
offender's community control sanction or during the period of a 1657  
felony offender's nonresidential sanction, authorized probation 1658  
officers who are engaged within the scope of their supervisory 1659  
duties or responsibilities may search, with or without a warrant, 1660  
the person of the offender, the place of residence of the 1661  
offender, and a motor vehicle, another item of tangible or 1662  
intangible personal property, or other real property in which the 1663  
offender has a right, title, or interest or for which the offender 1664  
has the express or implied permission of a person with a right, 1665  
title, or interest to use, occupy, or possess if the probation 1666  
officers have reasonable grounds to believe that the offender is 1667  
not abiding by the law or otherwise is not complying with the 1668  
conditions of the misdemeanor offender's community control 1669  
sanction or the conditions of the felony offender's nonresidential 1670  
sanction. If a felony offender who is sentenced to a 1671  
nonresidential sanction is under the general control and 1672  
supervision of the adult parole authority, as described in 1673  
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 1674  
parole authority field officers with supervisory responsibilities 1675  
over the felony offender shall have the same search authority 1676  
relative to the felony offender during the period of the sanction 1677  
that is described under this division for probation officers. The 1678  
court that places the misdemeanor offender under a community 1679  
control sanction pursuant to section 2929.25 of the Revised Code 1680  
or that sentences the felony offender to a nonresidential sanction 1681  
pursuant to section 2929.17 of the Revised Code shall provide the 1682

offender with a written notice that informs the offender that 1683  
authorized probation officers or adult parole authority field 1684  
officers with supervisory responsibilities over the offender who 1685  
are engaged within the scope of their supervisory duties or 1686  
responsibilities may conduct those types of searches during the 1687  
period of community control sanction or the nonresidential 1688  
sanction if they have reasonable grounds to believe that the 1689  
offender is not abiding by the law or otherwise is not complying 1690  
with the conditions of the offender's community control sanction 1691  
or nonresidential sanction. 1692

(B) If an offender is convicted of or pleads guilty to a 1693  
misdemeanor, the court may require the offender, as a condition of 1694  
the offender's sentence of a community control sanction, to 1695  
perform supervised community service work in accordance with this 1696  
division. If an offender is convicted of or pleads guilty to a 1697  
felony, the court, pursuant to sections 2929.15 and 2929.17 of the 1698  
Revised Code, may impose a sanction that requires the offender to 1699  
perform supervised community service work in accordance with this 1700  
division. The supervised community service work shall be under the 1701  
authority of health districts, park districts, counties, municipal 1702  
corporations, townships, other political subdivisions of the 1703  
state, or agencies of the state or any of its political 1704  
subdivisions, or under the authority of charitable organizations 1705  
that render services to the community or its citizens, in 1706  
accordance with this division. The court may require an offender 1707  
who is ordered to perform the work to pay to it a reasonable fee 1708  
to cover the costs of the offender's participation in the work, 1709  
including, but not limited to, the costs of procuring a policy or 1710  
policies of liability insurance to cover the period during which 1711  
the offender will perform the work. 1712

A court may permit any offender convicted of a felony or a 1713  
misdemeanor to satisfy the payment of a fine imposed for the 1714

offense pursuant to section 2929.18 or 2929.28 of the Revised Code 1715  
by performing supervised community service work as described in 1716  
this division if the offender requests an opportunity to satisfy 1717  
the payment by this means and if the court determines that the 1718  
offender is financially unable to pay the fine. 1719

After imposing a term of community service, the court may 1720  
modify the sentence to authorize a reasonable contribution to the 1721  
appropriate general fund as provided in division (B) of section 1722  
2929.27 of the Revised Code. 1723

The supervised community service work that may be imposed 1724  
under this division shall be subject to the following limitations: 1725

(1) The court shall fix the period of the work and, if 1726  
necessary, shall distribute it over weekends or over other 1727  
appropriate times that will allow the offender to continue at the 1728  
offender's occupation or to care for the offender's family. The 1729  
period of the work as fixed by the court shall not exceed in the 1730  
aggregate the number of hours of community service imposed by the 1731  
court pursuant to section 2929.17 or 2929.27 of the Revised Code. 1732

(2) An agency, political subdivision, or charitable 1733  
organization must agree to accept the offender for the work before 1734  
the court requires the offender to perform the work for the 1735  
entity. A court shall not require an offender to perform 1736  
supervised community service work for an agency, political 1737  
subdivision, or charitable organization at a location that is an 1738  
unreasonable distance from the offender's residence or domicile, 1739  
unless the offender is provided with transportation to the 1740  
location where the work is to be performed. 1741

(3) A court may enter into an agreement with a county 1742  
department of job and family services for the management, 1743  
placement, and supervision of offenders eligible for community 1744  
service work in work activities, developmental activities, and 1745

alternative work activities under sections 5107.40 to 5107.69 of 1746  
the Revised Code. If a court and a county department of job and 1747  
family services have entered into an agreement of that nature, the 1748  
clerk of that court is authorized to pay directly to the county 1749  
department all or a portion of the fees collected by the court 1750  
pursuant to this division in accordance with the terms of its 1751  
agreement. 1752

(4) Community service work that a court requires under this 1753  
division shall be supervised by an official of the agency, 1754  
political subdivision, or charitable organization for which the 1755  
work is performed or by a person designated by the agency, 1756  
political subdivision, or charitable organization. The official or 1757  
designated person shall be qualified for the supervision by 1758  
education, training, or experience, and periodically shall report, 1759  
in writing, to the court and to the offender's probation officer 1760  
concerning the conduct of the offender in performing the work. 1761

(5) The total of any period of supervised community service 1762  
work imposed on an offender under division (B) of this section 1763  
plus the period of all other sanctions imposed pursuant to 1764  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1765  
Code for a felony, or pursuant to sections 2929.25, 2929.26, 1766  
2929.27, and 2929.28 of the Revised Code for a misdemeanor, shall 1767  
not exceed five years. 1768

(C)(1) If an offender is convicted of a violation of section 1769  
4511.19 of the Revised Code, a municipal ordinance relating to 1770  
operating a vehicle while under the influence of alcohol, a drug 1771  
of abuse, or a combination of them, or a municipal ordinance 1772  
relating to operating a vehicle with a prohibited concentration of 1773  
alcohol, a controlled substance, or a metabolite of a controlled 1774  
substance in the whole blood, blood serum or plasma, breath, or 1775  
urine, the court may require, as a condition of a community 1776  
control sanction, any suspension of a driver's or commercial 1777

driver's license or permit or nonresident operating privilege, and 1778  
all other penalties provided by law or by ordinance, that the 1779  
offender operate only a motor vehicle equipped with an ignition 1780  
interlock device that is certified pursuant to section 4510.43 of 1781  
the Revised Code. 1782

(2) If a court requires an offender, as a condition of a 1783  
community control sanction pursuant to division (C)(1) of this 1784  
section, to operate only a motor vehicle equipped with an ignition 1785  
interlock device that is certified pursuant to section 4510.43 of 1786  
the Revised Code, the offender immediately shall surrender the 1787  
offender's driver's or commercial driver's license or permit to 1788  
the court. Upon the receipt of the offender's license or permit, 1789  
the court shall issue an order authorizing the offender to operate 1790  
a motor vehicle equipped with a certified ignition interlock 1791  
device, deliver the offender's license or permit to the bureau of 1792  
motor vehicles, and include in the abstract of the case forwarded 1793  
to the bureau pursuant to section 4510.036 of the Revised Code the 1794  
conditions of the community control sanction imposed pursuant to 1795  
division (C)(1) of this section. The court shall give the offender 1796  
a copy of its order, and that copy shall be used by the offender 1797  
in lieu of a driver's or commercial driver's license or permit 1798  
until the bureau issues a restricted license to the offender. 1799

(3) Upon receipt of an offender's driver's or commercial 1800  
driver's license or permit pursuant to division (C)(2) of this 1801  
section, the bureau of motor vehicles shall issue a restricted 1802  
license to the offender. The restricted license shall be identical 1803  
to the surrendered license, except that it shall have printed on 1804  
its face a statement that the offender is prohibited from 1805  
operating a motor vehicle that is not equipped with an ignition 1806  
interlock device that is certified pursuant to section 4510.43 of 1807  
the Revised Code. The bureau shall deliver the offender's 1808  
surrendered license or permit to the court upon receipt of a court 1809

order requiring it to do so, or reissue the offender's license or 1810  
permit under section 4510.52 of the Revised Code if the registrar 1811  
destroyed the offender's license or permit under that section. The 1812  
offender shall surrender the restricted license to the court upon 1813  
receipt of the offender's surrendered license or permit. 1814

(4) If an offender violates a requirement of the court 1815  
imposed under division (C)(1) of this section, the court may 1816  
impose a class seven suspension of the offender's driver's or 1817  
commercial driver's license or permit or nonresident operating 1818  
privilege from the range specified in division (A)(7) of section 1819  
4510.02 of the Revised Code. On a second or subsequent violation, 1820  
the court may impose a class four suspension of the offender's 1821  
driver's or commercial driver's license or permit or nonresident 1822  
operating privilege from the range specified in division (A)(4) of 1823  
section 4510.02 of the Revised Code. 1824

**Sec. 4507.02.** (A)(1) No person shall permit the operation of 1825  
a motor vehicle upon any public or private property used by the 1826  
public for purposes of vehicular travel or parking knowing the 1827  
operator does not have a valid driver's license issued to the 1828  
operator by the registrar of motor vehicles under this chapter or 1829  
a valid commercial driver's license issued under Chapter 4506. of 1830  
the Revised Code. Except as otherwise provided in this division, 1831  
whoever violates this division is guilty of an unclassified 1832  
misdemeanor. When the offense is an unclassified misdemeanor, the 1833  
offender shall be sentenced pursuant to sections 2929.21 to 1834  
2929.28 of the Revised Code, except that the offender shall not be 1835  
sentenced to a jail term; the offender shall not be sentenced to a 1836  
community residential sanction pursuant to section 2929.26 of the 1837  
Revised Code; notwithstanding division (A)(2)(a) of section 1838  
2929.28 of the Revised Code, the offender may be fined up to one 1839  
thousand dollars; and, notwithstanding division (A)(3) of section 1840  
2929.27 of the Revised Code, the offender may be ordered pursuant 1841

to division ~~(B)~~(C) of that section to serve a term of community 1842  
service of up to five hundred hours. If The failure of an offender 1843  
to complete a term of community service imposed by the court may 1844  
be punished as indirect criminal contempt under division (A) of 1845  
section 2705.02 of the Revised Code that may be filed in the 1846  
underlying case. 1847

If, within three years of the offense, the offender 1848  
previously ~~was~~ has been convicted of or pleaded guilty to two or 1849  
more violations of this section or a substantially equivalent 1850  
municipal ordinance, the offense is a misdemeanor of the first 1851  
degree. 1852

(2) No person shall receive a driver's license, or a 1853  
motorcycle operator's endorsement of a driver's or commercial 1854  
driver's license, unless and until the person surrenders to the 1855  
registrar all valid licenses issued to the person by another 1856  
jurisdiction recognized by this state. The registrar shall report 1857  
the surrender of a license to the issuing authority, together with 1858  
information that a license is now issued in this state. The 1859  
registrar shall destroy any such license that is not returned to 1860  
the issuing authority. No person shall be permitted to have more 1861  
than one valid license at any time. 1862

(B)(1) If a person is convicted of a violation of section 1863  
4510.11, 4510.14, 4510.16 when division ~~(B)~~(G)(2) and (3) of that 1864  
section applies, or 4510.21 of the Revised Code or if division (F) 1865  
of section 4507.164 of the Revised Code applies, the trial judge 1866  
of any court, in addition to or independent of any other penalties 1867  
provided by law or ordinance, ~~shall~~ may impound the identification 1868  
license plates of any motor vehicle registered in the name of the 1869  
person. If a person is convicted of a violation of section 4510.16 1870  
of the Revised Code and division ~~(B)~~(2)(G)(1) of that section 1871  
applies, the trial judge of any court, in addition to or 1872

independent of any other penalties provided by law or ordinance, 1873  
may impound the identification license plates of any motor vehicle 1874  
registered in the name of the person. The court shall send the 1875  
impounded license plates to the registrar, who may retain the 1876  
license plates until the driver's or commercial driver's license 1877  
of the owner has been reinstated or destroy them pursuant to 1878  
section 4503.232 of the Revised Code. 1879

If the license plates of a person convicted of a violation of 1880  
any provision of those sections have been impounded in accordance 1881  
with the provisions of this division, the court shall notify the 1882  
registrar of that action. The notice shall contain the name and 1883  
address of the driver, the serial number of the driver's or 1884  
commercial driver's license, the serial numbers of the license 1885  
plates of the motor vehicle, and the length of time for which the 1886  
license plates have been impounded. The registrar shall record the 1887  
data in the notice as part of the driver's permanent record. 1888

(2) Any motor vehicle owner who has had the license plates of 1889  
a motor vehicle impounded pursuant to division (B)(1) of this 1890  
section may apply to the registrar, or to a deputy registrar, for 1891  
restricted license plates that shall conform to the requirements 1892  
of section 4503.231 of the Revised Code. The registrar or deputy 1893  
registrar forthwith shall notify the court of the application and, 1894  
upon approval of the court, shall issue restricted license plates 1895  
to the applicant. Until the driver's or commercial driver's 1896  
license of the owner is reinstated, any new license plates issued 1897  
to the owner also shall conform to the requirements of section 1898  
4503.231 of the Revised Code. 1899

The registrar or deputy registrar shall charge the owner of a 1900  
vehicle the fees provided in section 4503.19 of the Revised Code 1901  
for restricted license plates that are issued in accordance with 1902  
this division, except upon renewal as specified in section 4503.10 1903  
of the Revised Code, when the regular fee as provided in section 1904

4503.04 of the Revised Code shall be charged. The registrar or 1905  
deputy registrar shall charge the owner of a vehicle the fees 1906  
provided in section 4503.19 of the Revised Code whenever 1907  
restricted license plates are exchanged, by reason of the 1908  
reinstatement of the driver's or commercial driver's license of 1909  
the owner, for those ordinarily issued. 1910

(3) If an owner wishes to sell a motor vehicle during the 1911  
time the restricted license plates provided under division (B)(2) 1912  
of this section are in use, the owner may apply to the court that 1913  
impounded the license plates of the motor vehicle for permission 1914  
to transfer title to the motor vehicle. If the court is satisfied 1915  
that the sale will be made in good faith and not for the purpose 1916  
of circumventing the provisions of this section, it may certify 1917  
its consent to the owner and to the registrar of motor vehicles 1918  
who shall enter notice of the transfer of the title of the motor 1919  
vehicle in the vehicle registration record. 1920

If, during the time the restricted license plates provided 1921  
under division (B)(2) of this section are in use, the title to a 1922  
motor vehicle is transferred by the foreclosure of a chattel 1923  
mortgage, a sale upon execution, the cancellation of a conditional 1924  
sales contract, or by order of a court, the court shall notify the 1925  
registrar of the action and the registrar shall enter notice of 1926  
the transfer of the title to the motor vehicle in the vehicle 1927  
registration record. 1928

(C) This section is not intended to change or modify any 1929  
provision of Chapter 4503. of the Revised Code with respect to the 1930  
taxation of motor vehicles or the time within which the taxes on 1931  
motor vehicles shall be paid. 1932

**Sec. 4507.164.** (A) Except as provided in divisions (C) to (E) 1933  
of this section, when the license of any person is suspended 1934  
pursuant to any provision of the Revised Code other than division 1935

(G) of section 4511.19 of the Revised Code and other than section 1936  
4510.07 of the Revised Code for a violation of a municipal OVI 1937  
ordinance, the trial judge may impound the identification license 1938  
plates of any motor vehicle registered in the name of the person. 1939

(B)(1) When the license of any person is suspended pursuant 1940  
to division (G)(1)(a) of section 4511.19 of the Revised Code, or 1941  
pursuant to section 4510.07 of the Revised Code for a municipal 1942  
OVI offense when the suspension is equivalent in length to the 1943  
suspension under division (G) of section 4511.19 of the Revised 1944  
Code that is specified in this division, the trial judge of the 1945  
court of record or the mayor of the mayor's court that suspended 1946  
the license may impound the identification license plates of any 1947  
motor vehicle registered in the name of the person. 1948

(2) When the license of any person is suspended pursuant to 1949  
division (G)(1)(b) of section 4511.19 of the Revised Code, or 1950  
pursuant to section 4510.07 of the Revised Code for a municipal 1951  
OVI offense when the suspension is equivalent in length to the 1952  
suspension under division (G) of section 4511.19 of the Revised 1953  
Code that is specified in this division, the trial judge of the 1954  
court of record that suspended the license shall order the 1955  
impoundment of the identification license plates of the motor 1956  
vehicle the offender was operating at the time of the offense and 1957  
the immobilization of that vehicle in accordance with section 1958  
4503.233 and division (G)(1)(b) of section 4511.19 or division 1959  
(B)(2)(a) of section 4511.193 of the Revised Code and may impound 1960  
the identification license plates of any other motor vehicle 1961  
registered in the name of the person whose license is suspended. 1962

(3) When the license of any person is suspended pursuant to 1963  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 1964  
Code, or pursuant to section 4510.07 of the Revised Code for a 1965  
municipal OVI offense when the suspension is equivalent in length 1966

to the suspension under division (G) of section 4511.19 of the Revised Code that is specified in this division, the trial judge of the court of record that suspended the license shall order the criminal forfeiture to the state of the motor vehicle the offender was operating at the time of the offense in accordance with section 4503.234 and division (G)(1)(c), (d), or (e) of section 4511.19 or division (B)(2)(b) of section 4511.193 of the Revised Code and may impound the identification license plates of any other motor vehicle registered in the name of the person whose license is suspended.

(C)(1) When a person is convicted of or pleads guilty to a violation of section 4510.14 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(1) or (2) of section 4510.14 or division (C)(1) or (2) of section 4510.161 of the Revised Code applies, the trial judge of the court of record or the mayor of the mayor's court that imposes sentence shall order the immobilization of the vehicle the person was operating at the time of the offense and the impoundment of its identification license plates in accordance with section 4503.233 and division (B)(1) or (2) of section 4510.14 or division (C)(1) or (2) of section 4510.161 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(2) When a person is convicted of or pleads guilty to a violation of section 4510.14 of the Revised Code or a substantially equivalent municipal ordinance and division (B)(3) of section 4510.14 or division (C)(3) of section 4510.161 of the Revised Code applies, the trial judge of the court of record that imposes sentence shall order the criminal forfeiture to the state of the vehicle the person was operating at the time of the offense in accordance with section 4503.234 and division (B)(3) of section 4510.14 or division (C)(3) of section 4510.161 of the Revised Code

and may impound the identification license plates of any other 1999  
vehicle registered in the name of that person. 2000

(D)~~(1)~~ When a person is convicted of or pleads guilty to a 2001  
violation of division (A) of section 4510.16 of the Revised Code 2002  
or a substantially equivalent municipal ordinance, division ~~(B)~~(D) 2003  
or (G) of section 4510.16 or division (B) of section 4510.161 of 2004  
the Revised Code applies in determining whether the immobilization 2005  
of the vehicle the person was operating at the time of the offense 2006  
and the impoundment of its identification license plates or the 2007  
criminal forfeiture to the state of the vehicle the person was 2008  
operating at the time of the offense is authorized or required. 2009  
The trial judge of the court of record or the mayor of the mayor's 2010  
court that imposes sentence may impound the identification license 2011  
plates of any other vehicle registered in the name of that person. 2012

(E)(1) When a person is convicted of or pleads guilty to a 2013  
violation of section 4511.203 of the Revised Code and the person 2014  
is sentenced pursuant to division (C)~~(1)~~(3)(a) or ~~(2)~~(b) of 2015  
section 4511.203 of the Revised Code, the trial judge of the court 2016  
of record or the mayor of the mayor's court that imposes sentence 2017  
shall order the immobilization of the vehicle that was involved in 2018  
the commission of the offense and the impoundment of its 2019  
identification license plates in accordance with division 2020  
(C)~~(1)~~(3)(a) or ~~(2)~~(b) of section 4511.203 and section 4503.233 of 2021  
the Revised Code and may impound the identification license plates 2022  
of any other vehicle registered in the name of that person. 2023

(2) When a person is convicted of or pleads guilty to a 2024  
violation of section 4511.203 of the Revised Code and the person 2025  
is sentenced pursuant to division (C)(3)(c) of section 4511.203 of 2026  
the Revised Code, the trial judge of the court of record or the 2027  
mayor of the mayor's court that imposes sentence shall order the 2028  
criminal forfeiture to the state of the vehicle that was involved 2029  
in the commission of the offense in accordance with division 2030

(C)(3)(c) of section 4511.203 and section 4503.234 of the Revised Code and may impound the identification license plates of any other vehicle registered in the name of that person.

(F) Except as provided in section 4503.233 or 4503.234 of the Revised Code, when the certificate of registration, the identification license plates, or both have been impounded, division (B) of section 4507.02 of the Revised Code is applicable.

(G) As used in this section, "municipal OVI offense" has the same meaning as in section 4511.181 of the Revised Code.

**Sec. 4507.35.** (A) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under this chapter when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(B) ~~Whoever~~ (1) Except as provided in division (B)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of

section 2929.27 of the Revised Code, the offender may be ordered 2062  
pursuant to division (C) of that section to serve a term of 2063  
community service of up to five hundred hours. The failure of an 2064  
offender to complete a term of community service imposed by the 2065  
court may be punished as indirect criminal contempt under division 2066  
(A) of section 2705.02 of the Revised Code that may be filed in 2067  
the underlying case. 2068

(2) If, within three years of the offense, the offender 2069  
previously has been convicted of or pleaded guilty to two or more 2070  
violations of this section or a substantially equivalent municipal 2071  
ordinance, the offense is a misdemeanor of the first degree. 2072

**Sec. 4510.036.** (A) The bureau of motor vehicles shall record 2073  
within ten days, after receipt, and shall keep at its main office, 2074  
all abstracts received under this section or section 4510.03, 2075  
4510.031, 4510.032, or 4510.034 of the Revised Code and shall 2076  
maintain records of convictions and bond forfeitures for any 2077  
violation of a state law or a municipal ordinance regulating the 2078  
operation of vehicles, streetcars, and trackless trolleys on 2079  
highways and streets, except a violation related to parking a 2080  
motor vehicle. 2081

(B) Every court of record or mayor's court before which a 2082  
person is charged with a violation for which points are chargeable 2083  
by this section shall assess and transcribe to the abstract of 2084  
conviction that is furnished by the bureau to the court the number 2085  
of points chargeable by this section in the correct space assigned 2086  
on the reporting form. A United States district court that has 2087  
jurisdiction within this state and before which a person is 2088  
charged with a violation for which points are chargeable by this 2089  
section may assess and transcribe to the abstract of conviction 2090  
report that is furnished by the bureau the number of points 2091  
chargeable by this section in the correct space assigned on the 2092

reporting form. If the federal court so assesses and transcribes 2093  
the points chargeable for the offense and furnishes the report to 2094  
the bureau, the bureau shall record the points in the same manner 2095  
as those assessed and transcribed by a court of record or mayor's 2096  
court. 2097

(C) A court shall assess the following points for an offense 2098  
based on the following formula: 2099

(1) Aggravated vehicular homicide, vehicular homicide, 2100  
vehicular manslaughter, aggravated vehicular assault, or vehicular 2101  
assault when the offense involves the operation of a vehicle, 2102  
streetcar, or trackless trolley on a highway or street ..... 2103  
6 points 2104

(2) A violation of section 2921.331 of the Revised Code or 2105  
any ordinance prohibiting the willful fleeing or eluding of a law 2106  
enforcement officer ..... 6 points 2107

(3) A violation of section 4549.02 or 4549.021 of the Revised 2108  
Code or any ordinance requiring the driver of a vehicle to stop 2109  
and disclose identity at the scene of an accident ..... 6 2110  
points 2111

(4) A violation of section 4511.251 of the Revised Code or 2112  
any ordinance prohibiting street racing ..... 6 points 2113

(5) A violation of section ~~4510.11, 4510.14, 4510.16, or~~ 2114  
~~4510.21~~ 4510.037 of the Revised Code or any ordinance prohibiting 2115  
the operation of a motor vehicle while the driver's or commercial 2116  
driver's license is under a twelve-point suspension ..... 6 2117  
points 2118

(6) A violation of section 4510.14 of the Revised Code, or 2119  
any ordinance prohibiting the operation of a motor vehicle upon 2120  
the public roads or highways within this state while the driver's 2121  
or commercial driver's license of the person is under suspension 2122  
and the suspension was imposed under section 4511.19, 4511.191, or 2123

4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension for an OVI offense . . . . . 6 points 2124  
2125  
2126  
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2128

(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine . . . . . 6 points 2129  
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2137

~~(7)~~(8) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner . . . . . 6 points 2138  
2139  
2140  
2141

~~(8)~~(9) Any offense under the motor vehicle laws of this state that is a felony, or any other felony in the commission of which a motor vehicle was used . . . . . 6 points 2142  
2143  
2144

~~(9)~~(10) A violation of division (B) of section 4511.19 of the Revised Code or any ordinance substantially equivalent to that division prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine . . . . . 4 points 2145  
2146  
2147  
2148  
2149

~~(10)~~(11) A violation of section 4511.20 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property . . . . . 4 points 2150  
2151  
2152  
2153

~~(11)~~(12) A violation of any law or ordinance pertaining to 2154

speed:	2155
(a) Notwithstanding divisions (C) <del>(11)</del> (12)(b) and (c) of this section, when the speed exceeds the lawful speed limit by thirty miles per hour or more . . . . . 4 points	2156 2157 2158
(b) When the speed exceeds the lawful speed limit of fifty-five miles per hour or more by more than ten miles per hour . . . . . 2 points	2159 2160 2161
(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	2162 2163 2164
(d) When the speed does not exceed the amounts set forth in divisions (C) <del>(11)</del> (12)(a), (b), or (c) of this section . . . . . 0 points	2165 2166 2167
<del>(12)</del> (13) Operating a motor vehicle in violation of a restriction imposed by the registrar . . . . . 2 points	2168 2169
<del>(13)</del> All <u>(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</u>	2170 2171 2172 2173 2174
<u>(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</u>	2175 2176 2177
(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.	2178 2179 2180 2181 2182
(E) If a person is convicted of or forfeits bail for two or more offenses arising out of the same facts and points are	2183 2184

chargeable for each of the offenses, points shall be charged for 2185  
only the conviction or bond forfeiture for which the greater 2186  
number of points is chargeable, and, if the number of points 2187  
chargeable for each offense is equal, only one offense shall be 2188  
recorded, and points shall be charged only for that offense. 2189

**Sec. 4510.037.** (A) When the registrar of motor vehicles 2190  
determines that the total points charged against any person under 2191  
section 4510.036 of the Revised Code exceed five, the registrar 2192  
shall send a warning letter to the person at the person's last 2193  
known address by regular mail. The warning letter shall list the 2194  
reported violations that are the basis of the points charged, list 2195  
the number of points charged for each violation, and outline the 2196  
suspension provisions of this section. 2197

(B) When the registrar determines that the total points 2198  
charged against any person under section 4510.036 of the Revised 2199  
Code within any two-year period beginning on the date of the first 2200  
conviction within the two-year period is equal to twelve or more, 2201  
the registrar shall send a written notice to the person at the 2202  
person's last known address by regular mail. The notice shall list 2203  
the reported violations that are the basis of the points charged, 2204  
list the number of points charged for each violation, and state 2205  
that, because the total number of points charged against the 2206  
person within the applicable two-year period is equal to twelve or 2207  
more, the registrar is imposing a class D suspension of the 2208  
person's driver's or commercial driver's license or permit or 2209  
nonresident operating privileges for the period of time specified 2210  
in division (B)(4) of section 4510.02 of the Revised Code. The 2211  
notice also shall state that the suspension is effective on the 2212  
twentieth day after the mailing of the notice, unless the person 2213  
files a petition appealing the determination and suspension in the 2214  
municipal court, county court, or, if the person is under the age 2215  
of eighteen, the juvenile division of the court of common pleas in 2216

whose jurisdiction the person resides or, if the person is not a 2217  
resident of this state, in the Franklin county municipal court or 2218  
juvenile division of the Franklin county court of common pleas. By 2219  
filing the appeal of the determination and suspension, the person 2220  
agrees to pay the cost of the proceedings in the appeal of the 2221  
determination and suspension and alleges that the person can show 2222  
cause why the person's driver's or commercial driver's license or 2223  
permit or nonresident operating privileges should not be 2224  
suspended. 2225

(C)(1) Any person against whom at least two but less than 2226  
twelve points have been charged under section 4510.036 of the 2227  
Revised Code may enroll in a course of remedial driving 2228  
instruction that is approved by the director of public safety. 2229  
Upon the person's completion of an approved course of remedial 2230  
driving instruction, the person may apply to the registrar on a 2231  
form prescribed by the registrar for a credit of two points on the 2232  
person's driving record. Upon receipt of the application and proof 2233  
of completion of the approved remedial driving course, the 2234  
registrar shall approve the two-point credit. The registrar shall 2235  
not approve any credits for a person who completes an approved 2236  
course of remedial driving instruction pursuant to a judge's order 2237  
under section 4510.02 of the Revised Code. 2238

(2) In any three-year period, the registrar shall approve 2239  
only one two-point credit on a person's driving record under 2240  
division (C)(1) of this section. The registrar shall approve not 2241  
more than five two-point credits on a person's driving record 2242  
under division (C)(1) of this section during that person's 2243  
lifetime. 2244

(D) When a judge of a court of record suspends a person's 2245  
driver's or commercial driver's license or permit or nonresident 2246  
operating privilege and charges points against the person under 2247  
section 4510.036 of the Revised Code for the offense that resulted 2248

in the suspension, the registrar shall credit that period of 2249  
suspension against the time of any subsequent suspension imposed 2250  
under this section for which those points were used to impose the 2251  
subsequent suspension. When a United States district court that 2252  
has jurisdiction within this state suspends a person's driver's or 2253  
commercial driver's license or permit or nonresident operating 2254  
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 2255  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 2256  
prepares an abstract pursuant to section 4510.031 of the Revised 2257  
Code, and the district court charges points against the person 2258  
under section 4510.036 of the Revised Code for the offense that 2259  
resulted in the suspension, the registrar shall credit the period 2260  
of suspension imposed by the district court against the time of 2261  
any subsequent suspension imposed under this section for which the 2262  
points were used to impose the subsequent suspension. 2263

(E) The registrar, upon the written request of a licensee who 2264  
files a petition under division (B) of this section, shall furnish 2265  
the licensee a certified copy of the registrar's record of the 2266  
convictions and bond forfeitures of the person. This record shall 2267  
include the name, address, and date of birth of the licensee; the 2268  
name of the court in which each conviction or bail forfeiture took 2269  
place; the nature of the offense that was the basis of the 2270  
conviction or bond forfeiture; and any other information that the 2271  
registrar considers necessary. If the record indicates that twelve 2272  
points or more have been charged against the person within a 2273  
two-year period, it is prima-facie evidence that the person is a 2274  
repeat traffic offender, and the registrar shall suspend the 2275  
person's driver's or commercial driver's license or permit or 2276  
nonresident operating privilege pursuant to division (B) of this 2277  
section. 2278

In hearing the petition and determining whether the person 2279  
filing the petition has shown cause why the person's driver's or 2280

commercial driver's license or permit or nonresident operating 2281  
privilege should not be suspended, the court shall decide the 2282  
issue on the record certified by the registrar and any additional 2283  
relevant, competent, and material evidence that either the 2284  
registrar or the person whose license is sought to be suspended 2285  
submits. 2286

(F) If a petition is filed under division (B) of this section 2287  
in a county court, the prosecuting attorney of the county in which 2288  
the case is pending shall represent the registrar in the 2289  
proceedings, except that, if the petitioner resides in a municipal 2290  
corporation within the jurisdiction of the county court, the city 2291  
director of law, village solicitor, or other chief legal officer 2292  
of the municipal corporation shall represent the registrar in the 2293  
proceedings. If a petition is filed under division (B) of this 2294  
section in a municipal court, the registrar shall be represented 2295  
in the resulting proceedings as provided in section 1901.34 of the 2296  
Revised Code. 2297

(G) If the court determines from the evidence submitted that 2298  
a person who filed a petition under division (B) of this section 2299  
has failed to show cause why the person's driver's or commercial 2300  
driver's license or permit or nonresident operating privileges 2301  
should not be suspended, the court shall assess against the person 2302  
the cost of the proceedings in the appeal of the determination and 2303  
suspension and shall impose the applicable suspension under this 2304  
section or suspend all or a portion of the suspension and impose 2305  
any conditions upon the person that the court considers proper or 2306  
impose upon the person a community control sanction pursuant to 2307  
section 2929.15 or 2929.25 of the Revised Code. If the court 2308  
determines from the evidence submitted that a person who filed a 2309  
petition under division (B) of this section has shown cause why 2310  
the person's driver's or commercial driver's license or permit or 2311  
nonresident operating privileges should not be suspended, the 2312

costs of the appeal proceeding shall be paid out of the county treasury of the county in which the proceedings were held.

(H) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended under this section is not entitled to apply for or receive a new driver's or commercial driver's license or permit or to request or be granted nonresident operating privileges during the effective period of the suspension.

(I) Upon the termination of any suspension or other penalty imposed under this section involving the surrender of license or permit and upon the request of the person whose license or permit was suspended or surrendered, the registrar shall return the license or permit to the person upon determining that the person has complied with all provisions of section 4510.038 of the Revised Code or, if the registrar destroyed the license or permit pursuant to section 4510.52 of the Revised Code, shall reissue the person's license or permit.

(J) Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree, ~~and the~~. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.

(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

(L) Any course of remedial driving instruction the director

of public safety approves under this section shall require its 2344  
students to attend at least fifty per cent of the course in 2345  
person. The director shall not approve any course of remedial 2346  
driving instruction that permits its students to take more than 2347  
fifty per cent of the course in any other manner, including via 2348  
video teleconferencing or the internet. 2349

**Sec. 4510.11.** (A) ~~No~~ Except as provided in division (B) of 2350  
this section, no person whose driver's or commercial driver's 2351  
license or permit or nonresident operating privilege has been 2352  
suspended under any provision of the Revised Code, other than 2353  
Chapter 4509. of the Revised Code, or under any applicable law in 2354  
any other jurisdiction in which the person's license or permit was 2355  
issued shall operate any motor vehicle upon the public roads and 2356  
highways or upon any public or private property used by the public 2357  
for purposes of vehicular travel or parking within this state 2358  
during the period of suspension unless the person is granted 2359  
limited driving privileges and is operating the vehicle in 2360  
accordance with the terms of the limited driving privileges. 2361

(B) No person shall operate any motor vehicle upon a highway 2362  
or any public or private property used by the public for purposes 2363  
of vehicular travel or parking in this state in violation of any 2364  
restriction of the person's driver's or commercial driver's 2365  
license or permit imposed under division (D) of section 4506.10 or 2366  
under section 4507.14 of the Revised Code. 2367

(C) Upon the request or motion of the prosecuting authority, 2368  
a noncertified copy of the law enforcement automated data system 2369  
report or a noncertified copy of a record of the registrar of 2370  
motor vehicles that shows the name, date of birth, and social 2371  
security number of a person charged with a violation of division 2372  
(A) or (B) of this section may be admitted into evidence as 2373  
prima-facie evidence that the license of the person was under 2374

suspension at the time of the alleged violation of division (A) of 2375  
this section or the person operated a motor vehicle in violation 2376  
of a restriction at the time of the alleged violation of division 2377  
(B) of this section. The person charged with a violation of 2378  
division (A) or (B) of this section may offer evidence to rebut 2379  
this prima-facie evidence. 2380

~~(D)(1)(a) Except as provided in division (C)(1)(b) of this~~ 2381  
~~section, whoever~~ Whoever violates division (A) or (B) of this 2382  
section is guilty of ~~driving under suspension,~~ a misdemeanor of 2383  
the first degree. The court ~~shall~~ may impose upon the offender a 2384  
class seven suspension of the offender's driver's license, 2385  
commercial driver's license, temporary instruction permit, 2386  
probationary license, or nonresident operating privilege from the 2387  
range specified in division (A)(7) of section 4510.02 of the 2388  
Revised Code. 2389

~~(b) If the offender's driver's or commercial driver's license~~ 2390  
~~or permit or nonresident operating privilege has been suspended~~ 2391  
~~under section 3123.58 or 4510.22 of the Revised Code, except as~~ 2392  
~~otherwise provided in this division, a violation of division (A)~~ 2393  
~~of this section is an unclassified misdemeanor. When the offense~~ 2394  
~~is an unclassified misdemeanor, the offender shall be sentenced~~ 2395  
~~pursuant to sections 2929.21 to 2929.28 of the Revised Code,~~ 2396  
~~except that the offender shall not be sentenced to a jail term;~~ 2397  
~~the offender shall not be sentenced to a community residential~~ 2398  
~~sanction pursuant to section 2929.26 of the Revised Code;~~ 2399  
~~notwithstanding division (A)(2)(a) of section 2929.28 of the~~ 2400  
~~Revised Code, the offender may be fined up to one thousand~~ 2401  
~~dollars; and, notwithstanding division (A)(3) of section 2929.27~~ 2402  
~~of the Revised Code, the offender may be ordered pursuant to~~ 2403  
~~division (B) of that section to serve a term of community service~~ 2404  
~~of up to five hundred hours. If, within three years of the~~ 2405  
~~offense, the offender previously was convicted of or pleaded~~ 2406

~~guilty to two or more violations of this section or a~~ 2407  
~~substantially equivalent municipal ordinance, the offense is a~~ 2408  
~~misdemeanor of the first degree.~~ 2409

~~(2) Whoever violates division (B) of this section is guilty~~ 2410  
~~of driving in violation of a license restriction, a misdemeanor of~~ 2411  
~~the first degree.~~ 2412

~~(3)(a) Except as provided in division (C)(4)(D)(2)(b) or~~ 2413  
~~(5)(c) of this section, the court, in addition to any other~~ 2414  
penalty that it imposes on the offender and if the vehicle is 2415  
registered in the offender's name and if, within three years of 2416  
the offense, the offender previously has been convicted of or 2417  
pleaded guilty to one violation of this section or section 2418  
4510.111 or 4510.16 of the Revised Code, or a substantially 2419  
equivalent municipal ordinance, the court, in addition to or 2420  
independent of any other sentence that it imposes upon the 2421  
offender, shall may order the immobilization of the vehicle 2422  
involved in the offense for thirty days and the impoundment of 2423  
that vehicle's license plates for thirty days in accordance with 2424  
section 4503.233 of the Revised Code ~~and the impoundment of that~~ 2425  
~~vehicle's license plates for thirty days.~~ 2426

~~(4)(b) If the vehicle is registered in the offender's name~~ 2427  
~~and if, within three years of the offense, the offender previously~~ 2428  
has been convicted of or pleaded guilty to ~~one violation~~ two 2429  
violations of this section, or any combination of two violations 2430  
of this section or section 4510.111 or 4510.16 of the Revised 2431  
Code, or of a substantially similar municipal ordinance, the 2432  
court, in addition to any other sentence that it imposes on the 2433  
offender ~~and if the vehicle is registered in the offender's name,~~ 2434  
~~shall may~~ may order the immobilization of the vehicle involved in the 2435  
offense for sixty days and the impoundment of that vehicle's 2436  
license plates for sixty days in accordance with section 4503.233 2437  
of the Revised Code ~~and the impoundment of that vehicle's license~~ 2438

~~plates for sixty days.~~ 2439

~~(5)(c)~~ If the vehicle is registered in the offender's name 2440  
and if, within three years of the offense, the offender previously 2441  
has been convicted of or pleaded guilty to ~~two~~ three or more 2442  
violations of this section, or any combination of three or more 2443  
violations of this section or section 4510.111 or 4510.16 of the 2444  
Revised Code, or of a substantially similar municipal ordinance, 2445  
the court, in addition to any other sentence that it imposes on 2446  
the offender ~~and if the vehicle is registered in the offender's~~ 2447  
~~name,~~ ~~shall~~ may order the criminal forfeiture of the vehicle 2448  
involved in the offense to the state. 2449

~~(D)~~(E) Any order for immobilization and impoundment under 2450  
this section shall be issued and enforced under ~~section~~ sections 2451  
4503.233 and 4507.02 of the Revised Code, as applicable. The court 2452  
shall not release a vehicle from immobilization ordered under this 2453  
section unless the court is presented with current proof of 2454  
financial responsibility with respect to that vehicle. 2455

~~(E)~~(F) Any order of criminal forfeiture under this section 2456  
shall be issued and enforced under section 4503.234 of the Revised 2457  
Code. Upon receipt of the copy of the order from the court, 2458  
neither the registrar of motor vehicles nor a deputy registrar 2459  
shall accept any application for the registration or transfer of 2460  
registration of any motor vehicle owned or leased by the person 2461  
named in the declaration of forfeiture. The period of registration 2462  
denial shall be five years after the date of the order, unless, 2463  
during that period, the court having jurisdiction of the offense 2464  
that led to the order terminates the forfeiture and notifies the 2465  
registrar of the termination. The registrar then shall take 2466  
necessary measures to permit the person to register a vehicle 2467  
owned or leased by the person or to transfer registration of the 2468  
vehicle. 2469

(G) The offender shall provide the court with proof of 2470

financial responsibility as defined in section 4509.01 of the 2471  
Revised Code. If the offender fails to provide that proof of 2472  
financial responsibility, then, in addition to any other penalties 2473  
provided by law, the court may order restitution pursuant to 2474  
section 2929.28 of the Revised Code in an amount not exceeding 2475  
five thousand dollars for any economic loss arising from an 2476  
accident or collision that was the direct and proximate result of 2477  
the offender's operation of the vehicle before, during, or after 2478  
committing the offense for which the offender is sentenced under 2479  
this section. 2480

Sec. 4510.111. (A) No person shall operate any motor vehicle 2481  
upon a highway or any public or private property used by the 2482  
public for purposes of vehicular travel or parking in this state 2483  
whose driver's or commercial driver's license has been suspended 2484  
pursuant to section 4510.22 of the Revised Code for failing to 2485  
appear in court or to pay a fine, resulting in license forfeiture. 2486

(B) No person shall operate any motor vehicle upon a highway 2487  
or any public or private property used by the public for purposes 2488  
of vehicular travel or parking in this state whose driver's or 2489  
commercial driver's license has been suspended pursuant to section 2490  
3123.58 of the Revised Code for being in default in payment of 2491  
child support. 2492

(C) Upon the request or motion of the prosecuting authority, 2493  
a noncertified copy of the law enforcement automated data system 2494  
report or a noncertified copy of a record of the registrar of 2495  
motor vehicles that shows the name, date of birth, and social 2496  
security number of a person charged with a violation of division 2497  
(A) or (B) of this section may be admitted into evidence as 2498  
prima-facie evidence that the license of the person was under 2499  
suspension at the time of the alleged violation of division (A) or 2500  
(B) of this section. The person charged with a violation of 2501

division (A) or (B) of this section may offer evidence to rebut 2502  
this prima-facie evidence. 2503

(D) Whoever violates division (A) or (B) of this section is 2504  
guilty of driving under suspension and shall be punished as 2505  
provided in division (D) of this section. 2506

(1) Except as otherwise provided in division (D)(2) of this 2507  
section, the offense is an unclassified misdemeanor. The offender 2508  
shall be sentenced pursuant to sections 2929.21 to 2929.28 of the 2509  
Revised Code, except that the offender shall not be sentenced to a 2510  
jail term; the offender shall not be sentenced to a community 2511  
residential sanction pursuant to section 2929.26 of the Revised 2512  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 2513  
Revised Code, the offender may be fined up to one thousand 2514  
dollars; and, notwithstanding division (A)(3) of section 2929.27 2515  
of the Revised Code, the offender may be ordered pursuant to 2516  
division (C) of that section to serve a term of community service 2517  
of up to five hundred hours. The failure of an offender to 2518  
complete a term of community service imposed by the court may be 2519  
punished as indirect criminal contempt under division (A) of 2520  
section 2705.02 of the Revised Code that may be filed in the 2521  
underlying case. 2522

(2) If, within three years of the offense, the offender 2523  
previously was convicted of or pleaded guilty to two or more 2524  
violations of division (A) or (B) of this section, or any 2525  
combination of two or more violations of division (A) or (B) of 2526  
this section or section 4510.11 or 4510.16 of the Revised Code, or 2527  
a substantially equivalent municipal ordinance, the offense is a 2528  
misdemeanor of the first degree. The offender shall provide the 2529  
court with proof of financial responsibility as defined in section 2530  
4509.01 of the Revised Code. If the offender fails to provide that 2531  
proof of financial responsibility, then, in addition to any 2532  
penalties provided by law, the court may order restitution 2533

pursuant to section 2929.28 of the Revised Code in an amount not 2534  
exceeding five thousand dollars for any economic loss arising from 2535  
an accident or collision that was the direct and proximate result 2536  
of the offender's operation of the vehicle before, during, or 2537  
after committing the offense for which the offender is sentenced 2538  
under this section. 2539

(3) In all cases, the court may impose a class seven 2540  
suspension of the offender's driver's or commercial driver's 2541  
license or permit or nonresident operating privilege from the 2542  
range of time specified in division (A)(7) of section 4507.02 of 2543  
the Revised Code. 2544

(4)(a) In all cases, if the vehicle is registered in the 2545  
offender's name and if, within three years of the offense, the 2546  
offender previously has been convicted of or pleaded guilty to one 2547  
violation of division (A) or (B) of this section or section 2548  
4510.11 or 4510.16 of the Revised Code, or a substantially 2549  
equivalent municipal ordinance, the court, in addition to any 2550  
other sentence that it imposes upon the offender, may order the 2551  
immobilization of the vehicle involved in the offense for thirty 2552  
days and the impoundment of that vehicle's license plates for 2553  
thirty days in accordance with section 4503.233 of the Revised 2554  
Code. 2555

(b) In all cases, if the vehicle is registered in the 2556  
offender's name and if, within three years of the offense, the 2557  
offender previously has been convicted of or pleaded guilty to two 2558  
violations of division (A) or (B) of this section, or any 2559  
combination of two violations of division (A) or (B) of this 2560  
section or section 4510.11 or 4510.16 of the Revised Code, or a 2561  
substantially equivalent municipal ordinance, the court, in 2562  
addition to any other sentence that it imposes upon the offender, 2563  
may order the immobilization of the vehicle involved in the 2564  
offense for sixty days and the impoundment of that vehicle's 2565

license plates for sixty days in accordance with section 4503.233 2566  
of the Revised Code. 2567

(c) In all cases, if the vehicle is registered in the 2568  
offender's name and if, within three years of the offense, the 2569  
offender previously has been convicted of or pleaded guilty to 2570  
three or more violations of this section, or any combination of 2571  
three or more violations of this section or section 4510.11 or 2572  
4510.16 of the Revised Code, or a substantially equivalent 2573  
municipal ordinance, the court, in addition to any other sentence 2574  
that it imposes upon the offender, may order the criminal 2575  
forfeiture of the vehicle involved in the offense to the state. 2576

(E) An order for immobilization and impoundment under this 2577  
section shall be issued and enforced under sections 4503.233 and 2578  
4507.02 of the Revised Code, as applicable. The court shall not 2579  
release a motor vehicle from immobilization ordered under this 2580  
section unless the court is presented with current proof of 2581  
financial responsibility with respect to that motor vehicle. 2582

(F) An order for criminal forfeiture under this section shall 2583  
be issued and enforced under section 4503.234 of the Revised Code. 2584  
Upon receipt of a copy of the order from the court, neither the 2585  
registrar of motor vehicles nor a deputy registrar shall accept 2586  
any application for the registration or transfer of registration 2587  
of any motor vehicle owned or leased by the person named in the 2588  
declaration of forfeiture. The period of registration denial shall 2589  
be five years after the date of the order unless, during that 2590  
period, the court having jurisdiction of the offense that led to 2591  
the order terminates the forfeiture and notifies the registrar of 2592  
the termination. The registrar then shall take the necessary 2593  
measures to permit the person to register a vehicle owned or 2594  
leased by the person or to transfer registration of the vehicle. 2595

**Sec. 4510.12.** (A)(1) No person, except those expressly 2596

exempted under sections 4507.03, 4507.04, and 4507.05 of the 2597  
Revised Code, shall operate any motor vehicle upon a public road 2598  
or highway or any public or private property used by the public 2599  
for purposes of vehicular travel or parking in this state unless 2600  
the person has a valid driver's license issued under Chapter 4507. 2601  
of the Revised Code or a commercial driver's license issued under 2602  
Chapter 4506. of the Revised Code. 2603

(2) No person, except a person expressly exempted under 2604  
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 2605  
operate any motorcycle upon a public road or highway or any public 2606  
or private property used by the public for purposes of vehicular 2607  
travel or parking in this state unless the person has a valid 2608  
license as a motorcycle operator that was issued upon application 2609  
by the registrar of motor vehicles under Chapter 4507. of the 2610  
Revised Code. The license shall be in the form of an endorsement, 2611  
as determined by the registrar, upon a driver's or commercial 2612  
driver's license, if the person has a valid license to operate a 2613  
motor vehicle or commercial motor vehicle, or in the form of a 2614  
restricted license as provided in section 4507.14 of the Revised 2615  
Code, if the person does not have a valid license to operate a 2616  
motor vehicle or commercial motor vehicle. 2617

(B) Upon the request or motion of the prosecuting authority, 2618  
a noncertified copy of the law enforcement automated data system 2619  
report or a noncertified copy of a record of the registrar of 2620  
motor vehicles that shows the name, date of birth, and social 2621  
security number of a person charged with a violation of division 2622  
(A)(1) or (2) of this section may be admitted into evidence as 2623  
prima-facie evidence that the person did not have either a valid 2624  
driver's or commercial driver's license at the time of the alleged 2625  
violation of division (A)(1) of this section or a valid license as 2626  
a motorcycle operator either in the form of an endorsement upon a 2627  
driver's or commercial driver's license or a restricted license at 2628

the time of the alleged violation of division (A)(2) of this 2629  
section. The person charged with a violation of division (A)(1) or 2630  
(2) of this section may offer evidence to rebut this prima-facie 2631  
evidence. 2632

(C) Whoever violates this section is guilty of operating a 2633  
motor vehicle or motorcycle without a valid license and shall be 2634  
punished as follows: 2635

(1) If the trier of fact finds that the offender never has 2636  
held a valid driver's or commercial driver's license issued by 2637  
this state or any other jurisdiction, or, in a case involving the 2638  
operation of a motorcycle by the offender, if the offender has 2639  
never held a valid license as a motorcycle operator, either in the 2640  
form of an endorsement upon a driver's or commercial driver's 2641  
license or in the form of a restricted license, except as 2642  
otherwise provided in this division, the offense is an 2643  
unclassified misdemeanor. When the offense is an unclassified 2644  
misdemeanor, the offender shall be sentenced pursuant to sections 2645  
2929.21 to 2929.28 of the Revised Code, except that the offender 2646  
shall not be sentenced to a jail term; the offender shall not be 2647  
sentenced to a community residential sanction pursuant to section 2648  
2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of 2649  
section 2929.28 of the Revised Code, the offender may be fined up 2650  
to one thousand dollars; and, notwithstanding division (A)(3) of 2651  
section 2929.27 of the Revised Code, the offender may be ordered 2652  
pursuant to division ~~(B)~~(C) of that section to serve a term of 2653  
community service of up to five hundred hours. The failure of an 2654  
offender to complete a term of community service imposed by the 2655  
court may be punished as indirect criminal contempt under division 2656  
(A) of section 2705.02 of the Revised Code that may be filed in 2657  
the underlying case. If the offender previously ~~was~~ has been 2658  
convicted of or pleaded guilty to any violation of this section or 2659  
a substantially equivalent municipal ordinance, the offense is a 2660

misdemeanor of the first degree. 2661

(2) If the offender's driver's or commercial driver's license 2662  
or permit or, in a case involving the operation of a motorcycle by 2663  
the offender, the offender's driver's or commercial driver's 2664  
license bearing the motorcycle endorsement or the offender's 2665  
restricted license was expired at the time of the offense, except 2666  
as otherwise provided in this division, the offense is a minor 2667  
misdemeanor. If, within three years of the offense, the offender 2668  
previously ~~was~~ has been convicted of or pleaded guilty to ~~three~~ 2669  
two or more violations of this section or a substantially 2670  
equivalent municipal ordinance, the offense is a misdemeanor of 2671  
the first degree. 2672

~~(C)~~(D) The court shall not impose a license suspension for a 2673  
first violation of this section or if more than three years have 2674  
passed since the offender's last violation of this section or a 2675  
substantially equivalent municipal ordinance. 2676

~~(D)~~(E) If the offender is sentenced under division ~~(B)~~(C)(2) 2677  
of this section, if within three years of the offense the offender 2678  
previously was convicted of or pleaded guilty to one or more 2679  
violations of this section or a substantially equivalent municipal 2680  
ordinance, and if the offender's license was expired for more than 2681  
six months at the time of the offense, the court ~~shall~~ may impose 2682  
a class seven suspension of the offender's driver's license, 2683  
commercial driver's license, temporary instruction permit, 2684  
probationary license, or nonresident operating privilege from the 2685  
range specified in division (A)(7) of section 4510.02 of the 2686  
Revised Code. 2687

**Sec. 4510.14.** (A) No person whose driver's or commercial 2688  
driver's license or permit or nonresident operating privilege has 2689  
been suspended under section 4511.19, 4511.191, or 4511.196 of the 2690  
Revised Code or under section 4510.07 of the Revised Code for a 2691

conviction of a violation of a municipal OVI ordinance shall 2692  
operate any motor vehicle upon the public roads or highways within 2693  
this state during the period of the suspension. 2694

(B) Whoever violates this section is guilty of driving under 2695  
OVI suspension. The court shall sentence the offender under 2696  
Chapter 2929. of the Revised Code, subject to the differences 2697  
authorized or required by this section. 2698

(1) Except as otherwise provided in division (B)(2) or (3) of 2699  
this section, driving under OVI suspension is a misdemeanor of the 2700  
first degree. The court shall sentence the offender to all of the 2701  
following: 2702

(a) A mandatory jail term of three consecutive days. The 2703  
three-day term shall be imposed, unless, subject to division (C) 2704  
of this section, the court instead imposes a sentence of not less 2705  
than thirty consecutive days of house arrest with electronic 2706  
monitoring. A period of house arrest with electronic monitoring 2707  
imposed under this division shall not exceed six months. If the 2708  
court imposes a mandatory three-day jail term under this division, 2709  
the court may impose a jail term in addition to that term, 2710  
provided that in no case shall the cumulative jail term imposed 2711  
for the offense exceed six months. 2712

(b) A fine of not less than two hundred fifty and not more 2713  
than one thousand dollars; 2714

(c) A license suspension under division (E) of this section; 2715

(d) If the vehicle the offender was operating at the time of 2716  
the offense is registered in the offender's name, immobilization 2717  
for thirty days of the offender's vehicle and impoundment for 2718  
thirty days of the identification license plates of that vehicle. 2719  
The order for immobilization and impoundment shall be issued and 2720  
enforced in accordance with section 4503.233 of the Revised Code. 2721

(2) If, within six years of the offense, the offender 2722  
previously has been convicted of or pleaded guilty to one 2723  
violation of this section or one equivalent offense, driving under 2724  
OVI suspension is a misdemeanor of the first degree. The court 2725  
shall sentence the offender to all of the following: 2726

(a) A mandatory jail term of ten consecutive days. 2727  
Notwithstanding the jail terms provided in sections 2929.21 to 2728  
2929.28 of the Revised Code, the court may sentence the offender 2729  
to a longer jail term of not more than one year. The ten-day 2730  
mandatory jail term shall be imposed unless, subject to division 2731  
(C) of this section, the court instead imposes a sentence of not 2732  
less than ninety consecutive days of house arrest with electronic 2733  
monitoring. The period of house arrest with electronic monitoring 2734  
shall not exceed one year. 2735

(b) Notwithstanding the fines provided for in Chapter 2929. 2736  
of the Revised Code, a fine of not less than five hundred and not 2737  
more than two thousand five hundred dollars; 2738

(c) A license suspension under division (E) of this section; 2739

(d) If the vehicle the offender was operating at the time of 2740  
the offense is registered in the offender's name, immobilization 2741  
of the offender's vehicle for sixty days and the impoundment for 2742  
sixty days of the identification license plates of that vehicle. 2743  
The order for immobilization and impoundment shall be issued and 2744  
enforced in accordance with section 4503.233 of the Revised Code. 2745

(3) If, within six years of the offense, the offender 2746  
previously has been convicted of or pleaded guilty to two or more 2747  
violations of this section or two or more equivalent offenses, 2748  
driving under OVI suspension is a misdemeanor. The court shall 2749  
sentence the offender to all of the following: 2750

(a) A mandatory jail term of thirty consecutive days. 2751  
Notwithstanding the jail terms provided in sections 2929.21 to 2752

2929.28 of the Revised Code, the court may sentence the offender 2753  
to a longer jail term of not more than one year. The court shall 2754  
not sentence the offender to a term of house arrest with 2755  
electronic monitoring in lieu of the mandatory portion of the jail 2756  
term. 2757

(b) Notwithstanding the fines set forth in Chapter 2929. of 2758  
the Revised Code, a fine of not less than five hundred and not 2759  
more than two thousand five hundred dollars; 2760

(c) A license suspension under division (E) of this section; 2761

(d) If the vehicle the offender was operating at the time of 2762  
the offense is registered in the offender's name, criminal 2763  
forfeiture to the state of the offender's vehicle. The order of 2764  
criminal forfeiture shall be issued and enforced in accordance 2765  
with section 4503.234 of the Revised Code. If title to a motor 2766  
vehicle that is subject to an order for criminal forfeiture under 2767  
this division is assigned or transferred and division (B)(2) or 2768  
(3) of section 4503.234 of the Revised Code applies, the court may 2769  
fine the offender the value of the vehicle as determined by 2770  
publications of the national ~~auto-dealer's~~ automobile dealers 2771  
association. The proceeds from any fine so imposed shall be 2772  
distributed in accordance with division (C)(2) of section 4503.234 2773  
of the Revised Code. 2774

(C) No court shall impose an alternative sentence of house 2775  
arrest with electronic monitoring under division (B)(1) or (2) of 2776  
this section unless, within sixty days of the date of sentencing, 2777  
the court issues a written finding on the record that, due to the 2778  
unavailability of space at the jail where the offender is required 2779  
to serve the jail term imposed, the offender will not be able to 2780  
begin serving that term within the sixty-day period following the 2781  
date of sentencing. 2782

An offender sentenced under this section to a period of house 2783

arrest with electronic monitoring shall be permitted work release 2784  
during that period. 2785

(D) Fifty per cent of any fine imposed by a court under 2786  
division (B)(1), (2), or (3) of this section shall be deposited 2787  
into the county indigent drivers alcohol treatment fund or 2788  
municipal indigent drivers alcohol treatment fund under the 2789  
control of that court, as created by the county or municipal 2790  
corporation pursuant to division (H) of section 4511.191 of the 2791  
Revised Code. 2792

(E) In addition to or independent of all other penalties 2793  
provided by law or ordinance, the trial judge of any court of 2794  
record or the mayor of a mayor's court shall impose on an offender 2795  
who is convicted of or pleads guilty to a violation of this 2796  
section a class seven suspension of the offender's driver's or 2797  
commercial driver's license or permit or nonresident operating 2798  
privilege from the range specified in division (A)(7) of section 2799  
4510.02 of the Revised Code. 2800

When permitted as specified in section 4510.021 of the 2801  
Revised Code, if the court grants limited driving privileges 2802  
during a suspension imposed under this section, the privileges 2803  
shall be granted on the additional condition that the offender 2804  
must display restricted license plates, issued under section 2805  
4503.231 of the Revised Code, on the vehicle driven subject to the 2806  
privileges, except as provided in division (B) of that section. 2807

A suspension of a commercial driver's license under this 2808  
section shall be concurrent with any period of suspension or 2809  
disqualification under section 3123.58 or 4506.16 of the Revised 2810  
Code. No person who is disqualified for life from holding a 2811  
commercial driver's license under section 4506.16 of the Revised 2812  
Code shall be issued a driver's license under Chapter 4507. of the 2813  
Revised Code during the period for which the commercial driver's 2814  
license was suspended under this section, and no person whose 2815

commercial driver's license is suspended under this section shall 2816  
be issued a driver's license under Chapter 4507. of the Revised 2817  
Code during the period of the suspension. 2818

(F) The offender shall provide the court with proof of 2819  
financial responsibility as defined in section 4509.01 of the 2820  
Revised Code. If the offender fails to provide that proof of 2821  
financial responsibility, then, in addition to any other penalties 2822  
provided by law, the court may order restitution pursuant to 2823  
section 2929.28 of the Revised Code in an amount not exceeding 2824  
five thousand dollars for any economic loss arising from an 2825  
accident or collision that was the direct and proximate result of 2826  
the offender's operation of the vehicle before, during, or after 2827  
committing the offense that is a misdemeanor of the first degree 2828  
under this section for which the offender is sentenced. 2829

(G) As used in this section: 2830

(1) "Electronic monitoring" has the same meaning as in 2831  
section 2929.01 of the Revised Code. 2832

(2) "Equivalent offense" means any of the following: 2833

(a) A violation of a municipal ordinance, law of another 2834  
state, or law of the United States that is substantially 2835  
equivalent to division (A) of this section; 2836

(b) A violation of a former law of this state that was 2837  
substantially equivalent to division (A) of this section. 2838

(3) "Jail" has the same meaning as in section 2929.01 of the 2839  
Revised Code. 2840

(4) "Mandatory jail term" means the mandatory term in jail of 2841  
three, ten, or thirty consecutive days that must be imposed under 2842  
division (B)(1), (2), or (3) of this section upon an offender 2843  
convicted of a violation of division (A) of this section and in 2844  
relation to which all of the following apply: 2845

(a) Except as specifically authorized under this section, the 2846  
term must be served in a jail. 2847

(b) Except as specifically authorized under this section, the 2848  
term cannot be suspended, reduced, or otherwise modified pursuant 2849  
to any provision of the Revised Code. 2850

**Sec. 4510.16.** (A) No person, whose driver's or commercial 2851  
driver's license or temporary instruction permit or nonresident's 2852  
operating privilege has been suspended or canceled pursuant to 2853  
Chapter 4509. of the Revised Code, shall operate any motor vehicle 2854  
within this state, or knowingly permit any motor vehicle owned by 2855  
the person to be operated by another person in the state, during 2856  
the period of the suspension or cancellation, except as 2857  
specifically authorized by Chapter 4509. of the Revised Code. No 2858  
person shall operate a motor vehicle within this state, or 2859  
knowingly permit any motor vehicle owned by the person to be 2860  
operated by another person in the state, during the period in 2861  
which the person is required by section 4509.45 of the Revised 2862  
Code to file and maintain proof of financial responsibility for a 2863  
violation of section 4509.101 of the Revised Code, unless proof of 2864  
financial responsibility is maintained with respect to that 2865  
vehicle. 2866

(B)~~(1)~~ No person shall operate any motor vehicle upon a 2867  
highway or any public or private property used by the public for 2868  
purposes of vehicular travel or parking in this state if the 2869  
person's driver's or commercial driver's license or temporary 2870  
instruction permit or nonresident operating privilege has been 2871  
suspended pursuant to section 4509.37 or 4509.40 of the Revised 2872  
Code for nonpayment of a judgment. 2873

(C) Upon the request or motion of the prosecuting authority, 2874  
a noncertified copy of the law enforcement automated data system 2875  
report or a noncertified copy of a record of the registrar of 2876

motor vehicles that shows the name, date of birth, and social 2877  
security number of a person charged with a violation of division 2878  
(A) or (B) of this section may be admitted into evidence as 2879  
prima-facie evidence that the license of the person was under 2880  
either a financial responsibility law suspension at the time of 2881  
the alleged violation of division (A) of this section or a 2882  
nonpayment of judgment suspension at the time of the alleged 2883  
violation of division (B) of this section. The person charged with 2884  
a violation of division (A) or (B) of this section may offer 2885  
evidence to rebut this prima-facie evidence. 2886

(D) Whoever violates division (A) of this section is guilty 2887  
of driving under financial responsibility law suspension or 2888  
cancellation and shall be punished as provided in divisions (D) to 2889  
(I) of this section. Whoever violates division (B) of this section 2890  
is guilty of driving under a nonpayment of judgment suspension and 2891  
shall be punished as provided in divisions (D) to (I) of this 2892  
section. Except 2893

(1) Except as otherwise provided in this division (D)(2) of 2894  
this section, the offense is an unclassified misdemeanor. When the 2895  
offense is an unclassified misdemeanor, the offender shall be 2896  
sentenced pursuant to sections 2929.21 to 2929.28 of the Revised 2897  
Code, except that the offender shall not be sentenced to a jail 2898  
term; the offender shall not be sentenced to a community 2899  
residential sanction pursuant to section 2929.26 of the Revised 2900  
Code; notwithstanding division (A)(2)(a) of section 2929.28 of the 2901  
Revised Code, the offender may be fined up to one thousand 2902  
dollars; and, notwithstanding division (A)(3) of section 2929.27 2903  
of the Revised Code, the offender may be ordered pursuant to 2904  
division ~~(B)~~(C) of that section to serve a term of community 2905  
service of up to five hundred hours. ~~If~~ The failure of an offender 2906  
to complete a term of community service imposed by the court may 2907  
be punished as indirect criminal contempt under division (A) of 2908

section 2705.02 of the Revised Code that may be filed in the 2909  
underlying case. 2910

(2) If, within three years of the offense, the offender 2911  
previously was convicted of or pleaded guilty to two or more 2912  
violations of this section, or any combination of two violations 2913  
of this section or section 4510.11 or 4510.111 of the Revised 2914  
Code, or a substantially equivalent municipal ordinance, the 2915  
offense is a misdemeanor of the first degree. The 2916

(E) The offender shall provide the court with proof of 2917  
financial responsibility as defined in section 4509.01 of the 2918  
Revised Code. If the offender fails to provide that proof of 2919  
financial responsibility, then, in addition to any other penalties 2920  
provided by law, the court may order restitution pursuant to 2921  
section 2929.28 of the Revised Code in an amount not exceeding 2922  
five thousand dollars for any economic loss arising from an 2923  
accident or collision that was the direct and proximate result of 2924  
the offender's operation of the vehicle before, during, or after 2925  
committing the offense for which the offender is sentenced under 2926  
this section. 2927

(F) The court shall may impose a class seven suspension of 2928  
the offender's driver's or commercial driver's license or permit 2929  
or nonresident operating privilege ~~for~~ from the ~~period~~ range of 2930  
time specified in division (A)(7) of section 4510.02 of the 2931  
Revised Code. 2932

~~(2)~~(G)(1) If the vehicle is registered in the offender's name 2933  
and ~~division (B)(3) of this section does not apply~~ if, within 2934  
three years of the offense, the offender previously has been 2935  
convicted of or pleaded guilty to one violation of division (A) or 2936  
(B) of this section or section 4510.11 or 4510.111 of the Revised 2937  
Code or a substantially equivalent municipal ordinance, the court, 2938  
in addition to or independent of any other sentence that it 2939  
imposes upon the offender, may order the immobilization for ~~no~~ 2940

~~more than~~ thirty days of the vehicle involved in the offense and 2941  
the impoundment for ~~no more than~~ thirty days of the license plates 2942  
of that vehicle in accordance with section 4503.233 of the Revised 2943  
Code. 2944

~~(3)~~(2) If the vehicle is registered in the offender's name 2945  
and if, within ~~five~~ three years of the offense, the offender has 2946  
been convicted of or pleaded guilty to ~~one violation~~ two 2947  
violations of division (A) or (B) of this section or section 2948  
4510.11 or 4510.111 of the Revised Code, or any combination of two 2949  
violations of this section or section 4510.11 or 4510.111 of the 2950  
Revised Code, or a substantially similar municipal ordinance, the 2951  
court, in addition to or independent of any other sentence that it 2952  
imposes on the offender, ~~shall~~ may order the immobilization for 2953  
sixty days of the vehicle involved in the offense and the 2954  
impoundment for sixty days of the license plates of that vehicle 2955  
in accordance with section 4503.233 of the Revised Code. 2956

(3) If the vehicle is registered in the offender's name and 2957  
if, within ~~five~~ three years of the offense, the offender has been 2958  
convicted of or pleaded guilty to ~~two~~ three or more violations of 2959  
this section or section 4510.11 or 4510.111 of the Revised Code, 2960  
or any combination of three or more violations of this section or 2961  
section 4510.11 or 4510.111 of the Revised Code, or a 2962  
substantially similar municipal ordinance, the court, in addition 2963  
to or independent of any other sentence that it imposes upon the 2964  
offender, ~~shall~~ may order the criminal forfeiture to the state of 2965  
the vehicle involved in the offense. If title to a motor vehicle 2966  
that is subject to an order for criminal forfeiture under this 2967  
division is assigned or transferred and division (B)(2) or (3) of 2968  
section 4503.234 of the Revised Code applies, in addition to or 2969  
independent of any other penalty established by law, the court may 2970  
fine the offender the value of the vehicle as determined by 2971  
publications of the national ~~auto~~ automobile dealers association. 2972

The proceeds from any fine so imposed shall be distributed in 2973  
accordance with division (C)(2) of that section. 2974

~~(C)~~(H) Any order for immobilization and impoundment under 2975  
this section shall be issued and enforced in accordance with 2976  
sections 4503.233 and 4507.02 of the Revised Code, as applicable. 2977  
~~Any order of criminal forfeiture shall be issued and enforced in~~ 2978  
~~accordance with section 4503.234 of the Revised Code.~~ The court 2979  
shall not release a vehicle from immobilization ~~orders~~ ordered 2980  
under this section unless the court is presented with current 2981  
proof of financial responsibility with respect to that vehicle. 2982

(I) An order for criminal forfeiture under this section shall 2983  
be issued and enforced under section 4503.234 of the Revised Code. 2984  
Upon receipt of a copy of the order from the court, neither the 2985  
registrar of motor vehicles nor a deputy registrar shall accept 2986  
any application for the registration or transfer of registration 2987  
of any motor vehicle owned or leased by the person named in the 2988  
declaration of forfeiture. The period of registration denial shall 2989  
be five years after the date of the order unless, during that 2990  
period, the court having jurisdiction of the offense that led to 2991  
the order terminates the forfeiture and notifies the registrar of 2992  
the termination. The registrar then shall take the necessary 2993  
measures to permit the person to register a vehicle owned or 2994  
leased by the person or to transfer registration of the vehicle. 2995

**Sec. 4510.161.** (A) The requirements and sanctions imposed by 2996  
divisions (B) and (C) of this section are an adjunct to and derive 2997  
from the state's exclusive authority over the registration and 2998  
titling of motor vehicles and do not comprise a part of the 2999  
criminal sentence to be imposed upon a person who violates a 3000  
municipal ordinance that is substantially equivalent to section 3001  
4510.14 or to division (A) of section 4510.16 of the Revised Code. 3002

~~(B)(1) If a person is convicted of or pleads guilty to a~~ 3003

~~violation of a municipal ordinance that is substantially 3004  
equivalent to division (A) of section 4510.16 of the Revised Code, 3005  
if the vehicle the offender was operating at the time of the 3006  
offense is registered in the offender's name, and if division 3007  
(B)(2) of this section does not apply, the court, in addition to 3008  
or independent of any sentence that it imposes upon the offender 3009  
for the offense, may order the immobilization for not more than 3010  
thirty days of the vehicle the offender was operating at the time 3011  
of the offense and the impoundment for not more than thirty days 3012  
of the identification license plates of that vehicle. 3013~~

~~(2) If a person is convicted of or pleads guilty to a 3014  
violation of a municipal ordinance that is substantially 3015  
equivalent to division (A) of section 4510.16 of the Revised Code 3016  
and if, within five years of the current offense, the offender has 3017  
been convicted of or pleaded guilty to one or more violations of 3018  
division (A) of section 4510.16 or former division (B)(1) of 3019  
section 4507.02 of the Revised Code or a municipal ordinance that 3020  
is substantially equivalent to either division of those divisions, 3021  
the court, in addition to or independent of any sentence that it 3022  
imposes upon the offender for the offense, ~~shall~~ may do whichever 3023  
of the following is applicable: 3024~~

~~(a)(1) If the vehicle is registered in the offender's name 3025  
and if, within three years of the current offense, the offender 3026  
previously has been convicted of or pleaded guilty to one 3027  
violation of this section or section 4510.11, 4510.111, or 4510.16 3028  
of the Revised Code or a substantially equivalent municipal 3029  
ordinance, the court, in addition to or independent of any other 3030  
sentence that it imposes upon the offender, may order the 3031  
immobilization of the vehicle involved in the offense for thirty 3032  
days and the impoundment of that vehicle's license plates for 3033  
thirty days in accordance with section 4503.233 of the Revised 3034  
Code. 3035~~

(2) If the vehicle is registered in the offender's name and 3036  
if, within ~~five~~ three years of the current offense, the offender 3037  
previously has been convicted of or pleaded guilty to ~~one such~~ 3038  
~~violation~~ two violations of this section or any combination of two 3039  
violations of this section or section 4510.11, 4510.111, or 3040  
4510.16 of the Revised Code, or a substantially equivalent 3041  
municipal ordinance, the court ~~shall, in addition to or~~ 3042  
independent of any other sentence that it imposes upon the 3043  
offender, may order the immobilization for sixty days of the 3044  
vehicle ~~the offender was operating at the time of~~ involved in the 3045  
offense and the impoundment of that vehicle's license plates for 3046  
sixty days ~~of the identification license plates of that vehicle in~~ 3047  
accordance with section 4503.233 of the Revised Code. 3048

~~(b)~~(3) If the vehicle is registered in the offender's name 3049  
and if, within ~~five~~ three years of the current offense, the 3050  
offender ~~previously~~ has been convicted of or pleaded guilty to ~~two~~ 3051  
~~three~~ or more ~~such~~ violations of this section or any combination 3052  
of three or more violations of this section or section 4510.11, 3053  
4510.111, or 4510.16 of the Revised Code, or a substantially 3054  
equivalent municipal ordinance, the court ~~shall~~ may order the 3055  
criminal forfeiture to the state of the vehicle the offender was 3056  
operating at the time of the offense. If title to a motor vehicle 3057  
that is subject to an order for criminal forfeiture under this 3058  
division is assigned or transferred and division (B)(2) or (3) of 3059  
section 4503.234 of the Revised Code applies, in addition to or 3060  
independent of any other penalty established by law, the court may 3061  
fine the offender the value of the motor vehicle as determined by 3062  
publications of the national automobile dealers association. The 3063  
proceeds from any fine so imposed shall be distributed in 3064  
accordance with division (C)(2) of that section. 3065

(C) If a person is convicted of or pleads guilty to a 3066  
violation of a municipal ordinance that is substantially 3067

equivalent to section 4510.14 of the Revised Code, the court, in 3068  
addition to and independent of any sentence that it imposes upon 3069  
the offender for the offense, if the vehicle the offender was 3070  
operating at the time of the offense is registered in the 3071  
offender's name, shall do whichever of the following is 3072  
applicable: 3073

(1) If, within ~~five~~ six years of the current offense, the 3074  
offender has not been convicted of or pleaded guilty to a 3075  
violation of section 4510.14 or former division (D)(2) of section 3076  
4507.02 of the Revised Code or a municipal ordinance that is 3077  
substantially equivalent to that section or former division, the 3078  
court shall order the immobilization for thirty days of the 3079  
vehicle ~~the offender was operating at the time of~~ involved in the 3080  
offense and the impoundment for thirty days of the ~~identification~~ 3081  
license plates of that vehicle in accordance with section 4503.233 3082  
of the Revised Code. 3083

(2) If, within ~~five~~ six years of the current offense, the 3084  
offender has been convicted of or pleaded guilty to one violation 3085  
of section 4510.14 or former division (D)(2) of section 4507.02 of 3086  
the Revised Code or a municipal ordinance that is substantially 3087  
equivalent to that section or former division, the court shall 3088  
order the immobilization for sixty days of the vehicle ~~the~~ 3089  
~~offender was operating at the time of~~ involved in the offense and 3090  
the impoundment for sixty days of the ~~identification~~ license 3091  
plates of that vehicle in accordance with section 4503.233 of the 3092  
Revised Code. 3093

(3) If, within ~~five~~ six years of the current offense, the 3094  
offender has been convicted of or pleaded guilty to two or more 3095  
violations of section 4510.14 or former division (D)(2) of section 3096  
4507.02 of the Revised Code or a municipal ordinance that is 3097  
substantially equivalent to that section or former division, the 3098  
court shall order the criminal forfeiture to the state of the 3099

vehicle the offender was operating at the time of the offense. 3100

(D) ~~An order of criminal forfeiture issued pursuant to this~~ 3101  
~~section shall be issued and enforced in accordance with section~~ 3102  
~~4503.234 of the Revised Code. An order for the immobilization and~~ 3103  
impoundment of a vehicle ~~issued pursuant to~~ under this section 3104  
shall be issued and enforced in accordance with ~~section~~ sections 3105  
4503.233 and 4507.02 of the Revised Code, as applicable. The court 3106  
shall not release a vehicle from immobilization ordered under this 3107  
section unless the court is presented with current proof of 3108  
financial responsibility with respect to that vehicle. 3109

(E) An order for criminal forfeiture of a vehicle under this 3110  
section shall be issued and enforced under section 4503.234 of the 3111  
Revised Code. Upon receipt of a copy of the order from the court, 3112  
neither the registrar of motor vehicles nor a deputy registrar 3113  
shall accept any application for the registration or transfer of 3114  
registration of any motor vehicle owned or leased by the person 3115  
named in the declaration of forfeiture. The period of registration 3116  
denial shall be five years after the date of the order unless, 3117  
during that period, the court having jurisdiction of the offense 3118  
that led to the order terminates the forfeiture and notifies the 3119  
registrar of the termination. The registrar then shall take the 3120  
necessary measures to permit the person to register a vehicle 3121  
owned or leased by the person or to transfer registration of the 3122  
vehicle. 3123

**Sec. 4510.21.** (A) No person whose driver's license, 3124  
commercial driver's license, temporary instruction permit, or 3125  
nonresident's operating privilege has been suspended shall operate 3126  
any motor vehicle upon a public road or highway or any public or 3127  
private property after the suspension has expired unless the 3128  
person has complied with all license reinstatement requirements 3129  
imposed by the court, the bureau of motor vehicles, or another 3130

provision of the Revised Code. 3131

(B) Upon the request or motion of the prosecuting authority, 3132  
a noncertified copy of the law enforcement automated data system 3133  
report or a noncertified copy of a record of the registrar of 3134  
motor vehicles that shows the name, date of birth, and social 3135  
security number of a person charged with a violation of division 3136  
(A) of this section may be admitted into evidence as prima-facie 3137  
evidence that the license of the person had not been reinstated by 3138  
the person at the time of the alleged violation of division (A) of 3139  
this section. The person charged with a violation of division (A) 3140  
of this section may offer evidence to rebut this prima-facie 3141  
evidence. 3142

(C) Whoever violates this section is guilty of failure to 3143  
reinstate a license, and shall be punished as follows: 3144

(1) Except as provided in division (C)(2) of this section, 3145  
whoever violates division (A) of this section is guilty of an 3146  
unclassified misdemeanor. When the offense is an unclassified 3147  
misdemeanor, the offender shall be sentenced pursuant to sections 3148  
2929.21 to 2929.28 of the Revised Code, except that the offender 3149  
shall not be sentenced to a jail term; the offender shall not be 3150  
sentenced to a community residential sanction pursuant to section 3151  
2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of 3152  
section 2929.28 of the Revised Code, the offender may be fined up 3153  
to one thousand dollars; and, notwithstanding division (A)(3) of 3154  
section 2929.27 of the Revised Code, the offender may be ordered 3155  
pursuant to division (C) of that section to serve a term of 3156  
community service of up to five hundred hours. The failure of an 3157  
offender to complete a term of community service imposed by the 3158  
court may be punished as indirect criminal contempt under division 3159  
(A) of section 2705.02 of the Revised Code that may be filed in 3160  
the underlying case. 3161

(2) If, within three years of a violation of division (A) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A) of this section or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree. The

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

**Sec. 4510.22.** (A) If a person who has a current valid Ohio driver's, commercial driver's license, or temporary instruction permit is charged with a violation of any provision in sections 4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 4549.01 to 4549.65 of the Revised Code ~~that is classified as a misdemeanor of the first, second, third, or fourth degree~~ or with a violation of any substantially equivalent municipal ordinance and if the person either fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the violation and fails within the time allowed by the court to pay the fine imposed by the court, the court ~~shall~~ may declare the forfeiture of the person's license. Thirty days after ~~the~~ such a declaration of forfeiture, the court shall inform the registrar of motor vehicles of the forfeiture by entering information relative to the forfeiture on a form approved and furnished by the registrar and sending the form to the registrar. The court also shall forward the person's license, if it is in the possession of the court, to the registrar.

The registrar shall impose a class F suspension of the 3193  
person's driver's or commercial driver's license, or temporary 3194  
instruction permit for the period of time specified in division 3195  
(B)(6) of section 4510.02 of the Revised Code on any person who is 3196  
named in a declaration received by the registrar under this 3197  
section. The registrar shall send written notification of the 3198  
suspension to the person at the person's last known address and, 3199  
if the person is in possession of the license, order the person to 3200  
surrender the person's license or permit to the registrar within 3201  
forty-eight hours. 3202

No valid driver's or commercial driver's license shall be 3203  
granted to the person after the suspension, unless the court 3204  
having jurisdiction of the offense that led to the suspension 3205  
orders that the forfeiture be terminated. The court shall order 3206  
the termination of the forfeiture if the person thereafter appears 3207  
to answer the charge and pays any fine imposed by the court or 3208  
pays the fine originally imposed by the court. The court shall 3209  
inform the registrar of the termination of the forfeiture by 3210  
entering information relative to the termination on a form 3211  
approved and furnished by the registrar and sending the form to 3212  
the registrar. The person shall pay to the registrar of motor 3213  
vehicles or an eligible deputy registrar a twenty-five-dollar 3214  
reinstatement fee. In addition, each deputy registrar shall 3215  
collect a service fee of ten dollars to compensate the deputy 3216  
registrar for services performed under this section. The deputy 3217  
registrar shall retain eight dollars of the service fee and shall 3218  
transmit the reinstatement fee, plus two dollars of the service 3219  
fee, to the registrar in the manner the registrar shall determine. 3220  
The registrar shall deposit fifteen dollars of the reinstatement 3221  
fee into the state treasury to the credit of the state bureau of 3222  
motor vehicles fund created by section 4501.25 of the Revised Code 3223  
to cover the costs of the bureau in administering this section and 3224  
shall deposit ten dollars of the fee into the state treasury to 3225

the credit of the indigent defense support fund created by section 3226  
120.08 of the Revised Code. 3227

(B) In addition to suspending the driver's or commercial 3228  
driver's license or permit of the person named in a declaration of 3229  
forfeiture, the registrar, upon receipt from the court of the copy 3230  
of the declaration of forfeiture, shall take any measures that may 3231  
be necessary to ensure that neither the registrar nor any deputy 3232  
registrar accepts any application for the registration or transfer 3233  
of registration of any motor vehicle owned or leased by the person 3234  
named in the declaration of forfeiture. However, for a motor 3235  
vehicle leased by a person named in a declaration of forfeiture, 3236  
the registrar shall not implement the preceding sentence until the 3237  
registrar adopts procedures for that implementation under section 3238  
4503.39 of the Revised Code. The period of denial of registration 3239  
or transfer shall continue until such time as the court having 3240  
jurisdiction of the offense that led to the suspension orders the 3241  
forfeiture be terminated. Upon receipt by the registrar of an 3242  
order terminating the forfeiture, the registrar also shall take 3243  
any measures that may be necessary to permit the person to 3244  
register a motor vehicle owned or leased by the person or to 3245  
transfer the registration of such a motor vehicle, if the person 3246  
later makes application to take such action and otherwise is 3247  
eligible to register the motor vehicle or to transfer its 3248  
registration. 3249

The registrar shall not be required to give effect to any 3250  
declaration of forfeiture or order terminating a forfeiture 3251  
provided by a court under this section unless the information 3252  
contained in the declaration or order is transmitted to the 3253  
registrar by means of an electronic transfer system. The registrar 3254  
shall not restore the person's driving or vehicle registration 3255  
privileges until the person pays the reinstatement fee as provided 3256  
in this section. 3257

The period of denial relating to the issuance or transfer of 3258  
a certificate of registration for a motor vehicle imposed pursuant 3259  
to this division remains in effect until the person pays any fine 3260  
imposed by the court relative to the offense. 3261

**Sec. 4510.41.** (A) As used in this section: 3262

(1) "Arrested person" means a person who is arrested for a 3263  
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 3264  
Code, or a municipal ordinance that is substantially equivalent to 3265  
any of those sections, and whose arrest results in a vehicle being 3266  
seized under division (B) of this section. 3267

(2) "Vehicle owner" means either of the following: 3268

(a) The person in whose name is registered, at the time of 3269  
the seizure, a vehicle that is seized under division (B) of this 3270  
section; 3271

(b) A person to whom the certificate of title to a vehicle 3272  
that is seized under division (B) of this section has been 3273  
assigned and who has not obtained a certificate of title to the 3274  
vehicle in that person's name, but who is deemed by the court as 3275  
being the owner of the vehicle at the time the vehicle was seized 3276  
under division (B) of this section. 3277

(3) "Interested party" includes the owner of a vehicle seized 3278  
under this section, all lienholders, the arrested person, the 3279  
owner of the place of storage at which a vehicle seized under this 3280  
section is stored, and the person or entity that caused the 3281  
vehicle to be removed. 3282

(B)(1) If a person is arrested for a violation of section 3283  
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 3284  
that is substantially equivalent to either of those sections or if 3285  
a person is arrested for a violation of section 4510.16 of the 3286  
Revised Code or a municipal ordinance that is substantially 3287

equivalent to that section and if division ~~(B)(3)~~(G)(2) of section 3288  
4510.16 or division (B)~~(2)~~ of section 4510.161 of the Revised Code 3289  
applies, the arresting officer or another officer of the law 3290  
enforcement agency that employs the arresting officer, in addition 3291  
to any action that the arresting officer is required or authorized 3292  
to take by any other provision of law, shall seize the vehicle 3293  
that the person was operating at the time of, or that was involved 3294  
in, the alleged offense if the vehicle is registered in the 3295  
arrested person's name and its license plates. A law enforcement 3296  
agency that employs a law enforcement officer who makes an arrest 3297  
of a type that is described in this division and that involves a 3298  
rented or leased vehicle that is being rented or leased for a 3299  
period of thirty days or less shall notify, within twenty-four 3300  
hours after the officer makes the arrest, the lessor or owner of 3301  
the vehicle regarding the circumstances of the arrest and the 3302  
location at which the vehicle may be picked up. At the time of the 3303  
seizure of the vehicle, the law enforcement officer who made the 3304  
arrest shall give the arrested person written notice that the 3305  
vehicle and its license plates have been seized; that the vehicle 3306  
either will be kept by the officer's law enforcement agency or 3307  
will be immobilized at least until the person's initial appearance 3308  
on the charge of the offense for which the arrest was made; that, 3309  
at the initial appearance, the court in certain circumstances may 3310  
order that the vehicle and license plates be released to the 3311  
arrested person until the disposition of that charge; that, if the 3312  
arrested person is convicted of that charge, the court generally 3313  
must order the immobilization of the vehicle and the impoundment 3314  
of its license plates or the forfeiture of the vehicle; and that 3315  
the arrested person may be charged expenses or charges incurred 3316  
under this section and section 4503.233 of the Revised Code for 3317  
the removal and storage of the vehicle. 3318

(2) The arresting officer or a law enforcement officer of the 3319  
agency that employs the arresting officer shall give written 3320

notice of the seizure under division (B)(1) of this section to the 3321  
court that will conduct the initial appearance of the arrested 3322  
person on the charges arising out of the arrest. Upon receipt of 3323  
the notice, the court promptly shall determine whether the 3324  
arrested person is the vehicle owner. If the court determines that 3325  
the arrested person is not the vehicle owner, it promptly shall 3326  
send by regular mail written notice of the seizure to the 3327  
vehicle's registered owner. The written notice shall contain all 3328  
of the information required by division (B)(1) of this section to 3329  
be in a notice to be given to the arrested person and also shall 3330  
specify the date, time, and place of the arrested person's initial 3331  
appearance. The notice also shall inform the vehicle owner that if 3332  
title to a motor vehicle that is subject to an order for criminal 3333  
forfeiture under this section is assigned or transferred and 3334  
division (B)(2) or (3) of section 4503.234 of the Revised Code 3335  
applies, the court may fine the arrested person the value of the 3336  
vehicle. The notice also shall state that if the vehicle is 3337  
immobilized under division (A) of section 4503.233 of the Revised 3338  
Code, seven days after the end of the period of immobilization a 3339  
law enforcement agency will send the vehicle owner a notice, 3340  
informing the owner that if the release of the vehicle is not 3341  
obtained in accordance with division (D)(3) of section 4503.233 of 3342  
the Revised Code, the vehicle shall be forfeited. The notice also 3343  
shall inform the vehicle owner that the owner may be charged 3344  
expenses or charges incurred under this section and section 3345  
4503.233 of the Revised Code for the removal and storage of the 3346  
vehicle. 3347

The written notice that is given to the arrested person also 3348  
shall state that if the person is convicted of or pleads guilty to 3349  
the offense and the court issues an immobilization and impoundment 3350  
order relative to that vehicle, division (D)(4) of section 3351  
4503.233 of the Revised Code prohibits the vehicle from being sold 3352  
during the period of immobilization without the prior approval of 3353

the court. 3354

(3) At or before the initial appearance, the vehicle owner 3355  
may file a motion requesting the court to order that the vehicle 3356  
and its license plates be released to the vehicle owner. Except as 3357  
provided in this division and subject to the payment of expenses 3358  
or charges incurred in the removal and storage of the vehicle, the 3359  
court, in its discretion, then may issue an order releasing the 3360  
vehicle and its license plates to the vehicle owner. Such an order 3361  
may be conditioned upon such terms as the court determines 3362  
appropriate, including the posting of a bond in an amount 3363  
determined by the court. If the arrested person is not the vehicle 3364  
owner and if the vehicle owner is not present at the arrested 3365  
person's initial appearance, and if the court believes that the 3366  
vehicle owner was not provided with adequate notice of the initial 3367  
appearance, the court, in its discretion, may allow the vehicle 3368  
owner to file a motion within seven days of the initial 3369  
appearance. If the court allows the vehicle owner to file such a 3370  
motion after the initial appearance, the extension of time granted 3371  
by the court does not extend the time within which the initial 3372  
appearance is to be conducted. If the court issues an order for 3373  
the release of the vehicle and its license plates, a copy of the 3374  
order shall be made available to the vehicle owner. If the vehicle 3375  
owner presents a copy of the order to the law enforcement agency 3376  
that employs the law enforcement officer who arrested the arrested 3377  
person, the law enforcement agency promptly shall release the 3378  
vehicle and its license plates to the vehicle owner upon payment 3379  
by the vehicle owner of any expenses or charges incurred in the 3380  
removal or storage of the vehicle. 3381

(4) A vehicle seized under division (B)(1) of this section 3382  
either shall be towed to a place specified by the law enforcement 3383  
agency that employs the arresting officer to be safely kept by the 3384  
agency at that place for the time and in the manner specified in 3385

this section or shall be otherwise immobilized for the time and in 3386  
the manner specified in this section. A law enforcement officer of 3387  
that agency shall remove the identification license plates of the 3388  
vehicle, and they shall be safely kept by the agency for the time 3389  
and in the manner specified in this section. No vehicle that is 3390  
seized and either towed or immobilized pursuant to this division 3391  
shall be considered contraband for purposes of Chapter 2981. of 3392  
the Revised Code. The vehicle shall not be immobilized at any 3393  
place other than a commercially operated private storage lot, a 3394  
place owned by a law enforcement or other government agency, or a 3395  
place to which one of the following applies: 3396

(a) The place is leased by or otherwise under the control of 3397  
a law enforcement or other government agency. 3398

(b) The place is owned by the arrested person, the arrested 3399  
person's spouse, or a parent or child of the arrested person. 3400

(c) The place is owned by a private person or entity, and, 3401  
prior to the immobilization, the private entity or person that 3402  
owns the place, or the authorized agent of that private entity or 3403  
person, has given express written consent for the immobilization 3404  
to be carried out at that place. 3405

(d) The place is a public street or highway on which the 3406  
vehicle is parked in accordance with the law. 3407

(C)(1) A vehicle seized under division (B)(1) of this section 3408  
shall be safely kept at the place to which it is towed or 3409  
otherwise moved by the law enforcement agency that employs the 3410  
arresting officer until the initial appearance of the arrested 3411  
person relative to the charge in question. The license plates of 3412  
the vehicle that are removed pursuant to division (B)(1) of this 3413  
section shall be safely kept by the law enforcement agency that 3414  
employs the arresting officer until at least the initial 3415  
appearance of the arrested person relative to the charge in 3416

question. 3417

(2)(a) At the initial appearance or not less than seven days 3418  
prior to the date of final disposition, the court shall notify the 3419  
arrested person that, if title to a motor vehicle that is subject 3420  
to an order for criminal forfeiture under this section is assigned 3421  
or transferred and division (B)(2) or (3) of section 4503.234 of 3422  
the Revised Code applies, the court may fine the arrested person 3423  
the value of the vehicle. If, at the initial appearance, the 3424  
arrested person pleads guilty to the violation of section 4510.14, 3425  
4510.16, or 4511.203 of the Revised Code, or a municipal ordinance 3426  
that is substantially equivalent to any of those sections or 3427  
pleads no contest to and is convicted of the violation, the 3428  
following sentencing provisions apply: 3429

(i) If the person violated section 4510.14 ~~or~~ of the Revised 3430  
Code or a municipal ordinance that is substantially equivalent to 3431  
that section, the court shall impose sentence upon the person as 3432  
provided by law or ordinance; the court shall order the 3433  
immobilization of the vehicle the arrested person was operating at 3434  
the time of, or that was involved in, the offense if registered in 3435  
the arrested person's name and the impoundment of its license 3436  
plates under sections 4503.233 and 4510.14 of the Revised Code or 3437  
the criminal forfeiture to the state of the vehicle if registered 3438  
in the arrested person's name under sections 4503.234 and 4510.14 3439  
of the Revised Code, whichever is applicable; and the vehicle and 3440  
its license plates shall not be returned or released to the 3441  
arrested person. 3442

If the person violated section 4511.203 of the Revised Code 3443  
or a municipal ordinance that is substantially equivalent to 3444  
~~either of those sections~~ that section, or violated section 4510.16 3445  
of the Revised Code or a municipal ordinance that is substantially 3446  
equivalent to that section and division ~~(B)(3)~~(G)(2) of section 3447  
4510.16 or division (B)~~(2)~~ of section 4510.161 of the Revised Code 3448

applies, the court shall impose sentence upon the person as 3449  
provided by law or ordinance; the court ~~shall~~ may order the 3450  
immobilization of the vehicle the arrested person was operating at 3451  
the time of, or that was involved in, the offense if registered in 3452  
the arrested person's name and the impoundment of its license 3453  
plates under section 4503.233 and section ~~4510.14~~, 4510.16, 3454  
4510.161, or 4511.203 of the Revised Code or the criminal 3455  
forfeiture to the state of the vehicle if registered in the 3456  
arrested person's name under section 4503.234 and section ~~4510.14~~, 3457  
4510.16, 4510.161, or 4511.203 of the Revised Code, whichever is 3458  
applicable; and the vehicle and its license plates shall not be 3459  
returned or released to the arrested person. 3460

(ii) If the person violated section 4510.16 of the Revised 3461  
Code or a municipal ordinance that is substantially equivalent to 3462  
that section and division ~~(B)(2)~~(G)(1) of section 4510.16 or 3463  
division (B)~~(1)~~ of section 4510.161 applies, the court shall 3464  
impose sentence upon the person as provided by law or ordinance 3465  
and may order the immobilization of the vehicle the person was 3466  
operating at the time of, or that was involved in, the offense if 3467  
it is registered in the arrested person's name and the impoundment 3468  
of its license plates under section 4503.233 and section 4510.16 3469  
or 4510.161 of the Revised Code, and the vehicle and its license 3470  
plates shall not be returned or released to the arrested person. 3471

(b) If, at any time, the charge that the arrested person 3472  
violated section 4510.14, 4510.16, or 4511.203 of the Revised 3473  
Code, or a municipal ordinance that is substantially equivalent to 3474  
any of those sections is dismissed for any reason, the court shall 3475  
order that the vehicle seized at the time of the arrest and its 3476  
license plates immediately be released to the person. 3477

(D) If a vehicle and its license plates are seized under 3478  
division (B)(1) of this section and are not returned or released 3479  
to the arrested person pursuant to division (C) of this section, 3480

the vehicle and its license plates shall be retained until the 3481  
final disposition of the charge in question. Upon the final 3482  
disposition of that charge, the court shall do whichever of the 3483  
following is applicable: 3484

(1) If the arrested person is convicted of or pleads guilty 3485  
to the violation of section 4510.14 ~~or~~ of the Revised Code or a 3486  
municipal ordinance that is substantially equivalent to that 3487  
section, the court shall impose sentence upon the person as 3488  
provided by law or ordinance and shall order the immobilization of 3489  
the vehicle the person was operating at the time of, or that was 3490  
involved in, the offense if it is registered in the arrested 3491  
person's name and the impoundment of its license plates under 3492  
sections 4503.233 and 4510.14 of the Revised Code or the criminal 3493  
forfeiture of the vehicle if it is registered in the arrested 3494  
person's name under sections 4503.234 and 4510.14 of the Revised 3495  
Code, whichever is applicable. 3496

If the arrested person is convicted of or pleads guilty to 3497  
the violation of section 4511.203 of the Revised Code, or a 3498  
municipal ordinance that is substantially equivalent to ~~either of~~ 3499  
~~those sections~~ that section, or to the violation of section 3500  
4510.16 of the Revised Code or a municipal ordinance that is 3501  
substantially equivalent to that section and division ~~(B)(3)~~(F)(2) 3502  
of section 4510.16 or division ~~(B)(2)~~ of section 4510.161 of the 3503  
Revised Code applies, the court shall impose sentence upon the 3504  
person as provided by law or ordinance and ~~shall~~ may order the 3505  
immobilization of the vehicle the person was operating at the time 3506  
of, or that was involved in, the offense if it is registered in 3507  
the arrested person's name and the impoundment of its license 3508  
plates under section 4503.233 and section ~~4510.14,~~ 4510.16, 3509  
4510.161, or 4511.203 of the Revised Code or the criminal 3510  
forfeiture of the vehicle if it is registered in the arrested 3511  
person's name under section 4503.234 and section ~~4510.14,~~ 4510.16, 3512

4510.161, or 4511.203 of the Revised Code, whichever is 3513  
applicable. 3514

(2) If the person violated section 4510.16 of the Revised 3515  
Code or a municipal ordinance that is substantially equivalent to 3516  
that section and division ~~(B)(2)~~(G)(1) of section 4510.16 or 3517  
division (B)~~(1)~~ of section 4510.161 applies, the court shall 3518  
impose sentence upon the person as provided by law or ordinance 3519  
and may order the immobilization of the vehicle the person was 3520  
operating at the time of, or that was involved in, the offense if 3521  
it is registered in the person's name and the impoundment of its 3522  
license plates under section 4503.233 and section 4510.16 or 3523  
4510.161 of the Revised Code. 3524

(3) If the arrested person is found not guilty of the 3525  
violation of section 4510.14, 4510.16, or 4511.203 of the Revised 3526  
Code, or a municipal ordinance that is substantially equivalent to 3527  
any of those sections, the court shall order that the vehicle and 3528  
its license plates immediately be released to the arrested person. 3529

(4) If the charge that the arrested person violated section 3530  
4510.14, 4510.16, or 4511.203 of the Revised Code, or a municipal 3531  
ordinance that is substantially equivalent to any of those 3532  
sections is dismissed for any reason, the court shall order that 3533  
the vehicle and its license plates immediately be released to the 3534  
arrested person. 3535

(5) If the impoundment of the vehicle was not authorized 3536  
under this section, the court shall order that the vehicle and its 3537  
license plates be returned immediately to the arrested person or, 3538  
if the arrested person is not the vehicle owner, to the vehicle 3539  
owner and shall order that the state or political subdivision of 3540  
the law enforcement agency served by the law enforcement officer 3541  
who seized the vehicle pay all expenses and charges incurred in 3542  
its removal and storage. 3543

(E) If a vehicle is seized under division (B)(2) of this section, the time between the seizure of the vehicle and either its release to the arrested person pursuant to division (C) of this section or the issuance of an order of immobilization of the vehicle under section 4503.233 of the Revised Code shall be credited against the period of immobilization ordered by the court.

(F)(1) Except as provided in division (D)(4) of this section, the arrested person may be charged expenses or charges incurred in the removal and storage of the immobilized vehicle. The court with jurisdiction over the case, after notice to all interested parties, including lienholders, and after an opportunity for them to be heard, if the court finds that the arrested person does not intend to seek release of the vehicle at the end of the period of immobilization under section 4503.233 of the Revised Code or that the arrested person is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the person or entity that removed it, next into the name of a lienholder, or lastly into the name of the owner of the place of storage.

Any lienholder that receives title under a court order shall do so on the condition that it pay any expenses or charges incurred in the vehicle's removal and storage. If the person or entity that receives title to the vehicle is the person or entity that removed it, the person or entity shall receive title on the condition that it pay any lien on the vehicle. The court shall not order that title be transferred to any person or entity other than the owner of the place of storage if the person or entity refuses to receive the title. Any person or entity that receives title either may keep title to the vehicle or may dispose of the vehicle in any legal manner that it considers appropriate, including

assignment of the certificate of title to the motor vehicle to a 3576  
salvage dealer or a scrap metal processing facility. The person or 3577  
entity shall not transfer the vehicle to the person who is the 3578  
vehicle's immediate previous owner. 3579

If the person or entity that receives title assigns the motor 3580  
vehicle to a salvage dealer or scrap metal processing facility, 3581  
the person or entity shall send the assigned certificate of title 3582  
to the motor vehicle to the clerk of the court of common pleas of 3583  
the county in which the salvage dealer or scrap metal processing 3584  
facility is located. The person or entity shall mark the face of 3585  
the certificate of title with the words "FOR DESTRUCTION" and 3586  
shall deliver a photocopy of the certificate of title to the 3587  
salvage dealer or scrap metal processing facility for its records. 3588

(2) Whenever a court issues an order under division (F)(1) of 3589  
this section, the court also shall order removal of the license 3590  
plates from the vehicle and cause them to be sent to the registrar 3591  
if they have not already been sent to the registrar. Thereafter, 3592  
no further proceedings shall take place under this section or 3593  
under section 4503.233 of the Revised Code. 3594

(3) Prior to initiating a proceeding under division (F)(1) of 3595  
this section, and upon payment of the fee under division (B) of 3596  
section 4505.14, any interested party may cause a search to be 3597  
made of the public records of the bureau of motor vehicles or the 3598  
clerk of the court of common pleas, to ascertain the identity of 3599  
any lienholder of the vehicle. The initiating party shall furnish 3600  
this information to the clerk of the court with jurisdiction over 3601  
the case, and the clerk shall provide notice to the arrested 3602  
person, any lienholder, and any other interested parties listed by 3603  
the initiating party, at the last known address supplied by the 3604  
initiating party, by certified mail, or, at the option of the 3605  
initiating party, by personal service or ordinary mail. 3606

Sec. 4511.19. (A)(1) No person shall operate any vehicle, 3607  
streetcar, or trackless trolley within this state, if, at the time 3608  
of the operation, any of the following apply: 3609

(a) The person is under the influence of alcohol, a drug of 3610  
abuse, or a combination of them. 3611

(b) The person has a concentration of eight-hundredths of one 3612  
per cent or more but less than seventeen-hundredths of one per 3613  
cent by weight per unit volume of alcohol in the person's whole 3614  
blood. 3615

(c) The person has a concentration of ninety-six-thousandths 3616  
of one per cent or more but less than two hundred four-thousandths 3617  
of one per cent by weight per unit volume of alcohol in the 3618  
person's blood serum or plasma. 3619

(d) The person has a concentration of eight-hundredths of one 3620  
gram or more but less than seventeen-hundredths of one gram by 3621  
weight of alcohol per two hundred ten liters of the person's 3622  
breath. 3623

(e) The person has a concentration of eleven-hundredths of 3624  
one gram or more but less than two hundred 3625  
thirty-eight-thousandths of one gram by weight of alcohol per one 3626  
hundred milliliters of the person's urine. 3627

(f) The person has a concentration of seventeen-hundredths of 3628  
one per cent or more by weight per unit volume of alcohol in the 3629  
person's whole blood. 3630

(g) The person has a concentration of two hundred 3631  
four-thousandths of one per cent or more by weight per unit volume 3632  
of alcohol in the person's blood serum or plasma. 3633

(h) The person has a concentration of seventeen-hundredths of 3634  
one gram or more by weight of alcohol per two hundred ten liters 3635  
of the person's breath. 3636

(i) The person has a concentration of two hundred 3637  
thirty-eight-thousandths of one gram or more by weight of alcohol 3638  
per one hundred milliliters of the person's urine. 3639

(j) Except as provided in division (K) of this section, the 3640  
person has a concentration of any of the following controlled 3641  
substances or metabolites of a controlled substance in the 3642  
person's whole blood, blood serum or plasma, or urine that equals 3643  
or exceeds any of the following: 3644

(i) The person has a concentration of amphetamine in the 3645  
person's urine of at least five hundred nanograms of amphetamine 3646  
per milliliter of the person's urine or has a concentration of 3647  
amphetamine in the person's whole blood or blood serum or plasma 3648  
of at least one hundred nanograms of amphetamine per milliliter of 3649  
the person's whole blood or blood serum or plasma. 3650

(ii) The person has a concentration of cocaine in the 3651  
person's urine of at least one hundred fifty nanograms of cocaine 3652  
per milliliter of the person's urine or has a concentration of 3653  
cocaine in the person's whole blood or blood serum or plasma of at 3654  
least fifty nanograms of cocaine per milliliter of the person's 3655  
whole blood or blood serum or plasma. 3656

(iii) The person has a concentration of cocaine metabolite in 3657  
the person's urine of at least one hundred fifty nanograms of 3658  
cocaine metabolite per milliliter of the person's urine or has a 3659  
concentration of cocaine metabolite in the person's whole blood or 3660  
blood serum or plasma of at least fifty nanograms of cocaine 3661  
metabolite per milliliter of the person's whole blood or blood 3662  
serum or plasma. 3663

(iv) The person has a concentration of heroin in the person's 3664  
urine of at least two thousand nanograms of heroin per milliliter 3665  
of the person's urine or has a concentration of heroin in the 3666  
person's whole blood or blood serum or plasma of at least fifty 3667

nanograms of heroin per milliliter of the person's whole blood or 3668  
blood serum or plasma. 3669

(v) The person has a concentration of heroin metabolite 3670  
(6-monoacetyl morphine) in the person's urine of at least ten 3671  
nanograms of heroin metabolite (6-monoacetyl morphine) per 3672  
milliliter of the person's urine or has a concentration of heroin 3673  
metabolite (6-monoacetyl morphine) in the person's whole blood or 3674  
blood serum or plasma of at least ten nanograms of heroin 3675  
metabolite (6-monoacetyl morphine) per milliliter of the person's 3676  
whole blood or blood serum or plasma. 3677

(vi) The person has a concentration of L.S.D. in the person's 3678  
urine of at least twenty-five nanograms of L.S.D. per milliliter 3679  
of the person's urine or a concentration of L.S.D. in the person's 3680  
whole blood or blood serum or plasma of at least ten nanograms of 3681  
L.S.D. per milliliter of the person's whole blood or blood serum 3682  
or plasma. 3683

(vii) The person has a concentration of marihuana in the 3684  
person's urine of at least ten nanograms of marihuana per 3685  
milliliter of the person's urine or has a concentration of 3686  
marihuana in the person's whole blood or blood serum or plasma of 3687  
at least two nanograms of marihuana per milliliter of the person's 3688  
whole blood or blood serum or plasma. 3689

(viii) Either of the following applies: 3690

(I) The person is under the influence of alcohol, a drug of 3691  
abuse, or a combination of them, and, as measured by gas 3692  
chromatography mass spectrometry, the person has a concentration 3693  
of marihuana metabolite in the person's urine of at least fifteen 3694  
nanograms of marihuana metabolite per milliliter of the person's 3695  
urine or has a concentration of marihuana metabolite in the 3696  
person's whole blood or blood serum or plasma of at least five 3697  
nanograms of marihuana metabolite per milliliter of the person's 3698

whole blood or blood serum or plasma. 3699

(II) As measured by gas chromatography mass spectrometry, the 3700  
person has a concentration of marihuana metabolite in the person's 3701  
urine of at least thirty-five nanograms of marihuana metabolite 3702  
per milliliter of the person's urine or has a concentration of 3703  
marihuana metabolite in the person's whole blood or blood serum or 3704  
plasma of at least fifty nanograms of marihuana metabolite per 3705  
milliliter of the person's whole blood or blood serum or plasma. 3706

(ix) The person has a concentration of methamphetamine in the 3707  
person's urine of at least five hundred nanograms of 3708  
methamphetamine per milliliter of the person's urine or has a 3709  
concentration of methamphetamine in the person's whole blood or 3710  
blood serum or plasma of at least one hundred nanograms of 3711  
methamphetamine per milliliter of the person's whole blood or 3712  
blood serum or plasma. 3713

(x) The person has a concentration of phencyclidine in the 3714  
person's urine of at least twenty-five nanograms of phencyclidine 3715  
per milliliter of the person's urine or has a concentration of 3716  
phencyclidine in the person's whole blood or blood serum or plasma 3717  
of at least ten nanograms of phencyclidine per milliliter of the 3718  
person's whole blood or blood serum or plasma. 3719

(xi) The state board of pharmacy has adopted a rule pursuant 3720  
to section 4729.041 of the Revised Code that specifies the amount 3721  
of salvia divinorum and the amount of salvinorin A that constitute 3722  
concentrations of salvia divinorum and salvinorin A in a person's 3723  
urine, in a person's whole blood, or in a person's blood serum or 3724  
plasma at or above which the person is impaired for purposes of 3725  
operating any vehicle, streetcar, or trackless trolley within this 3726  
state, the rule is in effect, and the person has a concentration 3727  
of salvia divinorum or salvinorin A of at least that amount so 3728  
specified by rule in the person's urine, in the person's whole 3729  
blood, or in the person's blood serum or plasma. 3730

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division, a violation of division (A)(1) or (B) of this section, or any other equivalent offense shall do both of the following:

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

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

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

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

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

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

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one

gram by weight of alcohol per one hundred milliliters of the 3762  
person's urine. 3763

(C) In any proceeding arising out of one incident, a person 3764  
may be charged with a violation of division (A)(1)(a) or (A)(2) 3765  
and a violation of division (B)(1), (2), or (3) of this section, 3766  
but the person may not be convicted of more than one violation of 3767  
these divisions. 3768

(D)(1)(a) In any criminal prosecution or juvenile court 3769  
proceeding for a violation of division (A)(1)(a) of this section 3770  
or for an equivalent offense that is vehicle-related, the result 3771  
of any test of any blood or urine withdrawn and analyzed at any 3772  
health care provider, as defined in section 2317.02 of the Revised 3773  
Code, may be admitted with expert testimony to be considered with 3774  
any other relevant and competent evidence in determining the guilt 3775  
or innocence of the defendant. 3776

(b) In any criminal prosecution or juvenile court proceeding 3777  
for a violation of division (A) or (B) of this section or for an 3778  
equivalent offense that is vehicle-related, the court may admit 3779  
evidence on the concentration of alcohol, drugs of abuse, 3780  
controlled substances, metabolites of a controlled substance, or a 3781  
combination of them in the defendant's whole blood, blood serum or 3782  
plasma, breath, urine, or other bodily substance at the time of 3783  
the alleged violation as shown by chemical analysis of the 3784  
substance withdrawn within three hours of the time of the alleged 3785  
violation. The three-hour time limit specified in this division 3786  
regarding the admission of evidence does not extend or affect the 3787  
two-hour time limit specified in division (A) of section 4511.192 3788  
of the Revised Code as the maximum period of time during which a 3789  
person may consent to a chemical test or tests as described in 3790  
that section. The court may admit evidence on the concentration of 3791  
alcohol, drugs of abuse, or a combination of them as described in 3792  
this division when a person submits to a blood, breath, urine, or 3793

other bodily substance test at the request of a law enforcement 3794  
officer under section 4511.191 of the Revised Code or a blood or 3795  
urine sample is obtained pursuant to a search warrant. Only a 3796  
physician, a registered nurse, an emergency medical 3797  
technician-intermediate, an emergency medical 3798  
technician-paramedic, or a qualified technician, chemist, or 3799  
phlebotomist shall withdraw a blood sample for the purpose of 3800  
determining the alcohol, drug, controlled substance, metabolite of 3801  
a controlled substance, or combination content of the whole blood, 3802  
blood serum, or blood plasma. This limitation does not apply to 3803  
the taking of breath or urine specimens. A person authorized to 3804  
withdraw blood under this division may refuse to withdraw blood 3805  
under this division, if in that person's opinion, the physical 3806  
welfare of the person would be endangered by the withdrawing of 3807  
blood. 3808

The bodily substance withdrawn under division (D)(1)(b) of 3809  
this section shall be analyzed in accordance with methods approved 3810  
by the director of health by an individual possessing a valid 3811  
permit issued by the director pursuant to section 3701.143 of the 3812  
Revised Code. 3813

(c) As used in division (D)(1)(b) of this section, "emergency 3814  
medical technician-intermediate" and "emergency medical 3815  
technician-paramedic" have the same meanings as in section 4765.01 3816  
of the Revised Code. 3817

(2) In a criminal prosecution or juvenile court proceeding 3818  
for a violation of division (A) of this section or for an 3819  
equivalent offense that is vehicle-related, if there was at the 3820  
time the bodily substance was withdrawn a concentration of less 3821  
than the applicable concentration of alcohol specified in 3822  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 3823  
than the applicable concentration of a listed controlled substance 3824  
or a listed metabolite of a controlled substance specified for a 3825

violation of division (A)(1)(j) of this section, that fact may be 3826  
considered with other competent evidence in determining the guilt 3827  
or innocence of the defendant. This division does not limit or 3828  
affect a criminal prosecution or juvenile court proceeding for a 3829  
violation of division (B) of this section or for an equivalent 3830  
offense that is substantially equivalent to that division. 3831

(3) Upon the request of the person who was tested, the 3832  
results of the chemical test shall be made available to the person 3833  
or the person's attorney, immediately upon the completion of the 3834  
chemical test analysis. 3835

If the chemical test was obtained pursuant to division 3836  
(D)(1)(b) of this section, the person tested may have a physician, 3837  
a registered nurse, or a qualified technician, chemist, or 3838  
phlebotomist of the person's own choosing administer a chemical 3839  
test or tests, at the person's expense, in addition to any 3840  
administered at the request of a law enforcement officer. If the 3841  
person was under arrest as described in division (A)(5) of section 3842  
4511.191 of the Revised Code, the arresting officer shall advise 3843  
the person at the time of the arrest that the person may have an 3844  
independent chemical test taken at the person's own expense. If 3845  
the person was under arrest other than described in division 3846  
(A)(5) of section 4511.191 of the Revised Code, the form to be 3847  
read to the person to be tested, as required under section 3848  
4511.192 of the Revised Code, shall state that the person may have 3849  
an independent test performed at the person's expense. The failure 3850  
or inability to obtain an additional chemical test by a person 3851  
shall not preclude the admission of evidence relating to the 3852  
chemical test or tests taken at the request of a law enforcement 3853  
officer. 3854

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3855  
section, "national highway traffic safety administration" means 3856  
the national highway traffic safety administration established as 3857

an administration of the United States department of 3858  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3859

(b) In any criminal prosecution or juvenile court proceeding 3860  
for a violation of division (A) or (B) of this section, of a 3861  
municipal ordinance relating to operating a vehicle while under 3862  
the influence of alcohol, a drug of abuse, or alcohol and a drug 3863  
of abuse, or of a municipal ordinance relating to operating a 3864  
vehicle with a prohibited concentration of alcohol, a controlled 3865  
substance, or a metabolite of a controlled substance in the whole 3866  
blood, blood serum or plasma, breath, or urine, if a law 3867  
enforcement officer has administered a field sobriety test to the 3868  
operator of the vehicle involved in the violation and if it is 3869  
shown by clear and convincing evidence that the officer 3870  
administered the test in substantial compliance with the testing 3871  
standards for any reliable, credible, and generally accepted field 3872  
sobriety tests that were in effect at the time the tests were 3873  
administered, including, but not limited to, any testing standards 3874  
then in effect that were set by the national highway traffic 3875  
safety administration, all of the following apply: 3876

(i) The officer may testify concerning the results of the 3877  
field sobriety test so administered. 3878

(ii) The prosecution may introduce the results of the field 3879  
sobriety test so administered as evidence in any proceedings in 3880  
the criminal prosecution or juvenile court proceeding. 3881

(iii) If testimony is presented or evidence is introduced 3882  
under division (D)(4)(b)(i) or (ii) of this section and if the 3883  
testimony or evidence is admissible under the Rules of Evidence, 3884  
the court shall admit the testimony or evidence and the trier of 3885  
fact shall give it whatever weight the trier of fact considers to 3886  
be appropriate. 3887

(c) Division (D)(4)(b) of this section does not limit or 3888

preclude a court, in its determination of whether the arrest of a 3889  
person was supported by probable cause or its determination of any 3890  
other matter in a criminal prosecution or juvenile court 3891  
proceeding of a type described in that division, from considering 3892  
evidence or testimony that is not otherwise disallowed by division 3893  
(D)(4)(b) of this section. 3894

(E)(1) Subject to division (E)(3) of this section, in any 3895  
criminal prosecution or juvenile court proceeding for a violation 3896  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 3897  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 3898  
offense that is substantially equivalent to any of those 3899  
divisions, a laboratory report from any laboratory personnel 3900  
issued a permit by the department of health authorizing an 3901  
analysis as described in this division that contains an analysis 3902  
of the whole blood, blood serum or plasma, breath, urine, or other 3903  
bodily substance tested and that contains all of the information 3904  
specified in this division shall be admitted as prima-facie 3905  
evidence of the information and statements that the report 3906  
contains. The laboratory report shall contain all of the 3907  
following: 3908

(a) The signature, under oath, of any person who performed 3909  
the analysis; 3910

(b) Any findings as to the identity and quantity of alcohol, 3911  
a drug of abuse, a controlled substance, a metabolite of a 3912  
controlled substance, or a combination of them that was found; 3913

(c) A copy of a notarized statement by the laboratory 3914  
director or a designee of the director that contains the name of 3915  
each certified analyst or test performer involved with the report, 3916  
the analyst's or test performer's employment relationship with the 3917  
laboratory that issued the report, and a notation that performing 3918  
an analysis of the type involved is part of the analyst's or test 3919  
performer's regular duties; 3920

(d) An outline of the analyst's or test performer's 3921  
education, training, and experience in performing the type of 3922  
analysis involved and a certification that the laboratory 3923  
satisfies appropriate quality control standards in general and, in 3924  
this particular analysis, under rules of the department of health. 3925

(2) Notwithstanding any other provision of law regarding the 3926  
admission of evidence, a report of the type described in division 3927  
(E)(1) of this section is not admissible against the defendant to 3928  
whom it pertains in any proceeding, other than a preliminary 3929  
hearing or a grand jury proceeding, unless the prosecutor has 3930  
served a copy of the report on the defendant's attorney or, if the 3931  
defendant has no attorney, on the defendant. 3932

(3) A report of the type described in division (E)(1) of this 3933  
section shall not be prima-facie evidence of the contents, 3934  
identity, or amount of any substance if, within seven days after 3935  
the defendant to whom the report pertains or the defendant's 3936  
attorney receives a copy of the report, the defendant or the 3937  
defendant's attorney demands the testimony of the person who 3938  
signed the report. The judge in the case may extend the seven-day 3939  
time limit in the interest of justice. 3940

(F) Except as otherwise provided in this division, any 3941  
physician, registered nurse, emergency medical 3942  
technician-intermediate, emergency medical technician-paramedic, 3943  
or qualified technician, chemist, or phlebotomist who withdraws 3944  
blood from a person pursuant to this section or section 4511.191 3945  
or 4511.192 of the Revised Code, and any hospital, first-aid 3946  
station, or clinic at which blood is withdrawn from a person 3947  
pursuant to this section or section 4511.191 or 4511.192 of the 3948  
Revised Code, is immune from criminal liability and civil 3949  
liability based upon a claim of assault and battery or any other 3950  
claim that is not a claim of malpractice, for any act performed in 3951  
withdrawing blood from the person. The immunity provided in this 3952

division also extends to an emergency medical service organization 3953  
that employs an emergency medical technician-intermediate or 3954  
emergency medical technician-paramedic who withdraws blood under 3955  
this section. The immunity provided in this division is not 3956  
available to a person who withdraws blood if the person engages in 3957  
willful or wanton misconduct. 3958

As used in this division, "emergency medical 3959  
technician-intermediate" and "emergency medical 3960  
technician-paramedic" have the same meanings as in section 4765.01 3961  
of the Revised Code. 3962

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 3963  
to (i) or (A)(2) of this section is guilty of operating a vehicle 3964  
under the influence of alcohol, a drug of abuse, or a combination 3965  
of them. Whoever violates division (A)(1)(j) of this section is 3966  
guilty of operating a vehicle while under the influence of a 3967  
listed controlled substance or a listed metabolite of a controlled 3968  
substance. The court shall sentence the offender for either 3969  
offense under Chapter 2929. of the Revised Code, except as 3970  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 3971  
this section: 3972

(a) Except as otherwise provided in division (G)(1)(b), (c), 3973  
(d), or (e) of this section, the offender is guilty of a 3974  
misdemeanor of the first degree, and the court shall sentence the 3975  
offender to all of the following: 3976

(i) If the sentence is being imposed for a violation of 3977  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 3978  
mandatory jail term of three consecutive days. As used in this 3979  
division, three consecutive days means seventy-two consecutive 3980  
hours. The court may sentence an offender to both an intervention 3981  
program and a jail term. The court may impose a jail term in 3982  
addition to the three-day mandatory jail term or intervention 3983  
program. However, in no case shall the cumulative jail term 3984

imposed for the offense exceed six months. 3985

The court may suspend the execution of the three-day jail 3986  
term under this division if the court, in lieu of that suspended 3987  
term, places the offender under a community control sanction 3988  
pursuant to section 2929.25 of the Revised Code and requires the 3989  
offender to attend, for three consecutive days, a drivers' 3990  
intervention program certified under section 3793.10 of the 3991  
Revised Code. The court also may suspend the execution of any part 3992  
of the three-day jail term under this division if it places the 3993  
offender under a community control sanction pursuant to section 3994  
2929.25 of the Revised Code for part of the three days, requires 3995  
the offender to attend for the suspended part of the term a 3996  
drivers' intervention program so certified, and sentences the 3997  
offender to a jail term equal to the remainder of the three 3998  
consecutive days that the offender does not spend attending the 3999  
program. The court may require the offender, as a condition of 4000  
community control and in addition to the required attendance at a 4001  
drivers' intervention program, to attend and satisfactorily 4002  
complete any treatment or education programs that comply with the 4003  
minimum standards adopted pursuant to Chapter 3793. of the Revised 4004  
Code by the director of alcohol and drug addiction services that 4005  
the operators of the drivers' intervention program determine that 4006  
the offender should attend and to report periodically to the court 4007  
on the offender's progress in the programs. The court also may 4008  
impose on the offender any other conditions of community control 4009  
that it considers necessary. 4010

(ii) If the sentence is being imposed for a violation of 4011  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4012  
section, except as otherwise provided in this division, a 4013  
mandatory jail term of at least three consecutive days and a 4014  
requirement that the offender attend, for three consecutive days, 4015  
a drivers' intervention program that is certified pursuant to 4016

section 3793.10 of the Revised Code. As used in this division, 4017  
three consecutive days means seventy-two consecutive hours. If the 4018  
court determines that the offender is not conducive to treatment 4019  
in a drivers' intervention program, if the offender refuses to 4020  
attend a drivers' intervention program, or if the jail at which 4021  
the offender is to serve the jail term imposed can provide a 4022  
driver's intervention program, the court shall sentence the 4023  
offender to a mandatory jail term of at least six consecutive 4024  
days. 4025

The court may require the offender, under a community control 4026  
sanction imposed under section 2929.25 of the Revised Code, to 4027  
attend and satisfactorily complete any treatment or education 4028  
programs that comply with the minimum standards adopted pursuant 4029  
to Chapter 3793. of the Revised Code by the director of alcohol 4030  
and drug addiction services, in addition to the required 4031  
attendance at drivers' intervention program, that the operators of 4032  
the drivers' intervention program determine that the offender 4033  
should attend and to report periodically to the court on the 4034  
offender's progress in the programs. The court also may impose any 4035  
other conditions of community control on the offender that it 4036  
considers necessary. 4037

(iii) In all cases, a fine of not less than three hundred 4038  
seventy-five and not more than one thousand seventy-five dollars; 4039

(iv) In all cases, a class five license suspension of the 4040  
offender's driver's or commercial driver's license or permit or 4041  
nonresident operating privilege from the range specified in 4042  
division (A)(5) of section 4510.02 of the Revised Code. The court 4043  
may grant limited driving privileges relative to the suspension 4044  
under sections 4510.021 and 4510.13 of the Revised Code. 4045

(b) Except as otherwise provided in division (G)(1)(e) of 4046  
this section, an offender who, within six years of the offense, 4047  
previously has been convicted of or pleaded guilty to one 4048

violation of division (A) or (B) of this section or one other 4049  
equivalent offense is guilty of a misdemeanor of the first degree. 4050  
The court shall sentence the offender to all of the following: 4051

(i) If the sentence is being imposed for a violation of 4052  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 4053  
mandatory jail term of ten consecutive days. The court shall 4054  
impose the ten-day mandatory jail term under this division unless, 4055  
subject to division (G)(3) of this section, it instead imposes a 4056  
sentence under that division consisting of both a jail term and a 4057  
term of house arrest with electronic monitoring, with continuous 4058  
alcohol monitoring, or with both electronic monitoring and 4059  
continuous alcohol monitoring. The court may impose a jail term in 4060  
addition to the ten-day mandatory jail term. The cumulative jail 4061  
term imposed for the offense shall not exceed six months. 4062

In addition to the jail term or the term of house arrest with 4063  
electronic monitoring or continuous alcohol monitoring or both 4064  
types of monitoring and jail term, the court shall require the 4065  
offender to be assessed by an alcohol and drug treatment program 4066  
that is authorized by section 3793.02 of the Revised Code, subject 4067  
to division (I) of this section, and shall order the offender to 4068  
follow the treatment recommendations of the program. The purpose 4069  
of the assessment is to determine the degree of the offender's 4070  
alcohol usage and to determine whether or not treatment is 4071  
warranted. Upon the request of the court, the program shall submit 4072  
the results of the assessment to the court, including all 4073  
treatment recommendations and clinical diagnoses related to 4074  
alcohol use. 4075

(ii) If the sentence is being imposed for a violation of 4076  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4077  
section, except as otherwise provided in this division, a 4078  
mandatory jail term of twenty consecutive days. The court shall 4079  
impose the twenty-day mandatory jail term under this division 4080

unless, subject to division (G)(3) of this section, it instead 4081  
imposes a sentence under that division consisting of both a jail 4082  
term and a term of house arrest with electronic monitoring, with 4083  
continuous alcohol monitoring, or with both electronic monitoring 4084  
and continuous alcohol monitoring. The court may impose a jail 4085  
term in addition to the twenty-day mandatory jail term. The 4086  
cumulative jail term imposed for the offense shall not exceed six 4087  
months. 4088

In addition to the jail term or the term of house arrest with 4089  
electronic monitoring or continuous alcohol monitoring or both 4090  
types of monitoring and jail term, the court shall require the 4091  
offender to be assessed by an alcohol and drug treatment program 4092  
that is authorized by section 3793.02 of the Revised Code, subject 4093  
to division (I) of this section, and shall order the offender to 4094  
follow the treatment recommendations of the program. The purpose 4095  
of the assessment is to determine the degree of the offender's 4096  
alcohol usage and to determine whether or not treatment is 4097  
warranted. Upon the request of the court, the program shall submit 4098  
the results of the assessment to the court, including all 4099  
treatment recommendations and clinical diagnoses related to 4100  
alcohol use. 4101

(iii) In all cases, notwithstanding the fines set forth in 4102  
Chapter 2929. of the Revised Code, a fine of not less than five 4103  
hundred twenty-five and not more than one thousand six hundred 4104  
twenty-five dollars; 4105

(iv) In all cases, a class four license suspension of the 4106  
offender's driver's license, commercial driver's license, 4107  
temporary instruction permit, probationary license, or nonresident 4108  
operating privilege from the range specified in division (A)(4) of 4109  
section 4510.02 of the Revised Code. The court may grant limited 4110  
driving privileges relative to the suspension under sections 4111  
4510.021 and 4510.13 of the Revised Code. 4112

(v) In all cases, if the vehicle is registered in the 4113  
offender's name, immobilization of the vehicle involved in the 4114  
offense for ninety days in accordance with section 4503.233 of the 4115  
Revised Code and impoundment of the license plates of that vehicle 4116  
for ninety days. 4117

(c) Except as otherwise provided in division (G)(1)(e) of 4118  
this section, an offender who, within six years of the offense, 4119  
previously has been convicted of or pleaded guilty to two 4120  
violations of division (A) or (B) of this section or other 4121  
equivalent offenses is guilty of a misdemeanor. The court shall 4122  
sentence the offender to all of the following: 4123

(i) If the sentence is being imposed for a violation of 4124  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 4125  
mandatory jail term of thirty consecutive days. The court shall 4126  
impose the thirty-day mandatory jail term under this division 4127  
unless, subject to division (G)(3) of this section, it instead 4128  
imposes a sentence under that division consisting of both a jail 4129  
term and a term of house arrest with electronic monitoring, with 4130  
continuous alcohol monitoring, or with both electronic monitoring 4131  
and continuous alcohol monitoring. The court may impose a jail 4132  
term in addition to the thirty-day mandatory jail term. 4133  
Notwithstanding the jail terms set forth in sections 2929.21 to 4134  
2929.28 of the Revised Code, the additional jail term shall not 4135  
exceed one year, and the cumulative jail term imposed for the 4136  
offense shall not exceed one year. 4137

(ii) If the sentence is being imposed for a violation of 4138  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4139  
section, a mandatory jail term of sixty consecutive days. The 4140  
court shall impose the sixty-day mandatory jail term under this 4141  
division unless, subject to division (G)(3) of this section, it 4142  
instead imposes a sentence under that division consisting of both 4143  
a jail term and a term of house arrest with electronic monitoring, 4144

with continuous alcohol monitoring, or with both electronic 4145  
monitoring and continuous alcohol monitoring. The court may impose 4146  
a jail term in addition to the sixty-day mandatory jail term. 4147  
Notwithstanding the jail terms set forth in sections 2929.21 to 4148  
2929.28 of the Revised Code, the additional jail term shall not 4149  
exceed one year, and the cumulative jail term imposed for the 4150  
offense shall not exceed one year. 4151

(iii) In all cases, notwithstanding the fines set forth in 4152  
Chapter 2929. of the Revised Code, a fine of not less than eight 4153  
hundred fifty and not more than two thousand seven hundred fifty 4154  
dollars; 4155

(iv) In all cases, a class three license suspension of the 4156  
offender's driver's license, commercial driver's license, 4157  
temporary instruction permit, probationary license, or nonresident 4158  
operating privilege from the range specified in division (A)(3) of 4159  
section 4510.02 of the Revised Code. The court may grant limited 4160  
driving privileges relative to the suspension under sections 4161  
4510.021 and 4510.13 of the Revised Code. 4162

(v) In all cases, if the vehicle is registered in the 4163  
offender's name, criminal forfeiture of the vehicle involved in 4164  
the offense in accordance with section 4503.234 of the Revised 4165  
Code. Division (G)(6) of this section applies regarding any 4166  
vehicle that is subject to an order of criminal forfeiture under 4167  
this division. 4168

(vi) In all cases, the court shall order the offender to 4169  
participate in an alcohol and drug addiction program authorized by 4170  
section 3793.02 of the Revised Code, subject to division (I) of 4171  
this section, and shall order the offender to follow the treatment 4172  
recommendations of the program. The operator of the program shall 4173  
determine and assess the degree of the offender's alcohol 4174  
dependency and shall make recommendations for treatment. Upon the 4175  
request of the court, the program shall submit the results of the 4176

assessment to the court, including all treatment recommendations 4177  
and clinical diagnoses related to alcohol use. 4178

(d) Except as otherwise provided in division (G)(1)(e) of 4179  
this section, an offender who, within six years of the offense, 4180  
previously has been convicted of or pleaded guilty to three or 4181  
four violations of division (A) or (B) of this section or other 4182  
equivalent offenses or an offender who, within twenty years of the 4183  
offense, previously has been convicted of or pleaded guilty to 4184  
five or more violations of that nature is guilty of a felony of 4185  
the fourth degree. The court shall sentence the offender to all of 4186  
the following: 4187

(i) If the sentence is being imposed for a violation of 4188  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 4189  
mandatory prison term of one, two, three, four, or five years as 4190  
required by and in accordance with division (G)(2) of section 4191  
2929.13 of the Revised Code if the offender also is convicted of 4192  
or also pleads guilty to a specification of the type described in 4193  
section 2941.1413 of the Revised Code or, in the discretion of the 4194  
court, either a mandatory term of local incarceration of sixty 4195  
consecutive days in accordance with division (G)(1) of section 4196  
2929.13 of the Revised Code or a mandatory prison term of sixty 4197  
consecutive days in accordance with division (G)(2) of that 4198  
section if the offender is not convicted of and does not plead 4199  
guilty to a specification of that type. If the court imposes a 4200  
mandatory term of local incarceration, it may impose a jail term 4201  
in addition to the sixty-day mandatory term, the cumulative total 4202  
of the mandatory term and the jail term for the offense shall not 4203  
exceed one year, and, except as provided in division (A)(1) of 4204  
section 2929.13 of the Revised Code, no prison term is authorized 4205  
for the offense. If the court imposes a mandatory prison term, 4206  
notwithstanding division (A)(4) of section 2929.14 of the Revised 4207  
Code, it also may sentence the offender to a definite prison term 4208

that shall be not less than six months and not more than thirty 4209  
months and the prison terms shall be imposed as described in 4210  
division (G)(2) of section 2929.13 of the Revised Code. If the 4211  
court imposes a mandatory prison term or mandatory prison term and 4212  
additional prison term, in addition to the term or terms so 4213  
imposed, the court also may sentence the offender to a community 4214  
control sanction for the offense, but the offender shall serve all 4215  
of the prison terms so imposed prior to serving the community 4216  
control sanction. 4217

(ii) If the sentence is being imposed for a violation of 4218  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4219  
section, a mandatory prison term of one, two, three, four, or five 4220  
years as required by and in accordance with division (G)(2) of 4221  
section 2929.13 of the Revised Code if the offender also is 4222  
convicted of or also pleads guilty to a specification of the type 4223  
described in section 2941.1413 of the Revised Code or, in the 4224  
discretion of the court, either a mandatory term of local 4225  
incarceration of one hundred twenty consecutive days in accordance 4226  
with division (G)(1) of section 2929.13 of the Revised Code or a 4227  
mandatory prison term of one hundred twenty consecutive days in 4228  
accordance with division (G)(2) of that section if the offender is 4229  
not convicted of and does not plead guilty to a specification of 4230  
that type. If the court imposes a mandatory term of local 4231  
incarceration, it may impose a jail term in addition to the one 4232  
hundred twenty-day mandatory term, the cumulative total of the 4233  
mandatory term and the jail term for the offense shall not exceed 4234  
one year, and, except as provided in division (A)(1) of section 4235  
2929.13 of the Revised Code, no prison term is authorized for the 4236  
offense. If the court imposes a mandatory prison term, 4237  
notwithstanding division (A)(4) of section 2929.14 of the Revised 4238  
Code, it also may sentence the offender to a definite prison term 4239  
that shall be not less than six months and not more than thirty 4240  
months and the prison terms shall be imposed as described in 4241

division (G)(2) of section 2929.13 of the Revised Code. If the 4242  
court imposes a mandatory prison term or mandatory prison term and 4243  
additional prison term, in addition to the term or terms so 4244  
imposed, the court also may sentence the offender to a community 4245  
control sanction for the offense, but the offender shall serve all 4246  
of the prison terms so imposed prior to serving the community 4247  
control sanction. 4248

(iii) In all cases, notwithstanding section 2929.18 of the 4249  
Revised Code, a fine of not less than one thousand three hundred 4250  
fifty nor more than ten thousand five hundred dollars; 4251

(iv) In all cases, a class two license suspension of the 4252  
offender's driver's license, commercial driver's license, 4253  
temporary instruction permit, probationary license, or nonresident 4254  
operating privilege from the range specified in division (A)(2) of 4255  
section 4510.02 of the Revised Code. The court may grant limited 4256  
driving privileges relative to the suspension under sections 4257  
4510.021 and 4510.13 of the Revised Code. 4258

(v) In all cases, if the vehicle is registered in the 4259  
offender's name, criminal forfeiture of the vehicle involved in 4260  
the offense in accordance with section 4503.234 of the Revised 4261  
Code. Division (G)(6) of this section applies regarding any 4262  
vehicle that is subject to an order of criminal forfeiture under 4263  
this division. 4264

(vi) In all cases, the court shall order the offender to 4265  
participate in an alcohol and drug addiction program authorized by 4266  
section 3793.02 of the Revised Code, subject to division (I) of 4267  
this section, and shall order the offender to follow the treatment 4268  
recommendations of the program. The operator of the program shall 4269  
determine and assess the degree of the offender's alcohol 4270  
dependency and shall make recommendations for treatment. Upon the 4271  
request of the court, the program shall submit the results of the 4272  
assessment to the court, including all treatment recommendations 4273

and clinical diagnoses related to alcohol use. 4274

(vii) In all cases, if the court sentences the offender to a 4275  
mandatory term of local incarceration, in addition to the 4276  
mandatory term, the court, pursuant to section 2929.17 of the 4277  
Revised Code, may impose a term of house arrest with electronic 4278  
monitoring. The term shall not commence until after the offender 4279  
has served the mandatory term of local incarceration. 4280

(e) An offender who previously has been convicted of or 4281  
pleaded guilty to a violation of division (A) of this section that 4282  
was a felony, regardless of when the violation and the conviction 4283  
or guilty plea occurred, is guilty of a felony of the third 4284  
degree. The court shall sentence the offender to all of the 4285  
following: 4286

(i) If the offender is being sentenced for a violation of 4287  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 4288  
mandatory prison term of one, two, three, four, or five years as 4289  
required by and in accordance with division (G)(2) of section 4290  
2929.13 of the Revised Code if the offender also is convicted of 4291  
or also pleads guilty to a specification of the type described in 4292  
section 2941.1413 of the Revised Code or a mandatory prison term 4293  
of sixty consecutive days in accordance with division (G)(2) of 4294  
section 2929.13 of the Revised Code if the offender is not 4295  
convicted of and does not plead guilty to a specification of that 4296  
type. The court may impose a prison term in addition to the 4297  
mandatory prison term. The cumulative total of a sixty-day 4298  
mandatory prison term and the additional prison term for the 4299  
offense shall not exceed five years. In addition to the mandatory 4300  
prison term or mandatory prison term and additional prison term 4301  
the court imposes, the court also may sentence the offender to a 4302  
community control sanction for the offense, but the offender shall 4303  
serve all of the prison terms so imposed prior to serving the 4304  
community control sanction. 4305

(ii) If the sentence is being imposed for a violation of 4306  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4307  
section, a mandatory prison term of one, two, three, four, or five 4308  
years as required by and in accordance with division (G)(2) of 4309  
section 2929.13 of the Revised Code if the offender also is 4310  
convicted of or also pleads guilty to a specification of the type 4311  
described in section 2941.1413 of the Revised Code or a mandatory 4312  
prison term of one hundred twenty consecutive days in accordance 4313  
with division (G)(2) of section 2929.13 of the Revised Code if the 4314  
offender is not convicted of and does not plead guilty to a 4315  
specification of that type. The court may impose a prison term in 4316  
addition to the mandatory prison term. The cumulative total of a 4317  
one hundred twenty-day mandatory prison term and the additional 4318  
prison term for the offense shall not exceed five years. In 4319  
addition to the mandatory prison term or mandatory prison term and 4320  
additional prison term the court imposes, the court also may 4321  
sentence the offender to a community control sanction for the 4322  
offense, but the offender shall serve all of the prison terms so 4323  
imposed prior to serving the community control sanction. 4324

(iii) In all cases, notwithstanding section 2929.18 of the 4325  
Revised Code, a fine of not less than one thousand three hundred 4326  
fifty nor more than ten thousand five hundred dollars; 4327

(iv) In all cases, a class two license suspension of the 4328  
offender's driver's license, commercial driver's license, 4329  
temporary instruction permit, probationary license, or nonresident 4330  
operating privilege from the range specified in division (A)(2) of 4331  
section 4510.02 of the Revised Code. The court may grant limited 4332  
driving privileges relative to the suspension under sections 4333  
4510.021 and 4510.13 of the Revised Code. 4334

(v) In all cases, if the vehicle is registered in the 4335  
offender's name, criminal forfeiture of the vehicle involved in 4336  
the offense in accordance with section 4503.234 of the Revised 4337

Code. Division (G)(6) of this section applies regarding any 4338  
vehicle that is subject to an order of criminal forfeiture under 4339  
this division. 4340

(vi) In all cases, the court shall order the offender to 4341  
participate in an alcohol and drug addiction program authorized by 4342  
section 3793.02 of the Revised Code, subject to division (I) of 4343  
this section, and shall order the offender to follow the treatment 4344  
recommendations of the program. The operator of the program shall 4345  
determine and assess the degree of the offender's alcohol 4346  
dependency and shall make recommendations for treatment. Upon the 4347  
request of the court, the program shall submit the results of the 4348  
assessment to the court, including all treatment recommendations 4349  
and clinical diagnoses related to alcohol use. 4350

(2) An offender who is convicted of or pleads guilty to a 4351  
violation of division (A) of this section and who subsequently 4352  
seeks reinstatement of the driver's or occupational driver's 4353  
license or permit or nonresident operating privilege suspended 4354  
under this section as a result of the conviction or guilty plea 4355  
shall pay a reinstatement fee as provided in division (F)(2) of 4356  
section 4511.191 of the Revised Code. 4357

(3) If an offender is sentenced to a jail term under division 4358  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 4359  
if, within sixty days of sentencing of the offender, the court 4360  
issues a written finding on the record that, due to the 4361  
unavailability of space at the jail where the offender is required 4362  
to serve the term, the offender will not be able to begin serving 4363  
that term within the sixty-day period following the date of 4364  
sentencing, the court may impose an alternative sentence under 4365  
this division that includes a term of house arrest with electronic 4366  
monitoring, with continuous alcohol monitoring, or with both 4367  
electronic monitoring and continuous alcohol monitoring. 4368

As an alternative to a mandatory jail term of ten consecutive 4369

days required by division (G)(1)(b)(i) of this section, the court, 4370  
under this division, may sentence the offender to five consecutive 4371  
days in jail and not less than eighteen consecutive days of house 4372  
arrest with electronic monitoring, with continuous alcohol 4373  
monitoring, or with both electronic monitoring and continuous 4374  
alcohol monitoring. The cumulative total of the five consecutive 4375  
days in jail and the period of house arrest with electronic 4376  
monitoring, continuous alcohol monitoring, or both types of 4377  
monitoring shall not exceed six months. The five consecutive days 4378  
in jail do not have to be served prior to or consecutively to the 4379  
period of house arrest. 4380

As an alternative to the mandatory jail term of twenty 4381  
consecutive days required by division (G)(1)(b)(ii) of this 4382  
section, the court, under this division, may sentence the offender 4383  
to ten consecutive days in jail and not less than thirty-six 4384  
consecutive days of house arrest with electronic monitoring, with 4385  
continuous alcohol monitoring, or with both electronic monitoring 4386  
and continuous alcohol monitoring. The cumulative total of the ten 4387  
consecutive days in jail and the period of house arrest with 4388  
electronic monitoring, continuous alcohol monitoring, or both 4389  
types of monitoring shall not exceed six months. The ten 4390  
consecutive days in jail do not have to be served prior to or 4391  
consecutively to the period of house arrest. 4392

As an alternative to a mandatory jail term of thirty 4393  
consecutive days required by division (G)(1)(c)(i) of this 4394  
section, the court, under this division, may sentence the offender 4395  
to fifteen consecutive days in jail and not less than fifty-five 4396  
consecutive days of house arrest with electronic monitoring, with 4397  
continuous alcohol monitoring, or with both electronic monitoring 4398  
and continuous alcohol monitoring. The cumulative total of the 4399  
fifteen consecutive days in jail and the period of house arrest 4400  
with electronic monitoring, continuous alcohol monitoring, or both 4401

types of monitoring shall not exceed one year. The fifteen 4402  
consecutive days in jail do not have to be served prior to or 4403  
consecutively to the period of house arrest. 4404

As an alternative to the mandatory jail term of sixty 4405  
consecutive days required by division (G)(1)(c)(ii) of this 4406  
section, the court, under this division, may sentence the offender 4407  
to thirty consecutive days in jail and not less than one hundred 4408  
ten consecutive days of house arrest with electronic monitoring, 4409  
with continuous alcohol monitoring, or with both electronic 4410  
monitoring and continuous alcohol monitoring. The cumulative total 4411  
of the thirty consecutive days in jail and the period of house 4412  
arrest with electronic monitoring, continuous alcohol monitoring, 4413  
or both types of monitoring shall not exceed one year. The thirty 4414  
consecutive days in jail do not have to be served prior to or 4415  
consecutively to the period of house arrest. 4416

(4) If an offender's driver's or occupational driver's 4417  
license or permit or nonresident operating privilege is suspended 4418  
under division (G) of this section and if section 4510.13 of the 4419  
Revised Code permits the court to grant limited driving 4420  
privileges, the court may grant the limited driving privileges in 4421  
accordance with that section. If division (A)(7) of that section 4422  
requires that the court impose as a condition of the privileges 4423  
that the offender must display on the vehicle that is driven 4424  
subject to the privileges restricted license plates that are 4425  
issued under section 4503.231 of the Revised Code, except as 4426  
provided in division (B) of that section, the court shall impose 4427  
that condition as one of the conditions of the limited driving 4428  
privileges granted to the offender, except as provided in division 4429  
(B) of section 4503.231 of the Revised Code. 4430

(5) Fines imposed under this section for a violation of 4431  
division (A) of this section shall be distributed as follows: 4432

(a) Twenty-five dollars of the fine imposed under division 4433

(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 4434  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 4435  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 4436  
dollars of the fine imposed under division (G)(1)(d)(iii) or 4437  
(e)(iii) of this section shall be paid to an enforcement and 4438  
education fund established by the legislative authority of the law 4439  
enforcement agency in this state that primarily was responsible 4440  
for the arrest of the offender, as determined by the court that 4441  
imposes the fine. The agency shall use this share to pay only 4442  
those costs it incurs in enforcing this section or a municipal OVI 4443  
ordinance and in informing the public of the laws governing the 4444  
operation of a vehicle while under the influence of alcohol, the 4445  
dangers of the operation of a vehicle under the influence of 4446  
alcohol, and other information relating to the operation of a 4447  
vehicle under the influence of alcohol and the consumption of 4448  
alcoholic beverages. 4449

(b) Fifty dollars of the fine imposed under division 4450  
(G)(1)(a)(iii) of this section shall be paid to the political 4451  
subdivision that pays the cost of housing the offender during the 4452  
offender's term of incarceration. If the offender is being 4453  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 4454  
(e), or (j) of this section and was confined as a result of the 4455  
offense prior to being sentenced for the offense but is not 4456  
sentenced to a term of incarceration, the fifty dollars shall be 4457  
paid to the political subdivision that paid the cost of housing 4458  
the offender during that period of confinement. The political 4459  
subdivision shall use the share under this division to pay or 4460  
reimburse incarceration or treatment costs it incurs in housing or 4461  
providing drug and alcohol treatment to persons who violate this 4462  
section or a municipal OVI ordinance, costs of any immobilizing or 4463  
disabling device used on the offender's vehicle, and costs of 4464  
electronic house arrest equipment needed for persons who violate 4465  
this section. 4466

(c) Twenty-five dollars of the fine imposed under division 4467  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 4468  
division (G)(1)(b)(iii) of this section shall be deposited into 4469  
the county or municipal indigent drivers' alcohol treatment fund 4470  
under the control of that court, as created by the county or 4471  
municipal corporation under division (F) of section 4511.191 of 4472  
the Revised Code. 4473

(d) One hundred fifteen dollars of the fine imposed under 4474  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 4475  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 4476  
dollars of the fine imposed under division (G)(1)(d)(iii) or 4477  
(e)(iii) of this section shall be paid to the political 4478  
subdivision that pays the cost of housing the offender during the 4479  
offender's term of incarceration. The political subdivision shall 4480  
use this share to pay or reimburse incarceration or treatment 4481  
costs it incurs in housing or providing drug and alcohol treatment 4482  
to persons who violate this section or a municipal OVI ordinance, 4483  
costs for any immobilizing or disabling device used on the 4484  
offender's vehicle, and costs of electronic house arrest equipment 4485  
needed for persons who violate this section. 4486

(e) Fifty dollars of the fine imposed under divisions 4487  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 4488  
and (G)(1)(e)(iii) of this section shall be deposited into the 4489  
special projects fund of the court in which the offender was 4490  
convicted and that is established under division (E)(1) of section 4491  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 4492  
of section 1907.24 of the Revised Code, to be used exclusively to 4493  
cover the cost of immobilizing or disabling devices, including 4494  
certified ignition interlock devices, and remote alcohol 4495  
monitoring devices for indigent offenders who are required by a 4496  
judge to use either of these devices. If the court in which the 4497  
offender was convicted does not have a special projects fund that 4498

is established under division (E)(1) of section 2303.201, division 4499  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 4500  
of the Revised Code, the fifty dollars shall be deposited into the 4501  
indigent drivers interlock and alcohol monitoring fund under 4502  
division (I) of section 4511.191 of the Revised Code. 4503

(f) Seventy-five dollars of the fine imposed under division 4504  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 4505  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 4506  
of the fine imposed under division (G)(1)(c)(iii), and five 4507  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 4508  
or (e)(iii) of this section shall be transmitted to the treasurer 4509  
of state for deposit into the indigent defense support fund 4510  
established under section 120.08 of the Revised Code. 4511

(g) The balance of the fine imposed under division 4512  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 4513  
section shall be disbursed as otherwise provided by law. 4514

(6) If title to a motor vehicle that is subject to an order 4515  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 4516  
this section is assigned or transferred and division (B)(2) or (3) 4517  
of section 4503.234 of the Revised Code applies, in addition to or 4518  
independent of any other penalty established by law, the court may 4519  
fine the offender the value of the vehicle as determined by 4520  
publications of the national ~~auto~~ automobile dealers association. 4521  
The proceeds of any fine so imposed shall be distributed in 4522  
accordance with division (C)(2) of that section. 4523

(7) In all cases in which an offender is sentenced under 4524  
division (G) of this section, the offender shall provide the court 4525  
with proof of financial responsibility as defined in section 4526  
4509.01 of the Revised Code. If the offender fails to provide that 4527  
proof of financial responsibility, the court, in addition to any 4528  
other penalties provided by law, may order restitution pursuant to 4529  
section 2929.18 or 2929.28 of the Revised Code in an amount not 4530

exceeding five thousand dollars for any economic loss arising from 4531  
an accident or collision that was the direct and proximate result 4532  
of the offender's operation of the vehicle before, during, or 4533  
after committing the offense for which the offender is sentenced 4534  
under division (G) of this section. 4535

(8) As used in division (G) of this section, "electronic 4536  
monitoring," "mandatory prison term," and "mandatory term of local 4537  
incarceration" have the same meanings as in section 2929.01 of the 4538  
Revised Code. 4539

(H) Whoever violates division (B) of this section is guilty 4540  
of operating a vehicle after underage alcohol consumption and 4541  
shall be punished as follows: 4542

(1) Except as otherwise provided in division (H)(2) of this 4543  
section, the offender is guilty of a misdemeanor of the fourth 4544  
degree. In addition to any other sanction imposed for the offense, 4545  
the court shall impose a class six suspension of the offender's 4546  
driver's license, commercial driver's license, temporary 4547  
instruction permit, probationary license, or nonresident operating 4548  
privilege from the range specified in division (A)(6) of section 4549  
4510.02 of the Revised Code. 4550

(2) If, within one year of the offense, the offender 4551  
previously has been convicted of or pleaded guilty to one or more 4552  
violations of division (A) or (B) of this section or other 4553  
equivalent offenses, the offender is guilty of a misdemeanor of 4554  
the third degree. In addition to any other sanction imposed for 4555  
the offense, the court shall impose a class four suspension of the 4556  
offender's driver's license, commercial driver's license, 4557  
temporary instruction permit, probationary license, or nonresident 4558  
operating privilege from the range specified in division (A)(4) of 4559  
section 4510.02 of the Revised Code. 4560

(3) If the offender also is convicted of or also pleads 4561

guilty to a specification of the type described in section 4562  
2941.1416 of the Revised Code and if the court imposes a jail term 4563  
for the violation of division (B) of this section, the court shall 4564  
impose upon the offender an additional definite jail term pursuant 4565  
to division (E) of section 2929.24 of the Revised Code. 4566

(4) The offender shall provide the court with proof of 4567  
financial responsibility as defined in section 4509.01 of the 4568  
Revised Code. If the offender fails to provide that proof of 4569  
financial responsibility, then, in addition to any other penalties 4570  
provided by law, the court may order restitution pursuant to 4571  
section 2929.28 of the Revised Code in an amount not exceeding 4572  
five thousand dollars for any economic loss arising from an 4573  
accident or collision that was the direct and proximate result of 4574  
the offender's operation of the vehicle before, during, or after 4575  
committing the violation of division (B) of this section. 4576

(I)(1) No court shall sentence an offender to an alcohol 4577  
treatment program under this section unless the treatment program 4578  
complies with the minimum standards for alcohol treatment programs 4579  
adopted under Chapter 3793. of the Revised Code by the director of 4580  
alcohol and drug addiction services. 4581

(2) An offender who stays in a drivers' intervention program 4582  
or in an alcohol treatment program under an order issued under 4583  
this section shall pay the cost of the stay in the program. 4584  
However, if the court determines that an offender who stays in an 4585  
alcohol treatment program under an order issued under this section 4586  
is unable to pay the cost of the stay in the program, the court 4587  
may order that the cost be paid from the court's indigent drivers' 4588  
alcohol treatment fund. 4589

(J) If a person whose driver's or commercial driver's license 4590  
or permit or nonresident operating privilege is suspended under 4591  
this section files an appeal regarding any aspect of the person's 4592  
trial or sentence, the appeal itself does not stay the operation 4593

of the suspension. 4594

(K) Division (A)(1)(j) of this section does not apply to a 4595  
person who operates a vehicle, streetcar, or trackless trolley 4596  
while the person has a concentration of a listed controlled 4597  
substance or a listed metabolite of a controlled substance in the 4598  
person's whole blood, blood serum or plasma, or urine that equals 4599  
or exceeds the amount specified in that division, if both of the 4600  
following apply: 4601

(1) The person obtained the controlled substance pursuant to 4602  
a prescription issued by a licensed health professional authorized 4603  
to prescribe drugs. 4604

(2) The person injected, ingested, or inhaled the controlled 4605  
substance in accordance with the health professional's directions. 4606

(L) The prohibited concentrations of a controlled substance 4607  
or a metabolite of a controlled substance listed in division 4608  
(A)(1)(j) of this section also apply in a prosecution of a 4609  
violation of division (D) of section 2923.16 of the Revised Code 4610  
in the same manner as if the offender is being prosecuted for a 4611  
prohibited concentration of alcohol. 4612

(M) All terms defined in section 4510.01 of the Revised Code 4613  
apply to this section. If the meaning of a term defined in section 4614  
4510.01 of the Revised Code conflicts with the meaning of the same 4615  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 4616  
the term as defined in section 4510.01 of the Revised Code applies 4617  
to this section. 4618

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 4619  
as adopted by the supreme court under authority of section 2937.46 4620  
of the Revised Code, do not apply to felony violations of this 4621  
section. Subject to division (N)(2) of this section, the Rules of 4622  
Criminal Procedure apply to felony violations of this section. 4623

(2) If, on or after January 1, 2004, the supreme court 4624

modifies the Ohio Traffic Rules to provide procedures to govern 4625  
felony violations of this section, the modified rules shall apply 4626  
to felony violations of this section. 4627

**Sec. 4511.203.** (A) No person shall permit a motor vehicle 4628  
owned by the person or under the person's control to be driven by 4629  
another if any of the following apply: 4630

(1) The offender knows or has reasonable cause to believe 4631  
that the other person does not have a valid driver's or commercial 4632  
driver's license or permit or valid nonresident driving 4633  
privileges. 4634

(2) The offender knows or has reasonable cause to believe 4635  
that the other person's driver's or commercial driver's license or 4636  
permit or nonresident operating privileges have been suspended or 4637  
canceled under Chapter 4510. or any other provision of the Revised 4638  
Code. 4639

(3) The offender knows or has reasonable cause to believe 4640  
that the other person's act of driving the motor vehicle would 4641  
violate any prohibition contained in Chapter 4509. of the Revised 4642  
Code. 4643

(4) The offender knows or has reasonable cause to believe 4644  
that the other person's act of driving would violate section 4645  
4511.19 of the Revised Code or any substantially equivalent 4646  
municipal ordinance. 4647

(5) The offender knows or has reasonable cause to believe 4648  
that the vehicle is the subject of an immobilization waiver order 4649  
issued under section 4503.235 of the Revised Code and the other 4650  
person is prohibited from operating the vehicle under that order. 4651

(B) Without limiting or precluding the consideration of any 4652  
other evidence in determining whether a violation of division 4653  
(A)(1), (2), (3), (4), or (5) of this section has occurred, it 4654

shall be prima-facie evidence that the offender knows or has 4655  
reasonable cause to believe that the operator of the motor vehicle 4656  
owned by the offender or under the offender's control is in a 4657  
category described in division (A)(1), (2), (3), (4), or (5) of 4658  
this section if any of the following applies: 4659

(1) Regarding an operator allegedly in the category described 4660  
in division (A)(1), (3), or (5) of this section, the offender and 4661  
the operator of the motor vehicle reside in the same household and 4662  
are related by consanguinity or affinity. 4663

(2) Regarding an operator allegedly in the category described 4664  
in division (A)(2) of this section, the offender and the operator 4665  
of the motor vehicle reside in the same household, and the 4666  
offender knows or has reasonable cause to believe that the 4667  
operator has been charged with or convicted of any violation of 4668  
law or ordinance, or has committed any other act or omission, that 4669  
would or could result in the suspension or cancellation of the 4670  
operator's license, permit, or privilege. 4671

(3) Regarding an operator allegedly in the category described 4672  
in division (A)(4) of this section, the offender and the operator 4673  
of the motor vehicle occupied the motor vehicle together at the 4674  
time of the offense. 4675

(C) Whoever violates this section is guilty of wrongful 4676  
entrustment of a motor vehicle, and shall be punished as provided 4677  
in divisions (C) to (H) of this section. 4678

(1) Except as provided in division (C)(2) of this section, 4679  
whoever violates division (A)(1), (2), or (3) of this section is 4680  
guilty of an unclassified misdemeanor. When the offense is an 4681  
unclassified misdemeanor, the offender shall be sentenced pursuant 4682  
to sections 2929.21 to 2929.28 of the Revised Code, except that 4683  
the offender shall not be sentenced to a jail term; the offender 4684  
shall not be sentenced to a community residential sanction 4685

pursuant to section 2929.26 of the Revised Code; notwithstanding 4686  
division (A)(2)(a) of section 2929.28 of the Revised Code, the 4687  
offender may be fined up to one thousand dollars; and, 4688  
notwithstanding division (A)(3) of section 2929.27 of the Revised 4689  
Code, the offender may be ordered pursuant to division (C) of that 4690  
section to serve a term of community service of up to five hundred 4691  
hours. The failure of an offender to complete a term of community 4692  
service imposed by the court may be punished as indirect criminal 4693  
contempt under division (A) of section 2705.02 of the Revised Code 4694  
that may be filed in the underlying case. 4695

(2)(a) If, within three years of a violation of division 4696  
(A)(1), (2), or (3) of this section, the offender previously has 4697  
pleaded guilty to or been convicted of two or more violations of 4698  
division (A)(1), (2), or (3) of this section or a substantially 4699  
equivalent municipal ordinance, the offender is guilty of a 4700  
misdemeanor of the first degree. 4701

(b) Whoever violates division (A)(4) or (5) of this section 4702  
is guilty of a misdemeanor of the first degree. ~~In~~ 4703

(3) For any violation of this section, in addition to the 4704  
penalties imposed under Chapter 2929. of the Revised Code, the 4705  
court ~~shall~~ may impose a class seven suspension of the offender's 4706  
driver's license, commercial driver's license, temporary 4707  
instruction permit, probationary license, or nonresident operating 4708  
privilege from the range specified in division (A)(7) of section 4709  
4510.02 of the Revised Code, and, if the vehicle involved in the 4710  
offense is registered in the name of the offender, the court ~~shall~~ 4711  
may order one of the following: 4712

~~(1)~~(a) Except as otherwise provided in division (C)~~(2)~~(3)(b) 4713  
or ~~(3)~~(c) of this section, the court ~~shall~~ may order, for thirty 4714  
days, the immobilization of the vehicle involved in the offense 4715  
and the impoundment of that vehicle's license plates. ~~The~~ If 4716  
issued, the order shall be issued and enforced under section 4717

4503.233 of the Revised Code. 4718

~~(2)~~(b) If the offender previously has been convicted of or 4719  
pleaded guilty to one violation of this section or a substantially 4720  
equivalent municipal ordinance, the court ~~shall~~ may order, for 4721  
sixty days, the immobilization of the vehicle involved in the 4722  
offense and the impoundment of that vehicle's license plates. ~~The~~ 4723  
If issued, the order shall be issued and enforced under section 4724  
4503.233 of the Revised Code. 4725

~~(3)~~(c) If the offender previously has been convicted of or 4726  
pleaded guilty to two or more violations of this section or a 4727  
substantially equivalent municipal ordinance, the court ~~shall~~ may 4728  
order the criminal forfeiture to the state of the vehicle involved 4729  
in the offense. ~~The~~ If issued, the order shall be issued and 4730  
enforced under section 4503.234 of the Revised Code. 4731

If title to a motor vehicle that is subject to an order for 4732  
criminal forfeiture under ~~this~~ division (C)(3)(c) of this section 4733  
is assigned or transferred and division (B)(2) or (3) of section 4734  
4503.234 of the Revised Code applies, in addition to or 4735  
independent of any other penalty established by law, the court may 4736  
fine the offender the value of the vehicle as determined by 4737  
publications of the national ~~auto-dealer's~~ automobile dealers 4738  
association. The proceeds from any fine imposed under this 4739  
division shall be distributed in accordance with division (C)(2) 4740  
of section 4503.234 of the Revised Code. 4741

(D) If a court orders the immobilization of a vehicle under 4742  
division (C)(3)(a) or (b) of this section, the court shall not 4743  
release the vehicle from the immobilization before the termination 4744  
of the period of immobilization ordered unless the court is 4745  
presented with current proof of financial responsibility with 4746  
respect to that vehicle. 4747

(E) If a court orders the criminal forfeiture of a vehicle 4748

under division (C)(3)(c) of this section, upon receipt of the 4749  
order from the court, neither the registrar of motor vehicles nor 4750  
any deputy registrar shall accept any application for the 4751  
registration or transfer of registration of any motor vehicle 4752  
owned or leased by the person named in the order. The period of 4753  
denial shall be five years after the date the order is issued, 4754  
unless, during that five-year period, the court with jurisdiction 4755  
of the offense that resulted in the order terminates the 4756  
forfeiture and notifies the registrar of the termination. If the 4757  
court terminates the forfeiture and notifies the registrar, the 4758  
registrar shall take all necessary measures to permit the person 4759  
to register a vehicle owned or leased by the person or to transfer 4760  
the registration of the vehicle. 4761

(F) This section does not apply to motor vehicle rental 4762  
dealers or motor vehicle leasing dealers, as defined in section 4763  
4549.65 of the Revised Code. 4764

(G) Evidence of a conviction of, plea of guilty to, or 4765  
adjudication as a delinquent child for a violation of this section 4766  
or a substantially similar municipal ordinance shall not be 4767  
admissible as evidence in any civil action that involves the 4768  
offender or delinquent child who is the subject of the conviction, 4769  
plea, or adjudication and that arises from the wrongful 4770  
entrustment of a motor vehicle. 4771

(H) For purposes of this section, a vehicle is owned by a 4772  
person if, at the time of a violation of this section, the vehicle 4773  
is registered in the person's name. 4774

**Sec. 4549.02.** (A) In case of accident to or collision with 4775  
persons or property upon any of the public roads or highways, due 4776  
to the driving or operation thereon of any motor vehicle, the 4777  
person driving or operating the motor vehicle, having knowledge of 4778  
the accident or collision, immediately shall stop the driver's or 4779

operator's motor vehicle at the scene of the accident or collision 4780  
and shall remain at the scene of the accident or collision until 4781  
the driver or operator has given the driver's or operator's name 4782  
and address and, if the driver or operator is not the owner, the 4783  
name and address of the owner of that motor vehicle, together with 4784  
the registered number of that motor vehicle, to any person injured 4785  
in the accident or collision or to the operator, occupant, owner, 4786  
or attendant of any motor vehicle damaged in the accident or 4787  
collision, or to any police officer at the scene of the accident 4788  
or collision. 4789

In the event the injured person is unable to comprehend and 4790  
record the information required to be given by this section, the 4791  
other driver involved in the accident or collision forthwith shall 4792  
notify the nearest police authority concerning the location of the 4793  
accident or collision, and the driver's name, address, and the 4794  
registered number of the motor vehicle the driver was operating, 4795  
and then remain at the scene of the accident or collision until a 4796  
police officer arrives, unless removed from the scene by an 4797  
emergency vehicle operated by a political subdivision or an 4798  
ambulance. 4799

If the accident or collision is with an unoccupied or 4800  
unattended motor vehicle, the operator who collides with the motor 4801  
vehicle shall securely attach the information required to be given 4802  
in this section, in writing, to a conspicuous place in or on the 4803  
unoccupied or unattended motor vehicle. 4804

(B) Whoever violates division (A) of this section is guilty 4805  
of failure to stop after an accident, a misdemeanor of the first 4806  
degree. If the accident or collision results in serious physical 4807  
harm to a person, failure to stop after an accident is a felony of 4808  
the fifth degree. If the accident or collision results in the 4809  
death of a person, failure to stop after an accident is a felony 4810

of the third degree. The court, in addition to any other penalties 4811  
provided by law, shall impose upon the offender a class five 4812  
suspension of the offender's driver's license, commercial driver's 4813  
license, temporary instruction permit, probationary license, or 4814  
nonresident operating privilege from the range specified in 4815  
division (A)(5) of section 4510.02 of the Revised Code. No judge 4816  
shall suspend the first six months of suspension of an offender's 4817  
license, permit, or privilege required by this division. 4818

The offender shall provide the court with proof of financial 4819  
responsibility as defined in section 4509.01 of the Revised Code. 4820  
If the offender fails to provide that proof of financial 4821  
responsibility, then, in addition to any other penalties provided 4822  
by law, the court may order restitution pursuant to section 4823  
2929.18 or 2929.28 of the Revised Code in an amount not exceeding 4824  
five thousand dollars for any economic loss arising from an 4825  
accident or collision that was the direct and proximate result of 4826  
the offender's operation of the motor vehicle before, during, or 4827  
after committing the offense charged under this section. 4828

**Sec. 4549.021.** (A) In case of accident or collision resulting 4829  
in injury or damage to persons or property upon any public or 4830  
private property other than public roads or highways, due to the 4831  
driving or operation thereon of any motor vehicle, the person 4832  
driving or operating the motor vehicle, having knowledge of the 4833  
accident or collision, shall stop, and, upon request of the person 4834  
injured or damaged, or any other person, shall give that person 4835  
the driver's or operator's name and address, and, if the driver or 4836  
operator is not the owner, the name and address of the owner of 4837  
that motor vehicle, together with the registered number of that 4838  
motor vehicle, and, if available, exhibit the driver's or 4839  
operator's driver's or commercial driver's license. 4840

If the owner or person in charge of the damaged property is 4841

not furnished such information, the driver of the motor vehicle 4842  
involved in the accident or collision, within twenty-four hours 4843  
after the accident or collision, shall forward to the police 4844  
department of the city or village in which the accident or 4845  
collision occurred or if it occurred outside the corporate limits 4846  
of a city or village to the sheriff of the county in which the 4847  
accident or collision occurred the same information required to be 4848  
given to the owner or person in control of the damaged property 4849  
and give the date, time, and location of the accident or 4850  
collision. 4851

If the accident or collision is with an unoccupied or 4852  
unattended motor vehicle, the operator who collides with the motor 4853  
vehicle shall securely attach the information required to be given 4854  
in this section, in writing, to a conspicuous place in or on the 4855  
unoccupied or unattended motor vehicle. 4856

(B) Whoever violates division (A) of this section is guilty 4857  
of failure to stop after a nonpublic road accident, a misdemeanor 4858  
of the first degree. If the accident or collision results in 4859  
serious physical harm to a person, failure to stop after a 4860  
nonpublic road accident is a felony of the fifth degree. If the 4861  
accident or collision results in the death of a person, failure to 4862  
stop after a nonpublic road accident is a felony of the third 4863  
degree. The court, in addition to any other penalties provided by 4864  
law, shall impose upon the offender a class five suspension of the 4865  
offender's driver's license, commercial driver's license, 4866  
temporary instruction permit, probationary license, or nonresident 4867  
operating privilege from the range specified in division (A)(5) of 4868  
section 4510.02 of the Revised Code. No judge shall suspend the 4869  
first six months of suspension of an offender's license, permit, 4870  
or privilege required by this division. 4871

The offender shall provide the court with proof of financial 4872  
responsibility as defined in section 4509.01 of the Revised Code. 4873

If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

**Sec. 4549.03.** (A) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the ~~driver's~~ driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police department of the city or village in which the accident or collision occurred, or if it occurred outside the corporate limits of a city or village to the sheriff of the county in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(B) Whoever violates division (A) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during, or after committing the offense charged under this section.

**Section 2.** That existing sections 117.091, 2329.66, 2901.02, 2929.18, 2929.24, 2929.25, 2929.27, 2929.28, 2951.02, 4507.02, 4507.164, 4507.35, 4510.036, 4510.037, 4510.11, 4510.12, 4510.14, 4510.16, 4510.161, 4510.21, 4510.22, 4510.41, 4511.19, 4511.203, 4549.02, 4549.021, and 4549.03 of the Revised Code are hereby repealed.

**Section 3.** The Ohio judicial conference shall make and cause publication of the adjustment required by the amendment to section 2329.66 of the Revised Code as soon as possible but not later than thirty days after the effective date of this section.

**Section 4.** Section 4510.41 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.