

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 469**

**Representatives Johnson, Scherer**

**Cosponsors: Representatives Hill, Stinziano, Cera, Barborak, Young, Pillich,  
Antonio, Bishoff, Smith**

—

**A B I L L**

To amend sections 4510.021, 4510.11, 4510.13, 1  
4510.14, 4510.17, 4510.43, 4510.44, 4510.46, 2  
4511.19, and 4511.197 and to enact section 3  
4510.022 of the Revised Code to allow, by court 4  
order, a first-time alcohol-related OVI offender 5  
to drive with an ignition interlock device rather 6  
than under court-ordered limited driving 7  
privileges as in current law, to eliminate the 8  
fifteen-day period in current law during which 9  
such an offender is subject to a driver's license 10  
suspension without limited driving privileges, and 11  
to make other changes to the law governing OVI 12  
offenses. 13

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

**Section 1.** That sections 4510.021, 4510.11, 4510.13, 4510.14, 14  
4510.17, 4510.43, 4510.44, 4510.46, 4511.19, and 4511.197 be 15  
amended and section 4510.022 of the Revised Code be enacted to 16  
read as follows: 17

**Sec. 4510.021.** (A) Unless expressly prohibited by section 18

2919.22, section 4510.13, or any other section of the Revised Code, or unless section 4510.022 of the Revised Code applies, a court may grant limited driving privileges for any purpose described in division (A)(1), (2), or (3) of this section during any suspension imposed by the court. In granting the privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other reasonable conditions on the person's driving of a motor vehicle. The privileges shall be for any of the following limited purposes:

(1) Occupational, educational, vocational, or medical purposes;

(2) Taking the driver's or commercial driver's license examination;

(3) Attending court-ordered treatment.

(B) Unless expressly authorized by a section of the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the bureau of motor vehicles. To obtain limited driving privileges during a suspension imposed by the bureau, the person under suspension may file a petition in a court of record in the county in which the person resides. A person who is not a resident of this state shall file any petition for privileges either in the Franklin county municipal court or in the municipal or county court located in the county where the offense occurred. If the person who is not a resident of this state is a minor, the person may file the petition either in the Franklin county juvenile court or in the juvenile court with jurisdiction over the offense. If a court grants limited driving privileges as described in this division, the privileges shall be for any of the limited purposes identified in division (A) of this section.

(C) When the use of an immobilizing or disabling device is not otherwise required by law, the court, as a condition of

granting limited driving privileges, may require that the person's 50  
vehicle be equipped with an immobilizing or disabling device, 51  
except as provided in division (C) of section 4510.43 of the 52  
Revised Code. When the use of restricted license plates issued 53  
under section 4503.231 of the Revised Code is not otherwise 54  
required by law, the court, as a condition of granting limited 55  
driving privileges, may require that the person's vehicle be 56  
equipped with restricted license plates of that nature, except as 57  
provided in division (B) of that section. 58

(D) When the court grants limited driving privileges under 59  
section 4510.31 of the Revised Code or any other provision of law 60  
during the suspension of the temporary instruction permit or 61  
probationary driver's license of a person who is under eighteen 62  
years of age, the court may include as a purpose of the privilege 63  
the person's practicing of driving with the person's parent, 64  
guardian, or other custodian during the period of the suspension. 65  
If the court grants limited driving privileges for this purpose, 66  
the court, in addition to all other conditions it imposes, shall 67  
impose as a condition that the person exercise the privilege only 68  
when a parent, guardian, or custodian of the person who holds a 69  
current valid driver's or commercial driver's license issued by 70  
this state actually occupies the seat beside the person in the 71  
vehicle the person is operating. 72

(E) Before granting limited driving privileges under this 73  
section, the court shall require the offender to provide proof of 74  
financial responsibility pursuant to section 4509.45 of the 75  
Revised Code. 76

Sec. 4510.022. (A) As used in this section, "first-time 77  
offender" means a person whose driver's license or commercial 78  
driver's license or permit or nonresident operating privilege has 79  
been suspended for an alcohol-related violation under: 80

(1) Division (G)(1)(a) of section 4511.19 of the Revised Code; 81  
82

(2) Division (C)(1)(a) of section 4511.191 of the Revised Code; 83  
84

(3) Section 4510.07 of the Revised Code for a municipal OVI offense when the offender has not previously received such a suspension under division (G)(1)(a) of section 4511.19 of the Revised Code, or an equivalent municipal OVI ordinance; or 85  
86  
87  
88

(4) Division (B) of section 4510.17 of the Revised Code when divisions (E)(4)(a) and (b) of that section apply to the offender. 89  
90

(B)(1) Any first-time offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended may file a petition for the authority to drive with a certified ignition interlock device during the suspension. The person shall file the petition in the court that has jurisdiction over the place of arrest. 91  
92  
93  
94  
95  
96

(2) A judge or mayor may issue an order granting the authority to drive with a certified ignition interlock device to a first-time offender during the period during which the suspension otherwise would be imposed. However, the court shall not grant such authority for employment as a driver of a commercial motor vehicle to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code. Except as provided in division (C) of section 4510.43 of the Revised Code, a court issuing an order under this section shall authorize the person during the period specified in the order to operate a motor vehicle only if it is equipped with a certified ignition interlock device. 97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108

An order issued under this section does not authorize or permit the person to whom it has been issued to operate a vehicle during any time that the person's driver's or commercial driver's 109  
110  
111

license or permit is suspended under any other provision of law. 112

(C) The court shall provide to a person authorized to drive 113  
with a certified ignition interlock device a copy of the order 114  
issued under this section. The court also shall notify the person 115  
that the court may do the following if the court receives notice 116  
under section 4510.46 of the Revised Code that the device was 117  
tampered with, circumvented, or prevented the offender from 118  
starting the motor vehicle: 119

(1) Increase the period of suspension of the person's 120  
driver's or commercial driver's license or permit or nonresident 121  
operating privilege from that originally imposed by the court by a 122  
factor of two; 123

(2) If the court increases the suspension under division 124  
(C)(1) of this section, increase the period of time during which 125  
the person must drive with a certified ignition interlock device 126  
by a factor of two, but in no case longer than the period of 127  
suspension. 128

(D)(1) The judge or mayor of a court shall notify the bureau 129  
of motor vehicles of any determinations made pursuant to this 130  
section. 131

(2) A person may present an order issued under this section 132  
to the registrar or to a deputy registrar. Upon presentation of 133  
the order to the registrar or a deputy registrar, the registrar or 134  
deputy registrar shall issue to the person a restricted license to 135  
which both of the following apply: 136

(a) It is identical to an Ohio driver's license, except that 137  
it shall have printed on its face a statement that the person is 138  
prohibited during the period specified in the court order from 139  
operating any motor vehicle that is not equipped with a certified 140  
ignition interlock device; 141

(b) The date of commencement and the date of termination of 142

the period of suspension is indicated conspicuously upon the face 143  
of the license. 144

(3) Until the registrar or deputy registrar issues a 145  
restricted license to the person, the person shall use a copy of 146  
the order issued under this section in lieu of a driver's license 147  
or commercial driver's license or permit. 148

(E) No person who is granted the authority to drive with a 149  
certified ignition interlock device pursuant to a court order 150  
issued under this section shall operate a motor vehicle that is 151  
not equipped with an ignition interlock device, circumvent the 152  
device, or tamper with the device. If such a person operates a 153  
motor vehicle that is not equipped with an ignition interlock 154  
device, circumvents the device, or tampers with the device or if 155  
the court receives notice pursuant to section 4510.46 of the 156  
Revised Code that a certified ignition interlock device required 157  
by an order issued under this section prevented the person from 158  
starting a motor vehicle, the following applies: 159

(1) On a first instance, the court may require the person to 160  
wear a monitor that provides continuous alcohol monitoring that is 161  
remote. 162

(2) On a second instance, the court shall require the person 163  
to wear a monitor that provides continuous alcohol monitoring that 164  
is remote for a minimum of forty days. 165

(3) On a third or subsequent instance, the court shall 166  
require the person to wear a monitor that provides continuous 167  
alcohol monitoring that is remote for a minimum of sixty days. 168

(F) With respect to an order issued under this section, the 169  
court shall impose an additional court cost of two dollars and 170  
fifty cents upon the offender. The court shall not waive this 171  
payment unless the court determines that the offender is indigent 172  
and waives the payment of all court costs imposed upon the 173

indigent offender. The clerk of court shall transmit one hundred 174  
per cent of this mandatory court cost collected during a month on 175  
or before the twenty-third day of the following month to the state 176  
treasury to be credited to the state highway safety fund created 177  
under section 4501.06 of the Revised Code. The department of 178  
public safety shall use the amounts collected to cover costs 179  
associated with maintaining the habitual OVI/OMWI offender 180  
registry created under section 5502.10 of the Revised Code. 181

In its discretion the court may impose an additional court 182  
cost of two dollars and fifty cents upon the offender. The clerk 183  
of court shall retain this discretionary two dollar and fifty cent 184  
court cost, if imposed. The clerk shall deposit it in the court's 185  
special projects fund that is established under division (E)(1) of 186  
section 2303.201, division (B)(1) of section 1901.26, or division 187  
(B)(1) of section 1907.24 of the Revised Code. 188

**Sec. 4510.11.** (A) Except as provided in division (B) of this 189  
section and in sections 4510.111 and 4510.16 of the Revised Code, 190  
no person whose driver's or commercial driver's license or permit 191  
or nonresident operating privilege has been suspended under any 192  
provision of the Revised Code, other than Chapter 4509. of the 193  
Revised Code, or under any applicable law in any other 194  
jurisdiction in which the person's license or permit was issued, 195  
shall operate any motor vehicle upon the public roads and highways 196  
or upon any public or private property used by the public for 197  
purposes of vehicular travel or parking within this state during 198  
the period of suspension unless ~~the~~: 199

(1) The person is granted limited driving privileges and is 200  
operating the vehicle in accordance with the terms of the limited 201  
driving privileges. 202

(2) A judge or mayor, pursuant to section 4510.022 of the 203  
Revised Code, has issued an order granting the person the 204

authority to drive with a certified interlock device and the 205  
person is operating the motor vehicle in accordance with that 206  
order; or 207

(3) The person is operating the motor vehicle in accordance 208  
with the employer-owned vehicle exemption as provided in division 209  
(C) of section 4510.43 of the Revised Code. 210

(B) No person shall operate any motor vehicle upon a highway 211  
or any public or private property used by the public for purposes 212  
of vehicular travel or parking in this state in violation of any 213  
restriction of the person's driver's or commercial driver's 214  
license or permit imposed under division (D) of section 4506.10 or 215  
under section 4507.14 of the Revised Code. 216

(C) Upon the request or motion of the prosecuting authority, 217  
a noncertified copy of the law enforcement automated data system 218  
report or a noncertified copy of a record of the registrar of 219  
motor vehicles that shows the name, date of birth, and social 220  
security number of a person charged with a violation of division 221  
(A) or (B) of this section may be admitted into evidence as 222  
prima-facie evidence that the license of the person was under 223  
suspension at the time of the alleged violation of division (A) of 224  
this section or the person operated a motor vehicle in violation 225  
of a restriction at the time of the alleged violation of division 226  
(B) of this section. The person charged with a violation of 227  
division (A) or (B) of this section may offer evidence to rebut 228  
this prima-facie evidence. 229

(D)(1) Whoever violates division (A) or (B) of this section 230  
is guilty of a misdemeanor of the first degree. The court may 231  
impose upon the offender a class seven suspension of the 232  
offender's driver's license, commercial driver's license, 233  
temporary instruction permit, probationary license, or nonresident 234  
operating privilege from the range specified in division (A)(7) of 235  
section 4510.02 of the Revised Code. 236



(2)(a) Except as provided in division (D)(2)(b) or (c) of 237  
this section, the court, in addition to any other penalty that it 238  
imposes on the offender and if the vehicle is registered in the 239  
offender's name and if, within three years of the offense, the 240  
offender previously has been convicted of or pleaded guilty to one 241  
violation of this section or section 4510.111 or 4510.16 of the 242  
Revised Code, or a substantially equivalent municipal ordinance, 243  
the court, in addition to or independent of any other sentence 244  
that it imposes upon the offender, may order the immobilization of 245  
the vehicle involved in the offense for thirty days and the 246  
impoundment of that vehicle's license plates for thirty days in 247  
accordance with section 4503.233 of the Revised Code. 248

(b) If the vehicle is registered in the offender's name and 249  
if, within three years of the offense, the offender previously has 250  
been convicted of or pleaded guilty to two violations of this 251  
section, or any combination of two violations of this section or 252  
section 4510.111 or 4510.16 of the Revised Code, or of a 253  
substantially similar municipal ordinance, the court, in addition 254  
to any other sentence that it imposes on the offender, may order 255  
the immobilization of the vehicle involved in the offense for 256  
sixty days and the impoundment of that vehicle's license plates 257  
for sixty days in accordance with section 4503.233 of the Revised 258  
Code. 259

(c) If the vehicle is registered in the offender's name and 260  
if, within three years of the offense, the offender previously has 261  
been convicted of or pleaded guilty to three or more violations of 262  
this section, or any combination of three or more violations of 263  
this section or section 4510.111 or 4510.16 of the Revised Code, 264  
or of a substantially similar municipal ordinance, the court, in 265  
addition to any other sentence that it imposes on the offender, 266  
may order the criminal forfeiture of the vehicle involved in the 267  
offense to the state. 268

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

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

(G) 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 vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

**Sec. 4510.13.** (A)(1) Divisions (A)(2) to (9) of this section

apply to a judge or mayor regarding the suspension of, or the 300  
grant of limited driving privileges during a suspension of, an 301  
offender's driver's or commercial driver's license or permit or 302  
nonresident operating privilege imposed under division (G) or (H) 303  
of section 4511.19 of the Revised Code, under division (B) or (C) 304  
of section 4511.191 of the Revised Code, or under section 4510.07 305  
of the Revised Code for a conviction of a violation of a municipal 306  
OVI ordinance. 307

(2) No judge or mayor shall suspend the following portions of 308  
the suspension of an offender's driver's or commercial driver's 309  
license or permit or nonresident operating privilege imposed under 310  
division (G) or (H) of section 4511.19 of the Revised Code or 311  
under section 4510.07 of the Revised Code for a conviction of a 312  
violation of a municipal OVI ordinance, provided that division 313  
(A)(2) of this section does not limit a court or mayor in 314  
crediting any period of suspension imposed pursuant to division 315  
(B) or (C) of section 4511.191 of the Revised Code against any 316  
time of judicial suspension imposed pursuant to section 4511.19 or 317  
4510.07 of the Revised Code, as described in divisions (B)(2) and 318  
(C)(2) of section 4511.191 of the Revised Code: 319

(a) The first six months of a suspension imposed under 320  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 321  
comparable length suspension imposed under section 4510.07 of the 322  
Revised Code; 323

(b) The first year of a suspension imposed under division 324  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 325  
comparable length suspension imposed under section 4510.07 of the 326  
Revised Code; 327

(c) The first three years of a suspension imposed under 328  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 329  
or of a comparable length suspension imposed under section 4510.07 330  
of the Revised Code; 331

(d) The first sixty days of a suspension imposed under 332  
division (H) of section 4511.19 of the Revised Code or of a 333  
comparable length suspension imposed under section 4510.07 of the 334  
Revised Code. 335

(3) No judge or mayor shall grant limited driving privileges 336  
to an offender whose driver's or commercial driver's license or 337  
permit or nonresident operating privilege has been suspended under 338  
division (G) or (H) of section 4511.19 of the Revised Code, under 339  
division (C) of section 4511.191 of the Revised Code, or under 340  
section 4510.07 of the Revised Code for a municipal OVI conviction 341  
if the offender, within the preceding six years, has been 342  
convicted of or pleaded guilty to three or more violations of one 343  
or more of the Revised Code sections, municipal ordinances, 344  
statutes of the United States or another state, or municipal 345  
ordinances of a municipal corporation of another state that are 346  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 347  
Revised Code. 348

Additionally, no judge or mayor shall grant limited driving 349  
privileges to an offender whose driver's or commercial driver's 350  
license or permit or nonresident operating privilege has been 351  
suspended under division (B) of section 4511.191 of the Revised 352  
Code if the offender, within the preceding six years, has refused 353  
three previous requests to consent to a chemical test of the 354  
person's whole blood, blood serum or plasma, breath, or urine to 355  
determine its alcohol content. 356

(4) No judge or mayor shall grant limited driving privileges 357  
for employment as a driver of commercial motor vehicles to an 358  
offender whose driver's or commercial driver's license or permit 359  
or nonresident operating privilege has been suspended under 360  
division (G) or (H) of section 4511.19 of the Revised Code, under 361  
division (B) or (C) of section 4511.191 of the Revised Code, or 362  
under section 4510.07 of the Revised Code for a municipal OVI 363

conviction if the offender is disqualified from operating a 364  
commercial motor vehicle, or whose license or permit has been 365  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 366

(5) No judge or mayor shall grant limited driving privileges 367  
to a first-time offender as defined under section 4510.022 of the 368  
Revised Code. Further, no judge or mayor shall grant limited 369  
driving privileges to an offender whose driver's or commercial 370  
driver's license or permit or nonresident operating privilege has 371  
been suspended under division (G) or (H) of section 4511.19 of the 372  
Revised Code, under division (C) of section 4511.191 of the 373  
Revised Code, or under section 4510.07 of the Revised Code for a 374  
conviction of a violation of a municipal OVI ordinance during any 375  
of the following periods of time: 376

(a) The first fifteen days of a suspension imposed for a 377  
controlled substance related offense under: division (G)(1)(a) of 378  
section 4511.19 of the Revised Code ~~or a comparable length~~ 379  
~~suspension imposed under;~~ section 4510.07 of the Revised Code, for 380  
a municipal OVI for a comparable length of time to the suspension 381  
imposed under division (G)(2)(a) of section 4511.19 of the Revised 382  
Code; or of a suspension imposed under division (C)(1)(a) of 383  
section 4511.191 of the Revised Code. On or after the sixteenth 384  
day of the suspension, the court may grant limited driving 385  
privileges, but the court may require that the offender shall not 386  
exercise the privileges unless the vehicles the offender operates 387  
are equipped with an immobilizing or disabling ~~devices that~~ 388  
~~monitor the offender's alcohol consumption or any other type of~~ 389  
~~immobilizing or disabling devices~~ device, except as provided in 390  
division (C) of section 4510.43 of the Revised Code. 391

(b) The first forty-five days of a suspension imposed under 392  
division (C)(1)(b) of section 4511.191 of the Revised Code. On or 393  
after the forty-sixth day of suspension, the court may grant 394  
limited driving privileges, but the court may require that the 395

offender shall not exercise the privileges unless the vehicles the  
offender operates are equipped with immobilizing or disabling  
devices that monitor the offender's alcohol consumption or any  
other type of immobilizing or disabling devices, except as  
provided in division (C) of section 4510.43 of the Revised Code.

(c) The first sixty days of a suspension imposed under  
division (H) of section 4511.19 of the Revised Code or a  
comparable length suspension imposed under section 4510.07 of the  
Revised Code.

(d) The first one hundred eighty days of a suspension imposed  
under division (C)(1)(c) of section 4511.191 of the Revised Code.  
On or after the one hundred eighty-first day of suspension, the  
court may grant limited driving privileges, and either of the  
following applies:

(i) If the underlying arrest is alcohol-related, the court  
shall issue an order that, except as provided in division (C) of  
section 4510.43 of the Revised Code, for the remainder of the  
period of suspension the offender shall not exercise the  
privileges unless the vehicles the offender operates are equipped  
with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in  
its discretion may issue an order that, except as provided in  
division (C) of section 4510.43 of the Revised Code, for the  
remainder of the period of suspension the offender shall not  
exercise the privileges unless the vehicles the offender operates  
are equipped with a certified ignition interlock device.

(e) The first forty-five days of a suspension imposed under  
division (G)(1)(b) of section 4511.19 of the Revised Code or a  
comparable length suspension imposed under section 4510.07 of the  
Revised Code. On or after the forty-sixth day of the suspension,  
the court may grant limited driving privileges, and either of the

following applies: 427

(i) If the underlying conviction is alcohol-related, the 428  
court shall issue an order that, except as provided in division 429  
(C) of section 4510.43 of the Revised Code, for the remainder of 430  
the period of suspension the offender shall not exercise the 431  
privileges unless the vehicles the offender operates are equipped 432  
with a certified ignition interlock device. 433

(ii) If the underlying conviction is drug-related, the court 434  
in its discretion may issue an order that, except as provided in 435  
division (C) of section 4510.43 of the Revised Code, for the 436  
remainder of the period of suspension the offender shall not 437  
exercise the privileges unless the vehicles the offender operates 438  
are equipped with a certified ignition interlock device. 439

(f) The first one hundred eighty days of a suspension imposed 440  
under division (G)(1)(c) of section 4511.19 of the Revised Code or 441  
a comparable length suspension imposed under section 4510.07 of 442  
the Revised Code. On or after the one hundred eighty-first day of 443  
the suspension, the court may grant limited driving privileges, 444  
and either of the following applies: 445

(i) If the underlying conviction is alcohol-related, the 446  
court shall issue an order that, except as provided in division 447  
(C) of section 4510.43 of the Revised Code, for the remainder of 448  
the period of suspension the offender shall not exercise the 449  
privileges unless the vehicles the offender operates are equipped 450  
with a certified ignition interlock device. 451

(ii) If the underlying conviction is drug-related, the court 452  
in its discretion may issue an order that, except as provided in 453  
division (C) of section 4510.43 of the Revised Code, for the 454  
remainder of the period of suspension the offender shall not 455  
exercise the privileges unless the vehicles the offender operates 456  
are equipped with a certified ignition interlock device. 457

(g) The first three years of a suspension imposed under 458  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 459  
or a comparable length suspension imposed under section 4510.07 of 460  
the Revised Code, or of a suspension imposed under division 461  
(C)(1)(d) of section 4511.191 of the Revised Code. On or after the 462  
first three years of suspension, the court may grant limited 463  
driving privileges, and either of the following applies: 464

(i) If the underlying conviction is alcohol-related, the 465  
court shall issue an order that, except as provided in division 466  
(C) of section 4510.43 of the Revised Code, for the remainder of 467  
the period of suspension the offender shall not exercise the 468  
privileges unless the vehicles the offender operates are equipped 469  
with a certified ignition interlock device. 470

(ii) If the underlying conviction is drug-related, the court 471  
in its discretion may issue an order that, except as provided in 472  
division (C) of section 4510.43 of the Revised Code, for the 473  
remainder of the period of suspension the offender shall not 474  
exercise the privileges unless the vehicles the offender operates 475  
are equipped with a certified ignition interlock device. 476

(6) No judge or mayor shall grant limited driving privileges 477  
to an offender whose driver's or commercial driver's license or 478  
permit or nonresident operating privilege has been suspended under 479  
division (B) of section 4511.191 of the Revised Code during any of 480  
the following periods of time: 481

(a) The first thirty days of suspension imposed under 482  
division (B)(1)(a) of section 4511.191 of the Revised Code; 483

(b) The first ninety days of suspension imposed under 484  
division (B)(1)(b) of section 4511.191 of the Revised Code; 485

(c) The first year of suspension imposed under division 486  
(B)(1)(c) of section 4511.191 of the Revised Code; 487

(d) The first three years of suspension imposed under 488



division (B)(1)(d) of section 4511.191 of the Revised Code. 489

(7) In any case in which a judge or mayor grants limited 490  
driving privileges to an offender whose driver's or commercial 491  
driver's license or permit or nonresident operating privilege has 492  
been suspended under division (G)(1)(b), (c), (d), or (e) of 493  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 494  
section 4511.19 of the Revised Code for a violation of division 495  
(A)(1)(f), (g), (h), or (i) of that section, or under section 496  
4510.07 of the Revised Code for a municipal OVI conviction for 497  
which sentence would have been imposed under division 498  
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 499  
the Revised Code had the offender been charged with and convicted 500  
of a violation of section 4511.19 of the Revised Code instead of a 501  
violation of the municipal OVI ordinance, the judge or mayor shall 502  
impose as a condition of the privileges that the offender must 503  
display on the vehicle that is driven subject to the privileges 504  
restricted license plates that are issued under section 4503.231 505  
of the Revised Code, except as provided in division (B) of that 506  
section. 507

(8) ~~In any case in which the offender~~ No offender who is 508  
required to use a certified ignition interlock device pursuant to 509  
a court order issued under division (A)(5) of this section shall 510  
operate a motor vehicle that is not equipped with an ignition 511  
interlock device, circumvent the device, or tamper with the 512  
device. If such an offender operates a motor vehicle that is not 513  
equipped with an ignition interlock device, circumvents the 514  
device, or tampers with the device or ~~in any case in which~~ if the 515  
court receives notice pursuant to section 4510.46 of the Revised 516  
Code that a certified ignition interlock device required by an 517  
order issued under ~~division (A)(5)(e), (f), or (g) of this section~~ 518  
prevented ~~an~~ the offender from starting a motor vehicle, the 519  
following applies: 520

(a) If the offender was sentenced under division (G)(1)(a) or 521  
(b) of section 4511.19 of the Revised Code or received a 522  
suspension under division (C)(1)(a) or (b) of section 4511.191 of 523  
the Revised Code, on a first instance the court may require the 524  
offender to wear a monitor that provides continuous alcohol 525  
monitoring that is remote. On a second instance, the court shall 526  
require the offender to wear a monitor that provides continuous 527  
alcohol monitoring that is remote for a minimum of forty days. On 528  
a third instance or more, the court shall require the offender to 529  
wear a monitor that provides continuous alcohol monitoring that is 530  
remote for a minimum of sixty days. 531

(b) If the offender was sentenced under division (G)(1)(c), 532  
(d), or (e) of section 4511.19 of the Revised Code or received a 533  
suspension under division (C)(1)(c) or (d) of section 4511.191 of 534  
the Revised Code, on a first instance the court shall require the 535  
offender to wear a monitor that provides continuous alcohol 536  
monitoring that is remote for a minimum of forty days. On a second 537  
instance or more, the court shall require the offender to wear a 538  
monitor that provides continuous alcohol monitoring that is remote 539  
for a minimum of sixty days. 540

(9) In any case in which the court issues an order under this 541  
section prohibiting an offender from exercising limited driving 542  
privileges unless the vehicles the offender operates are equipped 543  
with an immobilizing or disabling device, including a certified 544  
ignition interlock device, or requires an offender to wear a 545  
monitor that provides continuous alcohol monitoring that is 546  
remote, the court shall impose an additional court cost of two 547  
dollars and fifty cents upon the offender. The court shall not 548  
waive the payment of the two dollars and fifty cents unless the 549  
court determines that the offender is indigent and waives the 550  
payment of all court costs imposed upon the indigent offender. The 551  
clerk of court shall transmit one hundred per cent of this 552

mandatory court cost collected during a month on or before the 553  
twenty-third day of the following month to the state treasury to 554  
be credited to the state highway safety fund created under section 555  
4501.06 of the Revised Code, to be used by the department of 556  
public safety to cover costs associated with maintaining the 557  
habitual OVI/OMWI offender registry created under section 5502.10 558  
of the Revised Code. In its discretion the court may impose an 559  
additional court cost of two dollars and fifty cents upon the 560  
offender. The clerk of court shall retain this discretionary two 561  
dollar and fifty cent court cost, if imposed, and shall deposit it 562  
in the court's special projects fund that is established under 563  
division (E)(1) of section 2303.201, division (B)(1) of section 564  
1901.26, or division (B)(1) of section 1907.24 of the Revised 565  
Code. 566

(10) In any case in which the court issues an order under 567  
this section prohibiting an offender from exercising limited 568  
driving privileges unless the vehicles the offender operates are 569  
equipped with an immobilizing or disabling device, including a 570  
certified ignition interlock device, the court shall notify the 571  
offender at the time the offender is granted limited driving 572  
privileges that, in accordance with section 4510.46 of the Revised 573  
Code, if the court receives notice that the device prevented the 574  
offender from starting the motor vehicle because the device was 575  
tampered with or circumvented or because the analysis of the 576  
deep-lung breath sample or other method employed by the device to 577  
measure the concentration by weight of alcohol in the offender's 578  
breath indicated the presence of alcohol in the offender's breath 579  
in a concentration sufficient to prevent the device from 580  
permitting the motor vehicle to be started, the court may increase 581  
the period of suspension of the offender's driver's or commercial 582  
driver's license or permit or nonresident operating privilege from 583  
that originally imposed by the court by a factor of two and may 584  
increase the period of time during which the offender will be 585

prohibited from exercising any limited driving privileges granted 586  
to the offender unless the vehicles the offender operates are 587  
equipped with a certified ignition interlock device by a factor of 588  
two. 589

(B) Any person whose driver's or commercial driver's license 590  
or permit or nonresident operating privilege has been suspended 591  
pursuant to section 4511.19 or 4511.191 of the Revised Code or 592  
under section 4510.07 of the Revised Code for a violation of a 593  
municipal OVI ordinance may file a petition for limited driving 594  
privileges during the suspension. The person shall file the 595  
petition in the court that has jurisdiction over the place of 596  
arrest. Subject to division (A) of this section, the court may 597  
grant the person limited driving privileges during the period 598  
during which the suspension otherwise would be imposed. However, 599  
the court shall not grant the privileges for employment as a 600  
driver of a commercial motor vehicle to any person who is 601  
disqualified from operating a commercial motor vehicle under 602  
section 4506.16 of the Revised Code or during any of the periods 603  
prescribed by division (A) of this section. 604

(C)(1) After a driver's or commercial driver's license or 605  
permit or nonresident operating privilege has been suspended 606  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 607  
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 608  
of the Revised Code, any provision of Chapter 2925. of the Revised 609  
Code, or section 4510.07 of the Revised Code for a violation of a 610  
municipal OVI ordinance, the judge of the court or mayor of the 611  
mayor's court that suspended the license, permit, or privilege 612  
shall cause the offender to deliver to the court the license or 613  
permit. The judge, mayor, or clerk of the court or mayor's court 614  
shall forward to the registrar the license or permit together with 615  
notice of the action of the court. 616

(2) A suspension of a commercial driver's license under any 617

section or chapter identified in division (C)(1) of this section 618  
shall be concurrent with any period of suspension or 619  
disqualification under section 3123.58 or 4506.16 of the Revised 620  
Code. No person who is disqualified for life from holding a 621  
commercial driver's license under section 4506.16 of the Revised 622  
Code shall be issued a driver's license under this chapter during 623  
the period for which the commercial driver's license was suspended 624  
under this section, and no person whose commercial driver's 625  
license is suspended under any section or chapter identified in 626  
division (C)(1) of this section shall be issued a driver's license 627  
under Chapter 4507. of the Revised Code during the period of the 628  
suspension. 629

(3) No judge or mayor shall suspend any class one suspension, 630  
or any portion of any class one suspension, imposed under section 631  
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 632  
judge or mayor shall suspend the first thirty days of any class 633  
two, class three, class four, class five, or class six suspension 634  
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 635  
2929.02 of the Revised Code. 636

(D) The judge of the court or mayor of the mayor's court 637  
shall credit any time during which an offender was subject to an 638  
administrative suspension of the offender's driver's or commercial 639  
driver's license or permit or nonresident operating privilege 640  
imposed pursuant to section 4511.191 or 4511.192 of the Revised 641  
Code or a suspension imposed by a judge, referee, or mayor 642  
pursuant to division (B)(1) or (2) of section 4511.196 of the 643  
Revised Code against the time to be served under a related 644  
suspension imposed pursuant to any section or chapter identified 645  
in division (C)(1) of this section. 646

(E) The judge or mayor shall notify the bureau of motor 647  
vehicles of any determinations made pursuant to this section and 648  
of any suspension imposed pursuant to any section or chapter 649

identified in division (C)(1) of this section. 650

(F)(1) If a court issues an immobilizing or disabling device 651  
order under this section ~~4510.43 of the Revised Code~~, the order 652  
shall authorize the offender during the specified period to 653  
operate a motor vehicle only if it is equipped with an 654  
immobilizing or disabling device, except as provided in division 655  
(C) of ~~that~~ section 4510.43 of the Revised Code. The court shall 656  
provide the offender with a copy of ~~an immobilizing or disabling~~  
~~device~~ the order issued under section 4510.43 of the Revised Code, 657  
and the offender shall use the copy of the order in lieu of an 659  
Ohio driver's or commercial driver's license or permit until the 660  
registrar or a deputy registrar issues the offender a restricted 661  
license. 662

An order issued under this section ~~4510.43 of the Revised~~ 663  
~~Code~~ does not authorize or permit the offender to whom it has been 664  
issued to operate a vehicle during any time that the offender's 665  
driver's or commercial driver's license or permit is suspended 666  
under any other provision of law. 667

(2) An offender may present an immobilizing or disabling 668  
device order issued under this section to the registrar or to a 669  
deputy registrar. Upon presentation of the order to the registrar 670  
or a deputy registrar, the registrar or deputy registrar shall 671  
issue the offender a restricted license. A restricted license 672  
issued under this division shall be identical to an Ohio driver's 673  
license, except that it shall have printed on its face a statement 674  
that the offender is prohibited during the period specified in the 675  
court order from operating any motor vehicle that is not equipped 676  
with an immobilizing or disabling device. The date of commencement 677  
and the date of termination of the period of suspension shall be 678  
indicated conspicuously upon the face of the license. 679

**Sec. 4510.14.** (A) No person whose driver's or commercial 680

driver's license or permit or nonresident operating privilege has 681  
been suspended under section 4511.19, 4511.191, or 4511.196 of the 682  
Revised Code or under section 4510.07 of the Revised Code for a 683  
conviction of a violation of a municipal OVI ordinance shall 684  
operate any motor vehicle upon the public roads or highways within 685  
this state during the period of the suspension unless one of the 686  
following applies: 687

(1) A judge or mayor, pursuant to section 4510.022 of the 688  
Revised Code, has issued an order granting the person authority to 689  
drive with a certified ignition interlock device and the person is 690  
operating the motor vehicle in accordance with that order; 691

(2) A judge or mayor has issued an order granting the person 692  
limited driving privileges and the person is operating the motor 693  
vehicle in accordance with that order; 694

(3) The person is operating the motor vehicle in accordance 695  
with the employer-owned vehicle exemption as provided in division 696  
(C) of section 4510.43 of the Revised Code. 697

(B) Whoever violates this section is guilty of driving under 698  
OVI suspension. The court shall sentence the offender under 699  
Chapter 2929. of the Revised Code, subject to the differences 700  
authorized or required by this section. 701

(1) Except as otherwise provided in division (B)(2) or (3) of 702  
this section, driving under OVI suspension is a misdemeanor of the 703  
first degree. The court shall sentence the offender to all of the 704  
following: 705

(a) A mandatory jail term of three consecutive days. The 706  
three-day term shall be imposed, unless, subject to division (C) 707  
of this section, the court instead imposes a sentence of not less 708  
than thirty consecutive days of house arrest with electronic 709  
monitoring. A period of house arrest with electronic monitoring 710

imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

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

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

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

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

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

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



(c) A license suspension under division (E) of this section; 742

(d) If the vehicle the offender was operating at the time of 743  
the offense is registered in the offender's name, immobilization 744  
of the offender's vehicle for sixty days and the impoundment for 745  
sixty days of the identification license plates of that vehicle. 746  
The order for immobilization and impoundment shall be issued and 747  
enforced in accordance with section 4503.233 of the Revised Code. 748

(3) If, within six years of the offense, the offender 749  
previously has been convicted of or pleaded guilty to two or more 750  
violations of this section or two or more equivalent offenses, 751  
driving under OVI suspension is a misdemeanor. The court shall 752  
sentence the offender to all of the following: 753

(a) A mandatory jail term of thirty consecutive days. 754  
Notwithstanding the jail terms provided in sections 2929.21 to 755  
2929.28 of the Revised Code, the court may sentence the offender 756  
to a longer jail term of not more than one year. The court shall 757  
not sentence the offender to a term of house arrest with 758  
electronic monitoring in lieu of the mandatory portion of the jail 759  
term. 760

(b) Notwithstanding the fines set forth in Chapter 2929. of 761  
the Revised Code, a fine of not less than five hundred and not 762  
more than two thousand five hundred dollars; 763

(c) A license suspension under division (E) of this section; 764

(d) If the vehicle the offender was operating at the time of 765  
the offense is registered in the offender's name, criminal 766  
forfeiture to the state of the offender's vehicle. The order of 767  
criminal forfeiture shall be issued and enforced in accordance 768  
with section 4503.234 of the Revised Code. If title to a motor 769  
vehicle that is subject to an order for criminal forfeiture under 770  
this division is assigned or transferred and division (B)(2) or 771  
(3) of section 4503.234 of the Revised Code applies, the court may 772

fine the offender the value of the vehicle as determined by 773  
publications of the national automobile dealers association. The 774  
proceeds from any fine so imposed shall be distributed in 775  
accordance with division (C)(2) of section 4503.234 of the Revised 776  
Code. 777

(C) No court shall impose an alternative sentence of house 778  
arrest with electronic monitoring under division (B)(1) or (2) of 779  
this section unless, within sixty days of the date of sentencing, 780  
the court issues a written finding on the record that, due to the 781  
unavailability of space at the jail where the offender is required 782  
to serve the jail term imposed, the offender will not be able to 783  
begin serving that term within the sixty-day period following the 784  
date of sentencing. 785

An offender sentenced under this section to a period of house 786  
arrest with electronic monitoring shall be permitted work release 787  
during that period. 788

(D) Fifty per cent of any fine imposed by a court under 789  
division (B)(1), (2), or (3) of this section shall be deposited 790  
into the county indigent drivers alcohol treatment fund or 791  
municipal indigent drivers alcohol treatment fund under the 792  
control of that court, as created by the county or municipal 793  
corporation pursuant to division (H) of section 4511.191 of the 794  
Revised Code. 795

(E) In addition to or independent of all other penalties 796  
provided by law or ordinance, the trial judge of any court of 797  
record or the mayor of a mayor's court shall impose on an offender 798  
who is convicted of or pleads guilty to a violation of this 799  
section a class seven suspension of the offender's driver's or 800  
commercial driver's license or permit or nonresident operating 801  
privilege from the range specified in division (A)(7) of section 802  
4510.02 of the Revised Code. 803

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

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

(F) 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 vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced.

(G) As used in this section:

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

(2) "Equivalent offense" means any of the following: 836

(a) A violation of a municipal ordinance, law of another 837  
state, or law of the United States that is substantially 838  
equivalent to division (A) of this section; 839

(b) A violation of a former law of this state that was 840  
substantially equivalent to division (A) of this section. 841

(3) "Jail" has the same meaning as in section 2929.01 of the 842  
Revised Code. 843

(4) "Mandatory jail term" means the mandatory term in jail of 844  
three, ten, or thirty consecutive days that must be imposed under 845  
division (B)(1), (2), or (3) of this section upon an offender 846  
convicted of a violation of division (A) of this section and in 847  
relation to which all of the following apply: 848

(a) Except as specifically authorized under this section, the 849  
term must be served in a jail. 850

(b) Except as specifically authorized under this section, the 851  
term cannot be suspended, reduced, or otherwise modified pursuant 852  
to any provision of the Revised Code. 853

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 854  
impose a class D suspension of the person's driver's license, 855  
commercial driver's license, temporary instruction permit, 856  
probationary license, or nonresident operating privilege for the 857  
period of time specified in division (B)(4) of section 4510.02 of 858  
the Revised Code on any person who is a resident of this state and 859  
is convicted of or pleads guilty to a violation of a statute of 860  
any other state or any federal statute that is substantially 861  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 862  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 863  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 864  
Code. Upon receipt of a report from a court, court clerk, or other 865

official of any other state or from any federal authority that a 866  
resident of this state was convicted of or pleaded guilty to an 867  
offense described in this division, the registrar shall send a 868  
notice by regular first class mail to the person, at the person's 869  
last known address as shown in the records of the bureau of motor 870  
vehicles, informing the person of the suspension, that the 871  
suspension will take effect twenty-one days from the date of the 872  
notice, and that, if the person wishes to appeal the suspension or 873  
denial, the person must file a notice of appeal within twenty-one 874  
days of the date of the notice requesting a hearing on the matter. 875  
If the person requests a hearing, the registrar shall hold the 876  
hearing not more than forty days after receipt by the registrar of 877  
the notice of appeal. The filing of a notice of appeal does not 878  
stay the operation of the suspension that must be imposed pursuant 879  
to this division. The scope of the hearing shall be limited to 880  
whether the person actually was convicted of or pleaded guilty to 881  
the offense for which the suspension is to be imposed. 882

The suspension the registrar is required to impose under this 883  
division shall end either on the last day of the class D 884  
suspension period or of the suspension of the person's nonresident 885  
operating privilege imposed by the state or federal court, 886  
whichever is earlier. 887

The registrar shall subscribe to or otherwise participate in 888  
any information system or register, or enter into reciprocal and 889  
mutual agreements with other states and federal authorities, in 890  
order to facilitate the exchange of information with other states 891  
and the United States government regarding persons who plead 892  
guilty to or are convicted of offenses described in this division 893  
and therefore are subject to the suspension or denial described in 894  
this division. 895

(B) The registrar shall impose a class D suspension of the 896  
person's driver's license, commercial driver's license, temporary 897

instruction permit, probationary license, or nonresident operating 898  
privilege for the period of time specified in division (B)(4) of 899  
section 4510.02 of the Revised Code on any person who is a 900  
resident of this state and is convicted of or pleads guilty to a 901  
violation of a statute of any other state or a municipal ordinance 902  
of a municipal corporation located in any other state that is 903  
substantially similar to section 4511.19 of the Revised Code. Upon 904  
receipt of a report from another state made pursuant to section 905  
4510.61 of the Revised Code indicating that a resident of this 906  
state was convicted of or pleaded guilty to an offense described 907  
in this division, the registrar shall send a notice by regular 908  
first class mail to the person, at the person's last known address 909  
as shown in the records of the bureau of motor vehicles, informing 910  
the person of the suspension, that the suspension or denial will 911  
take effect twenty-one days from the date of the notice, and that, 912  
if the person wishes to appeal the suspension, the person must 913  
file a notice of appeal within twenty-one days of the date of the 914  
notice requesting a hearing on the matter. If the person requests 915  
a hearing, the registrar shall hold the hearing not more than 916  
forty days after receipt by the registrar of the notice of appeal. 917  
The filing of a notice of appeal does not stay the operation of 918  
the suspension that must be imposed pursuant to this division. The 919  
scope of the hearing shall be limited to whether the person 920  
actually was convicted of or pleaded guilty to the offense for 921  
which the suspension is to be imposed. 922

The suspension the registrar is required to impose under this 923  
division shall end either on the last day of the class D 924  
suspension period or of the suspension of the person's nonresident 925  
operating privilege imposed by the state or federal court, 926  
whichever is earlier. 927

(C) The registrar shall impose a class D suspension of the 928  
child's driver's license, commercial driver's license, temporary 929

instruction permit, or nonresident operating privilege for the 930  
period of time specified in division (B)(4) of section 4510.02 of 931  
the Revised Code on any child who is a resident of this state and 932  
is convicted of or pleads guilty to a violation of a statute of 933  
any other state or any federal statute that is substantially 934  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 935  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 936  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 937  
Code. Upon receipt of a report from a court, court clerk, or other 938  
official of any other state or from any federal authority that a 939  
child who is a resident of this state was convicted of or pleaded 940  
guilty to an offense described in this division, the registrar 941  
shall send a notice by regular first class mail to the child, at 942  
the child's last known address as shown in the records of the 943  
bureau of motor vehicles, informing the child of the suspension, 944  
that the suspension or denial will take effect twenty-one days 945  
from the date of the notice, and that, if the child wishes to 946  
appeal the suspension, the child must file a notice of appeal 947  
within twenty-one days of the date of the notice requesting a 948  
hearing on the matter. If the child requests a hearing, the 949  
registrar shall hold the hearing not more than forty days after 950  
receipt by the registrar of the notice of appeal. The filing of a 951  
notice of appeal does not stay the operation of the suspension 952  
that must be imposed pursuant to this division. The scope of the 953  
hearing shall be limited to whether the child actually was 954  
convicted of or pleaded guilty to the offense for which the 955  
suspension is to be imposed. 956

The suspension the registrar is required to impose under this 957  
division shall end either on the last day of the class D 958  
suspension period or of the suspension of the child's nonresident 959  
operating privilege imposed by the state or federal court, 960  
whichever is earlier. If the child is a resident of this state who 961  
is sixteen years of age or older and does not have a current, 962

valid Ohio driver's or commercial driver's license or permit, the 963  
notice shall inform the child that the child will be denied 964  
issuance of a driver's or commercial driver's license or permit 965  
for six months beginning on the date of the notice. If the child 966  
has not attained the age of sixteen years on the date of the 967  
notice, the notice shall inform the child that the period of 968  
denial of six months shall commence on the date the child attains 969  
the age of sixteen years. 970

The registrar shall subscribe to or otherwise participate in 971  
any information system or register, or enter into reciprocal and 972  
mutual agreements with other states and federal authorities, in 973  
order to facilitate the exchange of information with other states 974  
and the United States government regarding children who are 975  
residents of this state and plead guilty to or are convicted of 976  
offenses described in this division and therefore are subject to 977  
the suspension or denial described in this division. 978

(D) The registrar shall impose a class D suspension of the 979  
child's driver's license, commercial driver's license, temporary 980  
instruction permit, probationary license, or nonresident operating 981  
privilege for the period of time specified in division (B)(4) of 982  
section 4510.02 of the Revised Code on any child who is a resident 983  
of this state and is convicted of or pleads guilty to a violation 984  
of a statute of any other state or a municipal ordinance of a 985  
municipal corporation located in any other state that is 986  
substantially similar to section 4511.19 of the Revised Code. Upon 987  
receipt of a report from another state made pursuant to section 988  
4510.61 of the Revised Code indicating that a child who is a 989  
resident of this state was convicted of or pleaded guilty to an 990  
offense described in this division, the registrar shall send a 991  
notice by regular first class mail to the child, at the child's 992  
last known address as shown in the records of the bureau of motor 993  
vehicles, informing the child of the suspension, that the 994



suspension will take effect twenty-one days from the date of the notice, and that, if the child wishes to appeal the suspension, the child must file a notice of appeal within twenty-one days of the date of the notice requesting a hearing on the matter. If the child requests a hearing, the registrar shall hold the hearing not more than forty days after receipt by the registrar of the notice of appeal. The filing of a notice of appeal does not stay the operation of the suspension that must be imposed pursuant to this division. The scope of the hearing shall be limited to whether the child actually was convicted of or pleaded guilty to the offense for which the suspension is to be imposed.

The suspension the registrar is required to impose under this division shall end either on the last day of the class D suspension period or of the suspension of the child's nonresident operating privilege imposed by the state or federal court, whichever is earlier. If the child is a resident of this state who is sixteen years of age or older and does not have a current, valid Ohio driver's or commercial driver's license or permit, the notice shall inform the child that the child will be denied issuance of a driver's or commercial driver's license or permit for six months beginning on the date of the notice. If the child has not attained the age of sixteen years on the date of the notice, the notice shall inform the child that the period of denial of six months shall commence on the date the child attains the age of sixteen years.

(E) Any person whose license or permit has been suspended pursuant to this section may file a petition in the municipal or county court, or in case the person is under eighteen years of age, the juvenile court, in whose jurisdiction the person resides, agreeing to pay the cost of the proceedings and alleging that the suspension would seriously affect the person's ability to continue the person's employment. Upon satisfactory proof that there is

reasonable cause to believe that the suspension would seriously 1027  
affect the person's ability to continue the person's employment, 1028  
the judge may grant the person limited driving privileges during 1029  
the period during which the suspension otherwise would be imposed, 1030  
except that the judge shall not grant limited driving privileges 1031  
for employment as a driver of a commercial motor vehicle to any 1032  
person who would be disqualified from operating a commercial motor 1033  
vehicle under section 4506.16 of the Revised Code if the violation 1034  
had occurred in this state, or during any of the following periods 1035  
of time: 1036

(1) ~~The~~ Except as provided in division (E)(4), the first 1037  
fifteen days of a suspension under division (B) or (D) of this 1038  
section, if the person has not been convicted within six years of 1039  
the date of the offense giving rise to the suspension under this 1040  
section of a violation of any of the following: 1041

(a) Section 4511.19 of the Revised Code, or a municipal 1042  
ordinance relating to operating a vehicle while under the 1043  
influence of alcohol, a drug of abuse, or alcohol and a drug of 1044  
abuse; 1045

(b) A municipal ordinance relating to operating a motor 1046  
vehicle with a prohibited concentration of alcohol, a controlled 1047  
substance, or a metabolite of a controlled substance in the whole 1048  
blood, blood serum or plasma, breath, or urine; 1049

(c) Section 2903.04 of the Revised Code in a case in which 1050  
the person was subject to the sanctions described in division (D) 1051  
of that section; 1052

(d) Division (A)(1) of section 2903.06 or division (A)(1) of 1053  
section 2903.08 of the Revised Code or a municipal ordinance that 1054  
is substantially similar to either of those divisions; 1055

(e) Division (A)(2), (3), or (4) of section 2903.06, division 1056  
(A)(2) of section 2903.08, or as it existed prior to March 23, 1057

2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(2) The first thirty days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within six years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(1) of this section.

(3) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within six years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E)(1) of this section.

(4) No limited driving privileges may be granted to a person whose license is suspended under division (B) of this section if both of the following apply:

(a) The offense for which the suspension is imposed is substantially similar to a violation of division (A)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 4511.19 of the Revised Code;

(b) The person has not been convicted within six years of the date of the offense for which the suspension is imposed under this section of any violation identified in divisions (E)(1)(a) to (e) of this section.

A person to whom divisions (E)(4)(a) and (b) of this section apply may apply for the authority to drive with an ignition interlock device under section 4510.022 of the Revised Code.

(5) No limited driving privileges may be granted if the person has been convicted three or more times within five years of

the date of the offense giving rise to a suspension under division 1089  
(B) or (D) of this section of any violation identified in division 1090  
(E)(1) of this section. 1091

(F) If a person petitions for limited driving privileges 1092  
under division (E) of this section, the registrar shall be 1093  
represented by the county prosecutor of the county in which the 1094  
person resides if the petition is filed in a juvenile court or 1095  
county court, except that if the person resides within a city or 1096  
village that is located within the jurisdiction of the county in 1097  
which the petition is filed, the city director of law or village 1098  
solicitor of that city or village shall represent the registrar. 1099  
If the petition is filed in a municipal court, the registrar shall 1100  
be represented as provided in section 1901.34 of the Revised Code. 1101

In granting limited driving privileges under division (E) of 1102  
this section, the court may impose any condition it considers 1103  
reasonable and necessary to limit the use of a vehicle by the 1104  
person. The court shall deliver to the person a permit card, in a 1105  
form to be prescribed by the court, setting forth the time, place, 1106  
and other conditions limiting the person's use of a motor vehicle. 1107  
The grant of limited driving privileges shall be conditioned upon 1108  
the person's having the permit in the person's possession at all 1109  
times during which the person is operating a vehicle. 1110

A person granted limited driving privileges who operates a 1111  
vehicle for other than limited purposes, in violation of any 1112  
condition imposed by the court or without having the permit in the 1113  
person's possession, is guilty of a violation of section 4510.11 1114  
of the Revised Code. 1115

~~(F)~~(G) As used in divisions (C) and (D) of this section: 1116

(1) "Child" means a person who is under the age of eighteen 1117  
years, except that any person who violates a statute or ordinance 1118  
described in division (C) or (D) of this section prior to 1119

attaining eighteen years of age shall be deemed a "child" 1120  
irrespective of the person's age at the time the complaint or 1121  
other equivalent document is filed in the other state or a 1122  
hearing, trial, or other proceeding is held in the other state on 1123  
the complaint or other equivalent document, and irrespective of 1124  
the person's age when the period of license suspension or denial 1125  
prescribed in division (C) or (D) of this section is imposed. 1126

(2) "Is convicted of or pleads guilty to" means, as it 1127  
relates to a child who is a resident of this state, that in a 1128  
proceeding conducted in a state or federal court located in 1129  
another state for a violation of a statute or ordinance described 1130  
in division (C) or (D) of this section, the result of the 1131  
proceeding is any of the following: 1132

(a) Under the laws that govern the proceedings of the court, 1133  
the child is adjudicated to be or admits to being a delinquent 1134  
child or a juvenile traffic offender for a violation described in 1135  
division (C) or (D) of this section that would be a crime if 1136  
committed by an adult; 1137

(b) Under the laws that govern the proceedings of the court, 1138  
the child is convicted of or pleads guilty to a violation 1139  
described in division (C) or (D) of this section; 1140

(c) Under the laws that govern the proceedings of the court, 1141  
irrespective of the terminology utilized in those laws, the result 1142  
of the court's proceedings is the functional equivalent of 1143  
division ~~(F)~~(G)(2)(a) or (b) of this section. 1144

**Sec. 4510.43.** (A)(1) The director of public safety, upon 1145  
consultation with the director of health and in accordance with 1146  
Chapter 119. of the Revised Code, shall certify immobilizing and 1147  
disabling devices and, subject to section 4510.45 of the Revised 1148  
Code, shall publish and make available to the courts, without 1149  
charge, a list of licensed manufacturers of ignition interlock 1150

devices and approved devices together with information about the 1151  
manufacturers of the devices and where they may be obtained. The 1152  
manufacturer of an immobilizing or disabling device shall pay the 1153  
cost of obtaining the certification of the device to the director 1154  
of public safety, and the director shall deposit the payment in 1155  
the indigent drivers alcohol treatment fund established by section 1156  
4511.191 of the Revised Code. 1157

(2) The director of public safety, in accordance with Chapter 1158  
119. of the Revised Code, shall adopt and publish rules setting 1159  
forth the requirements for obtaining the certification of an 1160  
immobilizing or disabling device. The director of public safety 1161  
shall not certify an immobilizing or disabling device under this 1162  
section unless it meets the requirements specified and published 1163  
by the director in the rules adopted pursuant to this division. A 1164  
certified device may consist of an ignition interlock device, an 1165  
ignition blocking device initiated by time or magnetic or 1166  
electronic encoding, an activity monitor, or any other device that 1167  
reasonably assures compliance with an order granting limited 1168  
driving privileges. Ignition interlock devices shall be certified 1169  
annually. 1170

The requirements for an immobilizing or disabling device that 1171  
is an ignition interlock device shall require that the 1172  
manufacturer of the device submit to the department of public 1173  
safety a certificate from an independent testing laboratory 1174  
indicating that the device meets or exceeds the standards of the 1175  
national highway traffic safety administration, as defined in 1176  
section 4511.19 of the Revised Code, that are in effect at the 1177  
time of the director's decision regarding certification of the 1178  
device, shall include provisions for setting a minimum and maximum 1179  
calibration range, and shall include, but shall not be limited to, 1180  
specifications that the device complies with all of the following: 1181

(a) It does not impede the safe operation of the vehicle. 1182

(b) It has features that make circumvention difficult and	1183
that do not interfere with the normal use of the vehicle, and the	1184
features are operating and functioning.	1185
(c) It correlates well with established measures of alcohol	1186
impairment.	1187
(d) It works accurately and reliably in an unsupervised	1188
environment.	1189
(e) It is resistant to tampering and shows evidence of	1190
tampering if tampering is attempted.	1191
(f) It is difficult to circumvent and requires premeditation	1192
to do so.	1193
(g) It minimizes inconvenience to a sober user.	1194
(h) It requires a proper, deep-lung breath sample or other	1195
accurate measure of the concentration by weight of alcohol in the	1196
breath.	1197
(i) It operates reliably over the range of automobile	1198
environments.	1199
(j) It is made by a manufacturer who is covered by product	1200
liability insurance.	1201
(3) The director of public safety may adopt, in whole or in	1202
part, the guidelines, rules, regulations, studies, or independent	1203
laboratory tests performed and relied upon by other states, or	1204
their agencies or commissions, in the certification or approval of	1205
immobilizing or disabling devices.	1206
(4) The director of public safety shall adopt rules in	1207
accordance with Chapter 119. of the Revised Code for the design of	1208
a warning label that shall be affixed to each immobilizing or	1209
disabling device upon installation. The label shall contain a	1210
warning that any person tampering, circumventing, or otherwise	1211
misusing the device is subject to a fine, imprisonment, or both	1212

and may be subject to civil liability. 1213

(B) A court considering the use of a prototype device in a 1214  
pilot program shall advise the director of public safety, thirty 1215  
days before the use, of the prototype device and its protocol, 1216  
methodology, manufacturer, and licensor, lessor, other agent, or 1217  
owner, and the length of the court's pilot program. A prototype 1218  
device shall not be used for a violation of section 4510.14 or 1219  
4511.19 of the Revised Code, a violation of a municipal OVI 1220  
ordinance, or in relation to a suspension imposed under section 1221  
4511.191 of the Revised Code. A court that uses a prototype device 1222  
in a pilot program, periodically during the existence of the 1223  
program and within fourteen days after termination of the program, 1224  
shall report in writing to the director of public safety regarding 1225  
the effectiveness of the prototype device and the program. 1226

~~(C) If a person has been granted limited driving privileges 1227  
with a condition of the privileges being that the motor vehicle 1228  
that is operated under the privileges must be equipped with an 1229  
immobilizing or disabling device, the person may operate a motor 1230  
vehicle that is owned by the person's employer only if the person 1231  
is required to operate that motor vehicle in the course and scope 1232  
of the offender's employment. Such a person may operate that 1233  
vehicle without the installation of an immobilizing or disabling 1234  
device, provided that the employer has been notified that the 1235  
person has limited driving privileges and of the nature of the 1236  
restriction and further provided that the person has proof of the 1237  
employer's notification in the person's possession while operating 1238  
the employer's vehicle for normal business duties. A If a court 1239  
has granted to a person during the period of suspension of that 1240  
person's driver's license the authority to drive with a certified 1241  
ignition interlock device or limited driving privileges subject to 1242  
the condition that the motor vehicle must be equipped with an 1243  
immobilizing or disabling device, the person may operate a vehicle 1244~~



that is owned by the person's employer without the installation of 1245  
an immobilizing or disabling device provided that all of the 1246  
following apply: 1247

(1) The person is required to operate that motor vehicle in 1248  
the course and scope of the person's employment; 1249

(2) The employer has been notified that the person is subject 1250  
to the order and of the nature of the restriction; 1251

(3) The person has proof of the employer's notification in 1252  
the person's possession while operating the employer's vehicle for 1253  
normal business duties. 1254

A motor vehicle owned by a business that is partly or 1255  
entirely owned or controlled by a person with limited driving 1256  
privileges is not a motor vehicle owned by an employer, for 1257  
purposes of this division. 1258

**Sec. 4510.44.** (A)(1) No offender ~~with~~ who has been granted 1259  
the authority to drive with a certified ignition interlock device 1260  
or granted limited driving privileges, during any period that the 1261  
offender is required to operate only a motor vehicle equipped with 1262  
an immobilizing or disabling device, shall request or permit any 1263  
other person to breathe into the device if it is an ignition 1264  
interlock device or another type of device that monitors the 1265  
concentration of alcohol in a person's breath or to otherwise 1266  
start the motor vehicle equipped with the device, for the purpose 1267  
of providing the offender with an operable motor vehicle. 1268

(2)(a) Except as provided in division (A)(2)(b) of this 1269  
section, no person shall breathe into an immobilizing or disabling 1270  
device that is an ignition interlock device or another type of 1271  
device that monitors the concentration of alcohol in a person's 1272  
breath or otherwise start a motor vehicle equipped with an 1273  
immobilizing or disabling device, for the purpose of providing an 1274

operable motor vehicle to an offender ~~with limited driving~~ 1275  
~~privileges who is permitted to~~ who has been granted the authority 1276  
to drive with a certified ignition interlock device or granted 1277  
limited driving privileges under the condition that the offender 1278  
operate only a motor vehicle equipped with an immobilizing or 1279  
disabling device. 1280

(b) Division (A)(2)(a) of this section does not apply to a 1281  
person in the following circumstances: 1282

(i) The person is an offender ~~with limited driving privileges~~ 1283  
~~who has been granted the authority to drive with a certified~~ 1284  
ignition interlock device or granted limited driving privileges 1285  
under the condition that the offender operate only a motor vehicle 1286  
equipped with an immobilizing or disabling device. 1287

(ii) The person breathes into an immobilizing or disabling 1288  
device that is an ignition interlock device or another type of 1289  
device that monitors the concentration of alcohol in a person's 1290  
breath or otherwise starts a motor vehicle equipped with an 1291  
immobilizing or disabling device. 1292

(iii) The person breathes into the device or starts the 1293  
vehicle for the purpose of providing the person with an operable 1294  
motor vehicle. 1295

(3) No unauthorized person shall tamper with or circumvent 1296  
the operation of an immobilizing or disabling device. 1297

(B) Whoever violates this section is guilty of an 1298  
immobilizing or disabling device violation, a misdemeanor of the 1299  
first degree. 1300

**Sec. 4510.46.** (A) As used in this section, "offender" means a 1301  
person who has been granted the authority to drive with a 1302  
certified ignition interlock device under section 4510.022 of the 1303  
Revised Code or granted limited driving privileges under section 1304

4510.13 of the Revised Code under the condition that the person 1305  
operate only a motor vehicle equipped with a certified ignition 1306  
interlock device. 1307

(B) A governmental agency, bureau, department, or office, or 1308  
a private corporation, or any other entity that monitors certified 1309  
ignition interlock devices for or on behalf of a court shall 1310  
inform the court whenever such a device that has been installed in 1311  
a motor vehicle indicates that it has prevented an offender whose 1312  
~~driver's or commercial driver's license or permit or nonresident~~ 1313  
~~operating privilege has been suspended by a court under division~~ 1314  
~~(C)(1)(a), (b), (c), (d), or (e) of section 4511.19 of the Revised~~ 1315  
~~Code and who has been granted limited driving privileges under~~ 1316  
~~section 4510.13 of the Revised Code~~ from starting the motor 1317  
vehicle because ~~the:~~ 1318

(1) The device was tampered with or; 1319

(2) The device was circumvented; or ~~because the~~ 1320

(3) An analysis of the deep-lung breath sample or other 1321  
method employed by the ignition interlock device to measure the 1322  
concentration by weight of alcohol in the offender's breath 1323  
indicated the presence of alcohol in the offender's breath in a 1324  
concentration sufficient to prevent the ignition interlock device 1325  
from permitting the motor vehicle to be started. 1326

~~(B)(C)~~ Upon receipt of such information pertaining to an 1327  
offender ~~whose driver's or commercial driver's license or permit~~ 1328  
~~or nonresident operating privilege has been suspended by a court~~ 1329  
~~under division (C)(1)(b), (c), (d), or (e) of section 4511.19 of~~ 1330  
~~the Revised Code and who has been granted limited driving~~ 1331  
~~privileges under section 4510.13 of the Revised Code,~~ the court 1332  
shall send a notice to the offender stating that it has received 1333  
evidence of an instance described in division ~~(A)(B)~~ of this 1334  
section. If a court pursuant to division (A)(8) of section 4510.13 1335

of the Revised Code or division (E) of section 4510.022 of the 1336  
Revised Code requires the offender to wear an alcohol monitor, the 1337  
notice shall state that because of this instance the offender is 1338  
required to wear a monitor that provides for continuous alcohol 1339  
monitoring in accordance with the applicable division ~~(A)(8) of~~ 1340  
~~section 4510.13 of the Revised Code~~. The notice shall further 1341  
state that because of this instance the court may increase the 1342  
period of suspension of the offender's driver's or commercial 1343  
driver's license or permit or nonresident operating privilege from 1344  
that originally imposed by the court by a factor of two and may 1345  
increase the period of time during which the offender will be 1346  
prohibited from exercising the authority to drive with a certified 1347  
ignition interlock device or any limited driving privileges 1348  
granted to the offender unless the vehicles the offender operates 1349  
are equipped with a certified ignition interlock device by a 1350  
factor of two. 1351

The notice shall state whether the court will impose these 1352  
increases and, if so, that these increases will take effect 1353  
fourteen days from the date of the notice unless the offender 1354  
files a timely motion with the court, appealing the increases in 1355  
the time described in this division and requesting a hearing on 1356  
the matter. Any such motion that is filed within that fourteen-day 1357  
period shall be considered to be filed in a timely manner, and any 1358  
such motion that is filed after that fourteen-day period shall be 1359  
considered not to be filed in a timely manner. If the offender 1360  
files a timely motion, the court may hold a hearing on the matter. 1361  
The scope of the hearing is limited to determining whether the 1362  
offender in fact was prevented from starting a motor vehicle that 1363  
is equipped with a certified ignition interlock device because ~~the~~ 1364  
~~device was tampered with or circumvented or because the analysis~~ 1365  
~~of the deep lung breath sample or other method employed by the~~ 1366  
~~ignition interlock device to measure the concentration by weight~~ 1367  
~~of alcohol in the offender's breath indicated the presence of~~ 1368

~~alcohol in the offender's breath in a concentration sufficient to~~ 1369  
~~prevent the ignition interlock device from permitting the motor~~ 1370  
~~vehicle to be started~~ of any reason described in divisions (B)(1) 1371  
to (3) of this section. 1372

If the court finds by a preponderance of the evidence that 1373  
this instance as indicated by the ignition interlock device in 1374  
fact did occur, it may deny the offender's appeal and issue the 1375  
order increasing the relevant periods of time described in this 1376  
division. If the court finds by a preponderance of the evidence 1377  
that this instance as indicated by the ignition interlock device 1378  
in fact did not occur, it shall grant the offender's appeal and no 1379  
such order shall be issued. 1380

~~(C)(D)~~ In no case shall any period of suspension of an 1381  
offender's driver's or commercial driver's license or permit or 1382  
nonresident operating privilege that is increased by a factor of 1383  
two or any period of time during which the offender is prohibited 1384  
from exercising any limited driving privileges granted to the 1385  
offender unless the vehicles the offender operates are equipped 1386  
with a certified ignition interlock device that is increased by a 1387  
factor of two exceed the maximum period of time for which the 1388  
court originally was authorized to suspend the offender's driver's 1389  
or commercial driver's license or permit or nonresident operating 1390  
privilege under division (G)(1)~~(a), (b), (c), (d), or (e)~~ of 1391  
section 4511.19 of the Revised Code or division (C)(1) of section 1392  
4511.191 of the Revised Code. 1393

~~(D)(E)~~ Nothing in this section shall be construed as 1394  
prohibiting the court from revoking an individual's driving 1395  
privileges. 1396

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 1397  
streetcar, or trackless trolley within this state, if, at the time 1398  
of the operation, any of the following apply: 1399

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them. 1400  
1401

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood. 1402  
1403  
1404  
1405

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 1406  
1407  
1408  
1409

(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 1410  
1411  
1412  
1413

(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 1414  
1415  
1416  
1417

(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 1418  
1419  
1420

(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 1421  
1422  
1423

(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 1424  
1425  
1426

(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 1427  
1428  
1429

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

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

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

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

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

(v) The person has a concentration of heroin metabolite

(6-monoacetyl morphine) in the person's urine of at least ten 1461  
nanograms of heroin metabolite (6-monoacetyl morphine) per 1462  
milliliter of the person's urine or has a concentration of heroin 1463  
metabolite (6-monoacetyl morphine) in the person's whole blood or 1464  
blood serum or plasma of at least ten nanograms of heroin 1465  
metabolite (6-monoacetyl morphine) per milliliter of the person's 1466  
whole blood or blood serum or plasma. 1467

(vi) The person has a concentration of L.S.D. in the person's 1468  
urine of at least twenty-five nanograms of L.S.D. per milliliter 1469  
of the person's urine or a concentration of L.S.D. in the person's 1470  
whole blood or blood serum or plasma of at least ten nanograms of 1471  
L.S.D. per milliliter of the person's whole blood or blood serum 1472  
or plasma. 1473

(vii) The person has a concentration of marihuana in the 1474  
person's urine of at least ten nanograms of marihuana per 1475  
milliliter of the person's urine or has a concentration of 1476  
marihuana in the person's whole blood or blood serum or plasma of 1477  
at least two nanograms of marihuana per milliliter of the person's 1478  
whole blood or blood serum or plasma. 1479

(viii) Either of the following applies: 1480

(I) The person is under the influence of alcohol, a drug of 1481  
abuse, or a combination of them, and, as measured by gas 1482  
chromatography mass spectrometry, the person has a concentration 1483  
of marihuana metabolite in the person's urine of at least fifteen 1484  
nanograms of marihuana metabolite per milliliter of the person's 1485  
urine or has a concentration of marihuana metabolite in the 1486  
person's whole blood or blood serum or plasma of at least five 1487  
nanograms of marihuana metabolite per milliliter of the person's 1488  
whole blood or blood serum or plasma. 1489

(II) As measured by gas chromatography mass spectrometry, the 1490  
person has a concentration of marihuana metabolite in the person's 1491



urine of at least thirty-five nanograms of marihuana metabolite 1492  
per milliliter of the person's urine or has a concentration of 1493  
marihuana metabolite in the person's whole blood or blood serum or 1494  
plasma of at least fifty nanograms of marihuana metabolite per 1495  
milliliter of the person's whole blood or blood serum or plasma. 1496

(ix) The person has a concentration of methamphetamine in the 1497  
person's urine of at least five hundred nanograms of 1498  
methamphetamine per milliliter of the person's urine or has a 1499  
concentration of methamphetamine in the person's whole blood or 1500  
blood serum or plasma of at least one hundred nanograms of 1501  
methamphetamine per milliliter of the person's whole blood or 1502  
blood serum or plasma. 1503

(x) The person has a concentration of phencyclidine in the 1504  
person's urine of at least twenty-five nanograms of phencyclidine 1505  
per milliliter of the person's urine or has a concentration of 1506  
phencyclidine in the person's whole blood or blood serum or plasma 1507  
of at least ten nanograms of phencyclidine per milliliter of the 1508  
person's whole blood or blood serum or plasma. 1509

(xi) The state board of pharmacy has adopted a rule pursuant 1510  
to section 4729.041 of the Revised Code that specifies the amount 1511  
of salvia divinorum and the amount of salvinorin A that constitute 1512  
concentrations of salvia divinorum and salvinorin A in a person's 1513  
urine, in a person's whole blood, or in a person's blood serum or 1514  
plasma at or above which the person is impaired for purposes of 1515  
operating any vehicle, streetcar, or trackless trolley within this 1516  
state, the rule is in effect, and the person has a concentration 1517  
of salvia divinorum or salvinorin A of at least that amount so 1518  
specified by rule in the person's urine, in the person's whole 1519  
blood, or in the person's blood serum or plasma. 1520

(2) No person who, within twenty years of the conduct 1521  
described in division (A)(2)(a) of this section, previously has 1522  
been convicted of or pleaded guilty to a violation of this 1523

division, a violation of division (A)(1) or (B) of this section, 1524  
or any other equivalent offense shall do both of the following: 1525

(a) Operate any vehicle, streetcar, or trackless trolley 1526  
within this state while under the influence of alcohol, a drug of 1527  
abuse, or a combination of them; 1528

(b) Subsequent to being arrested for operating the vehicle, 1529  
streetcar, or trackless trolley as described in division (A)(2)(a) 1530  
of this section, being asked by a law enforcement officer to 1531  
submit to a chemical test or tests under section 4511.191 of the 1532  
Revised Code, and being advised by the officer in accordance with 1533  
section 4511.192 of the Revised Code of the consequences of the 1534  
person's refusal or submission to the test or tests, refuse to 1535  
submit to the test or tests. 1536

(B) No person under twenty-one years of age shall operate any 1537  
vehicle, streetcar, or trackless trolley within this state, if, at 1538  
the time of the operation, any of the following apply: 1539

(1) The person has a concentration of at least two-hundredths 1540  
of one per cent but less than eight-hundredths of one per cent by 1541  
weight per unit volume of alcohol in the person's whole blood. 1542

(2) The person has a concentration of at least 1543  
three-hundredths of one per cent but less than 1544  
ninety-six-thousandths of one per cent by weight per unit volume 1545  
of alcohol in the person's blood serum or plasma. 1546

(3) The person has a concentration of at least two-hundredths 1547  
of one gram but less than eight-hundredths of one gram by weight 1548  
of alcohol per two hundred ten liters of the person's breath. 1549

(4) The person has a concentration of at least twenty-eight 1550  
one-thousandths of one gram but less than eleven-hundredths of one 1551  
gram by weight of alcohol per one hundred milliliters of the 1552  
person's urine. 1553

(C) In any proceeding arising out of one incident, a person 1554  
may be charged with a violation of division (A)(1)(a) or (A)(2) 1555  
and a violation of division (B)(1), (2), or (3) of this section, 1556  
but the person may not be convicted of more than one violation of 1557  
these divisions. 1558

(D)(1)(a) In any criminal prosecution or juvenile court 1559  
proceeding for a violation of division (A)(1)(a) of this section 1560  
or for an equivalent offense that is vehicle-related, the result 1561  
of any test of any blood or urine withdrawn and analyzed at any 1562  
health care provider, as defined in section 2317.02 of the Revised 1563  
Code, may be admitted with expert testimony to be considered with 1564  
any other relevant and competent evidence in determining the guilt 1565  
or innocence of the defendant. 1566

(b) In any criminal prosecution or juvenile court proceeding 1567  
for a violation of division (A) or (B) of this section or for an 1568  
equivalent offense that is vehicle-related, the court may admit 1569  
evidence on the concentration of alcohol, drugs of abuse, 1570  
controlled substances, metabolites of a controlled substance, or a 1571  
combination of them in the defendant's whole blood, blood serum or 1572  
plasma, breath, urine, or other bodily substance at the time of 1573  
the alleged violation as shown by chemical analysis of the 1574  
substance withdrawn within three hours of the time of the alleged 1575  
violation. The three-hour time limit specified in this division 1576  
regarding the admission of evidence does not extend or affect the 1577  
two-hour time limit specified in division (A) of section 4511.192 1578  
of the Revised Code as the maximum period of time during which a 1579  
person may consent to a chemical test or tests as described in 1580  
that section. The court may admit evidence on the concentration of 1581  
alcohol, drugs of abuse, or a combination of them as described in 1582  
this division when a person submits to a blood, breath, urine, or 1583  
other bodily substance test at the request of a law enforcement 1584  
officer under section 4511.191 of the Revised Code or a blood or 1585

urine sample is obtained pursuant to a search warrant. Only a 1586  
physician, a registered nurse, an emergency medical 1587  
technician-intermediate, an emergency medical 1588  
technician-paramedic, or a qualified technician, chemist, or 1589  
phlebotomist shall withdraw a blood sample for the purpose of 1590  
determining the alcohol, drug, controlled substance, metabolite of 1591  
a controlled substance, or combination content of the whole blood, 1592  
blood serum, or blood plasma. This limitation does not apply to 1593  
the taking of breath or urine specimens. A person authorized to 1594  
withdraw blood under this division may refuse to withdraw blood 1595  
under this division, if in that person's opinion, the physical 1596  
welfare of the person would be endangered by the withdrawing of 1597  
blood. 1598

The bodily substance withdrawn under division (D)(1)(b) of 1599  
this section shall be analyzed in accordance with methods approved 1600  
by the director of health by an individual possessing a valid 1601  
permit issued by the director pursuant to section 3701.143 of the 1602  
Revised Code. 1603

(c) As used in division (D)(1)(b) of this section, "emergency 1604  
medical technician-intermediate" and "emergency medical 1605  
technician-paramedic" have the same meanings as in section 4765.01 1606  
of the Revised Code. 1607

(2) In a criminal prosecution or juvenile court proceeding 1608  
for a violation of division (A) of this section or for an 1609  
equivalent offense that is vehicle-related, if there was at the 1610  
time the bodily substance was withdrawn a concentration of less 1611  
than the applicable concentration of alcohol specified in 1612  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 1613  
than the applicable concentration of a listed controlled substance 1614  
or a listed metabolite of a controlled substance specified for a 1615  
violation of division (A)(1)(j) of this section, that fact may be 1616  
considered with other competent evidence in determining the guilt 1617

or innocence of the defendant. This division does not limit or 1618  
affect a criminal prosecution or juvenile court proceeding for a 1619  
violation of division (B) of this section or for an equivalent 1620  
offense that is substantially equivalent to that division. 1621

(3) Upon the request of the person who was tested, the 1622  
results of the chemical test shall be made available to the person 1623  
or the person's attorney, immediately upon the completion of the 1624  
chemical test analysis. 1625

If the chemical test was obtained pursuant to division 1626  
(D)(1)(b) of this section, the person tested may have a physician, 1627  
a registered nurse, or a qualified technician, chemist, or 1628  
phlebotomist of the person's own choosing administer a chemical 1629  
test or tests, at the person's expense, in addition to any 1630  
administered at the request of a law enforcement officer. If the 1631  
person was under arrest as described in division (A)(5) of section 1632  
4511.191 of the Revised Code, the arresting officer shall advise 1633  
the person at the time of the arrest that the person may have an 1634  
independent chemical test taken at the person's own expense. If 1635  
the person was under arrest other than described in division 1636  
(A)(5) of section 4511.191 of the Revised Code, the form to be 1637  
read to the person to be tested, as required under section 1638  
4511.192 of the Revised Code, shall state that the person may have 1639  
an independent test performed at the person's expense. The failure 1640  
or inability to obtain an additional chemical test by a person 1641  
shall not preclude the admission of evidence relating to the 1642  
chemical test or tests taken at the request of a law enforcement 1643  
officer. 1644

(4)(a) As used in divisions (D)(4)(b) and (c) of this 1645  
section, "national highway traffic safety administration" means 1646  
the national highway traffic safety administration established as 1647  
an administration of the United States department of 1648  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 1649

(b) In any criminal prosecution or juvenile court proceeding 1650  
for a violation of division (A) or (B) of this section, of a 1651  
municipal ordinance relating to operating a vehicle while under 1652  
the influence of alcohol, a drug of abuse, or alcohol and a drug 1653  
of abuse, or of a municipal ordinance relating to operating a 1654  
vehicle with a prohibited concentration of alcohol, a controlled 1655  
substance, or a metabolite of a controlled substance in the whole 1656  
blood, blood serum or plasma, breath, or urine, if a law 1657  
enforcement officer has administered a field sobriety test to the 1658  
operator of the vehicle involved in the violation and if it is 1659  
shown by clear and convincing evidence that the officer 1660  
administered the test in substantial compliance with the testing 1661  
standards for any reliable, credible, and generally accepted field 1662  
sobriety tests that were in effect at the time the tests were 1663  
administered, including, but not limited to, any testing standards 1664  
then in effect that were set by the national highway traffic 1665  
safety administration, all of the following apply: 1666

(i) The officer may testify concerning the results of the 1667  
field sobriety test so administered. 1668

(ii) The prosecution may introduce the results of the field 1669  
sobriety test so administered as evidence in any proceedings in 1670  
the criminal prosecution or juvenile court proceeding. 1671

(iii) If testimony is presented or evidence is introduced 1672  
under division (D)(4)(b)(i) or (ii) of this section and if the 1673  
testimony or evidence is admissible under the Rules of Evidence, 1674  
the court shall admit the testimony or evidence and the trier of 1675  
fact shall give it whatever weight the trier of fact considers to 1676  
be appropriate. 1677

(c) Division (D)(4)(b) of this section does not limit or 1678  
preclude a court, in its determination of whether the arrest of a 1679  
person was supported by probable cause or its determination of any 1680  
other matter in a criminal prosecution or juvenile court 1681

proceeding of a type described in that division, from considering 1682  
evidence or testimony that is not otherwise disallowed by division 1683  
(D)(4)(b) of this section. 1684

(E)(1) Subject to division (E)(3) of this section, in any 1685  
criminal prosecution or juvenile court proceeding for a violation 1686  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 1687  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 1688  
offense that is substantially equivalent to any of those 1689  
divisions, a laboratory report from any laboratory personnel 1690  
issued a permit by the department of health authorizing an 1691  
analysis as described in this division that contains an analysis 1692  
of the whole blood, blood serum or plasma, breath, urine, or other 1693  
bodily substance tested and that contains all of the information 1694  
specified in this division shall be admitted as prima-facie 1695  
evidence of the information and statements that the report 1696  
contains. The laboratory report shall contain all of the 1697  
following: 1698

(a) The signature, under oath, of any person who performed 1699  
the analysis; 1700

(b) Any findings as to the identity and quantity of alcohol, 1701  
a drug of abuse, a controlled substance, a metabolite of a 1702  
controlled substance, or a combination of them that was found; 1703

(c) A copy of a notarized statement by the laboratory 1704  
director or a designee of the director that contains the name of 1705  
each certified analyst or test performer involved with the report, 1706  
the analyst's or test performer's employment relationship with the 1707  
laboratory that issued the report, and a notation that performing 1708  
an analysis of the type involved is part of the analyst's or test 1709  
performer's regular duties; 1710

(d) An outline of the analyst's or test performer's 1711  
education, training, and experience in performing the type of 1712

analysis involved and a certification that the laboratory 1713  
satisfies appropriate quality control standards in general and, in 1714  
this particular analysis, under rules of the department of health. 1715

(2) Notwithstanding any other provision of law regarding the 1716  
admission of evidence, a report of the type described in division 1717  
(E)(1) of this section is not admissible against the defendant to 1718  
whom it pertains in any proceeding, other than a preliminary 1719  
hearing or a grand jury proceeding, unless the prosecutor has 1720  
served a copy of the report on the defendant's attorney or, if the 1721  
defendant has no attorney, on the defendant. 1722

(3) A report of the type described in division (E)(1) of this 1723  
section shall not be prima-facie evidence of the contents, 1724  
identity, or amount of any substance if, within seven days after 1725  
the defendant to whom the report pertains or the defendant's 1726  
attorney receives a copy of the report, the defendant or the 1727  
defendant's attorney demands the testimony of the person who 1728  
signed the report. The judge in the case may extend the seven-day 1729  
time limit in the interest of justice. 1730

(F) Except as otherwise provided in this division, any 1731  
physician, registered nurse, emergency medical 1732  
technician-intermediate, emergency medical technician-paramedic, 1733  
or qualified technician, chemist, or phlebotomist who withdraws 1734  
blood from a person pursuant to this section or section 4511.191 1735  
or 4511.192 of the Revised Code, and any hospital, first-aid 1736  
station, or clinic at which blood is withdrawn from a person 1737  
pursuant to this section or section 4511.191 or 4511.192 of the 1738  
Revised Code, is immune from criminal liability and civil 1739  
liability based upon a claim of assault and battery or any other 1740  
claim that is not a claim of malpractice, for any act performed in 1741  
withdrawing blood from the person. The immunity provided in this 1742  
division also extends to an emergency medical service organization 1743  
that employs an emergency medical technician-intermediate or 1744



emergency medical technician-paramedic who withdraws blood under 1745  
this section. The immunity provided in this division is not 1746  
available to a person who withdraws blood if the person engages in 1747  
willful or wanton misconduct. 1748

As used in this division, "emergency medical 1749  
technician-intermediate" and "emergency medical 1750  
technician-paramedic" have the same meanings as in section 4765.01 1751  
of the Revised Code. 1752

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 1753  
to (i) or (A)(2) of this section is guilty of operating a vehicle 1754  
under the influence of alcohol, a drug of abuse, or a combination 1755  
of them. Whoever violates division (A)(1)(j) of this section is 1756  
guilty of operating a vehicle while under the influence of a 1757  
listed controlled substance or a listed metabolite of a controlled 1758  
substance. The court shall sentence the offender for either 1759  
offense under Chapter 2929. of the Revised Code, except as 1760  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 1761  
this section: 1762

(a) Except as otherwise provided in division (G)(1)(b), (c), 1763  
(d), or (e) of this section, the offender is guilty of a 1764  
misdemeanor of the first degree, and the court shall sentence the 1765  
offender to all of the following: 1766

(i) If the sentence is being imposed for a violation of 1767  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1768  
mandatory jail term of three consecutive days. As used in this 1769  
division, three consecutive days means seventy-two consecutive 1770  
hours. The court may sentence an offender to both an intervention 1771  
program and a jail term. The court may impose a jail term in 1772  
addition to the three-day mandatory jail term or intervention 1773  
program. However, in no case shall the cumulative jail term 1774  
imposed for the offense exceed six months. 1775

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 5119.38 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the

court determines that the offender is not conducive to treatment 1809  
in a drivers' intervention program, if the offender refuses to 1810  
attend a drivers' intervention program, or if the jail at which 1811  
the offender is to serve the jail term imposed can provide a 1812  
driver's intervention program, the court shall sentence the 1813  
offender to a mandatory jail term of at least six consecutive 1814  
days. 1815

The court may require the offender, under a community control 1816  
sanction imposed under section 2929.25 of the Revised Code, to 1817  
attend and satisfactorily complete any treatment or education 1818  
programs that comply with the minimum standards adopted pursuant 1819  
to Chapter 5119. of the Revised Code by the director of mental 1820  
health and addiction services, in addition to the required 1821  
attendance at drivers' intervention program, that the operators of 1822  
the drivers' intervention program determine that the offender 1823  
should attend and to report periodically to the court on the 1824  
offender's progress in the programs. The court also may impose any 1825  
other conditions of community control on the offender that it 1826  
considers necessary. 1827

(iii) In all cases, a fine of not less than three hundred 1828  
seventy-five and not more than one thousand seventy-five dollars; 1829

(iv) In all cases, a class five license suspension of the 1830  
offender's driver's or commercial driver's license or permit or 1831  
nonresident operating privilege from the range specified in 1832  
division (A)(5) of section 4510.02 of the Revised Code. ~~The~~ 1833  
However, for a violation of division (A)(1)(j), the court may 1834  
grant limited driving privileges relative to the suspension under 1835  
sections 4510.021 and 4510.13 of the Revised Code. For a violation 1836  
of division (A)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i), 1837  
the court may grant the authority to drive with a certified 1838  
ignition interlock device during the suspension under section 1839  
4510.022 of the Revised Code. 1840

(b) Except as otherwise provided in division (G)(1)(e) of 1841  
this section, an offender who, within six years of the offense, 1842  
previously has been convicted of or pleaded guilty to one 1843  
violation of division (A) or (B) of this section or one other 1844  
equivalent offense is guilty of a misdemeanor of the first degree. 1845  
The court shall sentence the offender to all of the following: 1846

(i) If the sentence is being imposed for a violation of 1847  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1848  
mandatory jail term of ten consecutive days. The court shall 1849  
impose the ten-day mandatory jail term under this division unless, 1850  
subject to division (G)(3) of this section, it instead imposes a 1851  
sentence under that division consisting of both a jail term and a 1852  
term of house arrest with electronic monitoring, with continuous 1853  
alcohol monitoring, or with both electronic monitoring and 1854  
continuous alcohol monitoring. The court may impose a jail term in 1855  
addition to the ten-day mandatory jail term. The cumulative jail 1856  
term imposed for the offense shall not exceed six months. 1857

In addition to the jail term or the term of house arrest with 1858  
electronic monitoring or continuous alcohol monitoring or both 1859  
types of monitoring and jail term, the court shall require the 1860  
offender to be assessed by a community addiction services provider 1861  
that is authorized by section 5119.21 of the Revised Code, subject 1862  
to division (I) of this section, and shall order the offender to 1863  
follow the treatment recommendations of the services provider. The 1864  
purpose of the assessment is to determine the degree of the 1865  
offender's alcohol usage and to determine whether or not treatment 1866  
is warranted. Upon the request of the court, the services provider 1867  
shall submit the results of the assessment to the court, including 1868  
all treatment recommendations and clinical diagnoses related to 1869  
alcohol use. 1870

(ii) If the sentence is being imposed for a violation of 1871  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1872

section, except as otherwise provided in this division, a 1873  
mandatory jail term of twenty consecutive days. The court shall 1874  
impose the twenty-day mandatory jail term under this division 1875  
unless, subject to division (G)(3) of this section, it instead 1876  
imposes a sentence under that division consisting of both a jail 1877  
term and a term of house arrest with electronic monitoring, with 1878  
continuous alcohol monitoring, or with both electronic monitoring 1879  
and continuous alcohol monitoring. The court may impose a jail 1880  
term in addition to the twenty-day mandatory jail term. The 1881  
cumulative jail term imposed for the offense shall not exceed six 1882  
months. 1883

In addition to the jail term or the term of house arrest with 1884  
electronic monitoring or continuous alcohol monitoring or both 1885  
types of monitoring and jail term, the court shall require the 1886  
offender to be assessed by a community addiction service provider 1887  
that is authorized by section 5119.21 of the Revised Code, subject 1888  
to division (I) of this section, and shall order the offender to 1889  
follow the treatment recommendations of the services provider. The 1890  
purpose of the assessment is to determine the degree of the 1891  
offender's alcohol usage and to determine whether or not treatment 1892  
is warranted. Upon the request of the court, the services provider 1893  
shall submit the results of the assessment to the court, including 1894  
all treatment recommendations and clinical diagnoses related to 1895  
alcohol use. 1896

(iii) In all cases, notwithstanding the fines set forth in 1897  
Chapter 2929. of the Revised Code, a fine of not less than five 1898  
hundred twenty-five and not more than one thousand six hundred 1899  
twenty-five dollars; 1900

(iv) In all cases, a class four license suspension of the 1901  
offender's driver's license, commercial driver's license, 1902  
temporary instruction permit, probationary license, or nonresident 1903  
operating privilege from the range specified in division (A)(4) of 1904

section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

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

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

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

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this

division unless, subject to division (G)(3) of this section, it 1937  
instead imposes a sentence under that division consisting of both 1938  
a jail term and a term of house arrest with electronic monitoring, 1939  
with continuous alcohol monitoring, or with both electronic 1940  
monitoring and continuous alcohol monitoring. The court may impose 1941  
a jail term in addition to the sixty-day mandatory jail term. 1942  
Notwithstanding the jail terms set forth in sections 2929.21 to 1943  
2929.28 of the Revised Code, the additional jail term shall not 1944  
exceed one year, and the cumulative jail term imposed for the 1945  
offense shall not exceed one year. 1946

(iii) In all cases, notwithstanding the fines set forth in 1947  
Chapter 2929. of the Revised Code, a fine of not less than eight 1948  
hundred fifty and not more than two thousand seven hundred fifty 1949  
dollars; 1950

(iv) In all cases, a class three license suspension of the 1951  
offender's driver's license, commercial driver's license, 1952  
temporary instruction permit, probationary license, or nonresident 1953  
operating privilege from the range specified in division (A)(3) of 1954  
section 4510.02 of the Revised Code. The court may grant limited 1955  
driving privileges relative to the suspension under sections 1956  
4510.021 and 4510.13 of the Revised Code. 1957

(v) In all cases, if the vehicle is registered in the 1958  
offender's name, criminal forfeiture of the vehicle involved in 1959  
the offense in accordance with section 4503.234 of the Revised 1960  
Code. Division (G)(6) of this section applies regarding any 1961  
vehicle that is subject to an order of criminal forfeiture under 1962  
this division. 1963

(vi) In all cases, the court shall order the offender to 1964  
participate with a community addiction services provider 1965  
authorized by section 5119.21 of the Revised Code, subject to 1966  
division (I) of this section, and shall order the offender to 1967  
follow the treatment recommendations of the services provider. The 1968

operator of the services provider shall determine and assess the 1969  
degree of the offender's alcohol dependency and shall make 1970  
recommendations for treatment. Upon the request of the court, the 1971  
services provider shall submit the results of the assessment to 1972  
the court, including all treatment recommendations and clinical 1973  
diagnoses related to alcohol use. 1974

(d) Except as otherwise provided in division (G)(1)(e) of 1975  
this section, an offender who, within six years of the offense, 1976  
previously has been convicted of or pleaded guilty to three or 1977  
four violations of division (A) or (B) of this section or other 1978  
equivalent offenses or an offender who, within twenty years of the 1979  
offense, previously has been convicted of or pleaded guilty to 1980  
five or more violations of that nature is guilty of a felony of 1981  
the fourth degree. The court shall sentence the offender to all of 1982  
the following: 1983

(i) If the sentence is being imposed for a violation of 1984  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 1985  
mandatory prison term of one, two, three, four, or five years as 1986  
required by and in accordance with division (G)(2) of section 1987  
2929.13 of the Revised Code if the offender also is convicted of 1988  
or also pleads guilty to a specification of the type described in 1989  
section 2941.1413 of the Revised Code or, in the discretion of the 1990  
court, either a mandatory term of local incarceration of sixty 1991  
consecutive days in accordance with division (G)(1) of section 1992  
2929.13 of the Revised Code or a mandatory prison term of sixty 1993  
consecutive days in accordance with division (G)(2) of that 1994  
section if the offender is not convicted of and does not plead 1995  
guilty to a specification of that type. If the court imposes a 1996  
mandatory term of local incarceration, it may impose a jail term 1997  
in addition to the sixty-day mandatory term, the cumulative total 1998  
of the mandatory term and the jail term for the offense shall not 1999  
exceed one year, and, except as provided in division (A)(1) of 2000



section 2929.13 of the Revised Code, no prison term is authorized 2001  
for the offense. If the court imposes a mandatory prison term, 2002  
notwithstanding division (A)(4) of section 2929.14 of the Revised 2003  
Code, it also may sentence the offender to a definite prison term 2004  
that shall be not less than six months and not more than thirty 2005  
months and the prison terms shall be imposed as described in 2006  
division (G)(2) of section 2929.13 of the Revised Code. If the 2007  
court imposes a mandatory prison term or mandatory prison term and 2008  
additional prison term, in addition to the term or terms so 2009  
imposed, the court also may sentence the offender to a community 2010  
control sanction for the offense, but the offender shall serve all 2011  
of the prison terms so imposed prior to serving the community 2012  
control sanction. 2013

(ii) If the sentence is being imposed for a violation of 2014  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2015  
section, a mandatory prison term of one, two, three, four, or five 2016  
years as required by and in accordance with division (G)(2) of 2017  
section 2929.13 of the Revised Code if the offender also is 2018  
convicted of or also pleads guilty to a specification of the type 2019  
described in section 2941.1413 of the Revised Code or, in the 2020  
discretion of the court, either a mandatory term of local 2021  
incarceration of one hundred twenty consecutive days in accordance 2022  
with division (G)(1) of section 2929.13 of the Revised Code or a 2023  
mandatory prison term of one hundred twenty consecutive days in 2024  
accordance with division (G)(2) of that section if the offender is 2025  
not convicted of and does not plead guilty to a specification of 2026  
that type. If the court imposes a mandatory term of local 2027  
incarceration, it may impose a jail term in addition to the one 2028  
hundred twenty-day mandatory term, the cumulative total of the 2029  
mandatory term and the jail term for the offense shall not exceed 2030  
one year, and, except as provided in division (A)(1) of section 2031  
2929.13 of the Revised Code, no prison term is authorized for the 2032  
offense. If the court imposes a mandatory prison term, 2033

notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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

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

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The

operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

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

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

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory

prison term or mandatory prison term and additional prison term 2098  
the court imposes, the court also may sentence the offender to a 2099  
community control sanction for the offense, but the offender shall 2100  
serve all of the prison terms so imposed prior to serving the 2101  
community control sanction. 2102

(ii) If the sentence is being imposed for a violation of 2103  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2104  
section, a mandatory prison term of one, two, three, four, or five 2105  
years as required by and in accordance with division (G)(2) of 2106  
section 2929.13 of the Revised Code if the offender also is 2107  
convicted of or also pleads guilty to a specification of the type 2108  
described in section 2941.1413 of the Revised Code or a mandatory 2109  
prison term of one hundred twenty consecutive days in accordance 2110  
with division (G)(2) of section 2929.13 of the Revised Code if the 2111  
offender is not convicted of and does not plead guilty to a 2112  
specification of that type. The court may impose a prison term in 2113  
addition to the mandatory prison term. The cumulative total of a 2114  
one hundred twenty-day mandatory prison term and the additional 2115  
prison term for the offense shall not exceed five years. In 2116  
addition to the mandatory prison term or mandatory prison term and 2117  
additional prison term the court imposes, the court also may 2118  
sentence the offender to a community control sanction for the 2119  
offense, but the offender shall serve all of the prison terms so 2120  
imposed prior to serving the community control sanction. 2121

(iii) In all cases, notwithstanding section 2929.18 of the 2122  
Revised Code, a fine of not less than one thousand three hundred 2123  
fifty nor more than ten thousand five hundred dollars; 2124

(iv) In all cases, a class two license suspension of the 2125  
offender's driver's license, commercial driver's license, 2126  
temporary instruction permit, probationary license, or nonresident 2127  
operating privilege from the range specified in division (A)(2) of 2128  
section 4510.02 of the Revised Code. The court may grant limited 2129

driving privileges relative to the suspension under sections 2130  
4510.021 and 4510.13 of the Revised Code. 2131

(v) In all cases, if the vehicle is registered in the 2132  
offender's name, criminal forfeiture of the vehicle involved in 2133  
the offense in accordance with section 4503.234 of the Revised 2134  
Code. Division (G)(6) of this section applies regarding any 2135  
vehicle that is subject to an order of criminal forfeiture under 2136  
this division. 2137

(vi) In all cases, the court shall order the offender to 2138  
participate with a community addiction services provider 2139  
authorized by section 5119.21 of the Revised Code, subject to 2140  
division (I) of this section, and shall order the offender to 2141  
follow the treatment recommendations of the services provider. The 2142  
operator of the services provider shall determine and assess the 2143  
degree of the offender's alcohol dependency and shall make 2144  
recommendations for treatment. Upon the request of the court, the 2145  
services provider shall submit the results of the assessment to 2146  
the court, including all treatment recommendations and clinical 2147  
diagnoses related to alcohol use. 2148

(2) An offender who is convicted of or pleads guilty to a 2149  
violation of division (A) of this section and who subsequently 2150  
seeks reinstatement of the driver's or occupational driver's 2151  
license or permit or nonresident operating privilege suspended 2152  
under this section as a result of the conviction or guilty plea 2153  
shall pay a reinstatement fee as provided in division (F)(2) of 2154  
section 4511.191 of the Revised Code. 2155

(3) If an offender is sentenced to a jail term under division 2156  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 2157  
if, within sixty days of sentencing of the offender, the court 2158  
issues a written finding on the record that, due to the 2159  
unavailability of space at the jail where the offender is required 2160  
to serve the term, the offender will not be able to begin serving 2161

that term within the sixty-day period following the date of 2162  
sentencing, the court may impose an alternative sentence under 2163  
this division that includes a term of house arrest with electronic 2164  
monitoring, with continuous alcohol monitoring, or with both 2165  
electronic monitoring and continuous alcohol monitoring. 2166

As an alternative to a mandatory jail term of ten consecutive 2167  
days required by division (G)(1)(b)(i) of this section, the court, 2168  
under this division, may sentence the offender to five consecutive 2169  
days in jail and not less than eighteen consecutive days of house 2170  
arrest with electronic monitoring, with continuous alcohol 2171  
monitoring, or with both electronic monitoring and continuous 2172  
alcohol monitoring. The cumulative total of the five consecutive 2173  
days in jail and the period of house arrest with electronic 2174  
monitoring, continuous alcohol monitoring, or both types of 2175  
monitoring shall not exceed six months. The five consecutive days 2176  
in jail do not have to be served prior to or consecutively to the 2177  
period of house arrest. 2178

As an alternative to the mandatory jail term of twenty 2179  
consecutive days required by division (G)(1)(b)(ii) of this 2180  
section, the court, under this division, may sentence the offender 2181  
to ten consecutive days in jail and not less than thirty-six 2182  
consecutive days of house arrest with electronic monitoring, with 2183  
continuous alcohol monitoring, or with both electronic monitoring 2184  
and continuous alcohol monitoring. The cumulative total of the ten 2185  
consecutive days in jail and the period of house arrest with 2186  
electronic monitoring, continuous alcohol monitoring, or both 2187  
types of monitoring shall not exceed six months. The ten 2188  
consecutive days in jail do not have to be served prior to or 2189  
consecutively to the period of house arrest. 2190

As an alternative to a mandatory jail term of thirty 2191  
consecutive days required by division (G)(1)(c)(i) of this 2192  
section, the court, under this division, may sentence the offender 2193

to fifteen consecutive days in jail and not less than fifty-five 2194  
consecutive days of house arrest with electronic monitoring, with 2195  
continuous alcohol monitoring, or with both electronic monitoring 2196  
and continuous alcohol monitoring. The cumulative total of the 2197  
fifteen consecutive days in jail and the period of house arrest 2198  
with electronic monitoring, continuous alcohol monitoring, or both 2199  
types of monitoring shall not exceed one year. The fifteen 2200  
consecutive days in jail do not have to be served prior to or 2201  
consecutively to the period of house arrest. 2202

As an alternative to the mandatory jail term of sixty 2203  
consecutive days required by division (G)(1)(c)(ii) of this 2204  
section, the court, under this division, may sentence the offender 2205  
to thirty consecutive days in jail and not less than one hundred 2206  
ten consecutive days of house arrest with electronic monitoring, 2207  
with continuous alcohol monitoring, or with both electronic 2208  
monitoring and continuous alcohol monitoring. The cumulative total 2209  
of the thirty consecutive days in jail and the period of house 2210  
arrest with electronic monitoring, continuous alcohol monitoring, 2211  
or both types of monitoring shall not exceed one year. The thirty 2212  
consecutive days in jail do not have to be served prior to or 2213  
consecutively to the period of house arrest. 2214

(4) If an offender's driver's or occupational driver's 2215  
license or permit or nonresident operating privilege is suspended 2216  
under division (G) of this section and if section 4510.13 of the 2217  
Revised Code permits the court to grant limited driving 2218  
privileges, the court may grant the limited driving privileges in 2219  
accordance with that section. If division (A)(7) of that section 2220  
requires that the court impose as a condition of the privileges 2221  
that the offender must display on the vehicle that is driven 2222  
subject to the privileges restricted license plates that are 2223  
issued under section 4503.231 of the Revised Code, except as 2224  
provided in division (B) of that section, the court shall impose 2225

that condition as one of the conditions of the limited driving 2226  
privileges granted to the offender, except as provided in division 2227  
(B) of section 4503.231 of the Revised Code. 2228

(5) Fines imposed under this section for a violation of 2229  
division (A) of this section shall be distributed as follows: 2230

(a) Twenty-five dollars of the fine imposed under division 2231  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 2232  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 2233  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 2234  
dollars of the fine imposed under division (G)(1)(d)(iii) or 2235  
(e)(iii) of this section shall be paid to an enforcement and 2236  
education fund established by the legislative authority of the law 2237  
enforcement agency in this state that primarily was responsible 2238  
for the arrest of the offender, as determined by the court that 2239  
imposes the fine. The agency shall use this share to pay only 2240  
those costs it incurs in enforcing this section or a municipal OVI 2241  
ordinance and in informing the public of the laws governing the 2242  
operation of a vehicle while under the influence of alcohol, the 2243  
dangers of the operation of a vehicle under the influence of 2244  
alcohol, and other information relating to the operation of a 2245  
vehicle under the influence of alcohol and the consumption of 2246  
alcoholic beverages. 2247

(b) Fifty dollars of the fine imposed under division 2248  
(G)(1)(a)(iii) of this section shall be paid to the political 2249  
subdivision that pays the cost of housing the offender during the 2250  
offender's term of incarceration. If the offender is being 2251  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 2252  
(e), or (j) of this section and was confined as a result of the 2253  
offense prior to being sentenced for the offense but is not 2254  
sentenced to a term of incarceration, the fifty dollars shall be 2255  
paid to the political subdivision that paid the cost of housing 2256  
the offender during that period of confinement. The political 2257



subdivision shall use the share under this division to pay or 2258  
reimburse incarceration or treatment costs it incurs in housing or 2259  
providing drug and alcohol treatment to persons who violate this 2260  
section or a municipal OVI ordinance, costs of any immobilizing or 2261  
disabling device used on the offender's vehicle, and costs of 2262  
electronic house arrest equipment needed for persons who violate 2263  
this section. 2264

(c) Twenty-five dollars of the fine imposed under division 2265  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 2266  
division (G)(1)(b)(iii) of this section shall be deposited into 2267  
the county or municipal indigent drivers' alcohol treatment fund 2268  
under the control of that court, as created by the county or 2269  
municipal corporation under division (F) of section 4511.191 of 2270  
the Revised Code. 2271

(d) One hundred fifteen dollars of the fine imposed under 2272  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 2273  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 2274  
dollars of the fine imposed under division (G)(1)(d)(iii) or 2275  
(e)(iii) of this section shall be paid to the political 2276  
subdivision that pays the cost of housing the offender during the 2277  
offender's term of incarceration. The political subdivision shall 2278  
use this share to pay or reimburse incarceration or treatment 2279  
costs it incurs in housing or providing drug and alcohol treatment 2280  
to persons who violate this section or a municipal OVI ordinance, 2281  
costs for any immobilizing or disabling device used on the 2282  
offender's vehicle, and costs of electronic house arrest equipment 2283  
needed for persons who violate this section. 2284

(e) Fifty dollars of the fine imposed under divisions 2285  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 2286  
and (G)(1)(e)(iii) of this section shall be deposited into the 2287  
special projects fund of the court in which the offender was 2288  
convicted and that is established under division (E)(1) of section 2289

2303.201, division (B)(1) of section 1901.26, or division (B)(1) 2290  
of section 1907.24 of the Revised Code, to be used exclusively to 2291  
cover the cost of immobilizing or disabling devices, including 2292  
certified ignition interlock devices, and remote alcohol 2293  
monitoring devices for indigent offenders who are required by a 2294  
judge to use either of these devices. If the court in which the 2295  
offender was convicted does not have a special projects fund that 2296  
is established under division (E)(1) of section 2303.201, division 2297  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 2298  
of the Revised Code, the fifty dollars shall be deposited into the 2299  
indigent drivers interlock and alcohol monitoring fund under 2300  
division (I) of section 4511.191 of the Revised Code. 2301

(f) Seventy-five dollars of the fine imposed under division 2302  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 2303  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 2304  
of the fine imposed under division (G)(1)(c)(iii), and five 2305  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 2306  
or (e)(iii) of this section shall be transmitted to the treasurer 2307  
of state for deposit into the indigent defense support fund 2308  
established under section 120.08 of the Revised Code. 2309

(g) The balance of the fine imposed under division 2310  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 2311  
section shall be disbursed as otherwise provided by law. 2312

(6) If title to a motor vehicle that is subject to an order 2313  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 2314  
this section is assigned or transferred and division (B)(2) or (3) 2315  
of section 4503.234 of the Revised Code applies, in addition to or 2316  
independent of any other penalty established by law, the court may 2317  
fine the offender the value of the vehicle as determined by 2318  
publications of the national automobile dealers association. The 2319  
proceeds of any fine so imposed shall be distributed in accordance 2320  
with division (C)(2) of that section. 2321

(7) In all cases in which an offender is sentenced under 2322  
division (G) of this section, the offender shall provide the court 2323  
with proof of financial responsibility as defined in section 2324  
4509.01 of the Revised Code. If the offender fails to provide that 2325  
proof of financial responsibility, the court, in addition to any 2326  
other penalties provided by law, may order restitution pursuant to 2327  
section 2929.18 or 2929.28 of the Revised Code in an amount not 2328  
exceeding five thousand dollars for any economic loss arising from 2329  
an accident or collision that was the direct and proximate result 2330  
of the offender's operation of the vehicle before, during, or 2331  
after committing the offense for which the offender is sentenced 2332  
under division (G) of this section. 2333

(8) As used in division (G) of this section, "electronic 2334  
monitoring," "mandatory prison term," and "mandatory term of local 2335  
incarceration" have the same meanings as in section 2929.01 of the 2336  
Revised Code. 2337

(H) Whoever violates division (B) of this section is guilty 2338  
of operating a vehicle after underage alcohol consumption and 2339  
shall be punished as follows: 2340

(1) Except as otherwise provided in division (H)(2) of this 2341  
section, the offender is guilty of a misdemeanor of the fourth 2342  
degree. In addition to any other sanction imposed for the offense, 2343  
the court shall impose a class six suspension of the offender's 2344  
driver's license, commercial driver's license, temporary 2345  
instruction permit, probationary license, or nonresident operating 2346  
privilege from the range specified in division (A)(6) of section 2347  
4510.02 of the Revised Code. 2348

(2) If, within one year of the offense, the offender 2349  
previously has been convicted of or pleaded guilty to one or more 2350  
violations of division (A) or (B) of this section or other 2351  
equivalent offenses, the offender is guilty of a misdemeanor of 2352  
the third degree. In addition to any other sanction imposed for 2353

the offense, the court shall impose a class four suspension of the 2354  
offender's driver's license, commercial driver's license, 2355  
temporary instruction permit, probationary license, or nonresident 2356  
operating privilege from the range specified in division (A)(4) of 2357  
section 4510.02 of the Revised Code. 2358

(3) If the offender also is convicted of or also pleads 2359  
guilty to a specification of the type described in section 2360  
2941.1416 of the Revised Code and if the court imposes a jail term 2361  
for the violation of division (B) of this section, the court shall 2362  
impose upon the offender an additional definite jail term pursuant 2363  
to division (E) of section 2929.24 of the Revised Code. 2364

(4) The offender shall provide the court with proof of 2365  
financial responsibility as defined in section 4509.01 of the 2366  
Revised Code. If the offender fails to provide that proof of 2367  
financial responsibility, then, in addition to any other penalties 2368  
provided by law, the court may order restitution pursuant to 2369  
section 2929.28 of the Revised Code in an amount not exceeding 2370  
five thousand dollars for any economic loss arising from an 2371  
accident or collision that was the direct and proximate result of 2372  
the offender's operation of the vehicle before, during, or after 2373  
committing the violation of division (B) of this section. 2374

(I)(1) No court shall sentence an offender to an alcohol 2375  
treatment program under this section unless the treatment program 2376  
complies with the minimum standards for alcohol treatment programs 2377  
adopted under Chapter 5119. of the Revised Code by the director of 2378  
mental health and addiction services. 2379

(2) An offender who stays in a drivers' intervention program 2380  
or in an alcohol treatment program under an order issued under 2381  
this section shall pay the cost of the stay in the program. 2382  
However, if the court determines that an offender who stays in an 2383  
alcohol treatment program under an order issued under this section 2384  
is unable to pay the cost of the stay in the program, the court 2385

may order that the cost be paid from the court's indigent drivers' alcohol treatment fund. 2386  
2387

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension. 2388  
2389  
2390  
2391  
2392

(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 2393  
2394  
2395  
2396  
2397  
2398  
2399

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 2400  
2401  
2402

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 2403  
2404

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 2405  
2406  
2407  
2408  
2409  
2410

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 2411  
2412  
2413  
2414  
2415  
2416

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 2417  
as adopted by the supreme court under authority of section 2937.46 2418  
of the Revised Code, do not apply to felony violations of this 2419  
section. Subject to division (N)(2) of this section, the Rules of 2420  
Criminal Procedure apply to felony violations of this section. 2421

(2) If, on or after January 1, 2004, the supreme court 2422  
modifies the Ohio Traffic Rules to provide procedures to govern 2423  
felony violations of this section, the modified rules shall apply 2424  
to felony violations of this section. 2425

**Sec. 4511.197.** (A) If a person is arrested for operating a 2426  
vehicle, streetcar, or trackless trolley in violation of division 2427  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 2428  
OVI ordinance or for being in physical control of a vehicle, 2429  
streetcar, or trackless trolley in violation of section 4511.194 2430  
of the Revised Code or a substantially equivalent municipal 2431  
ordinance and if the person's driver's or commercial driver's 2432  
license or permit or nonresident operating privilege is suspended 2433  
under sections 4511.191 and 4511.192 of the Revised Code, the 2434  
person may appeal the suspension at the person's initial 2435  
appearance on the charge resulting from the arrest or within the 2436  
period ending thirty days after the person's initial appearance on 2437  
that charge, in the court in which the person will appear on that 2438  
charge. If the person appeals the suspension, the appeal itself 2439  
does not stay the operation of the suspension. If the person 2440  
appeals the suspension, either the person or the registrar of 2441  
motor vehicles may request a continuance of the appeal, and the 2442  
court may grant the continuance. The court also may continue the 2443  
appeal on its own motion. Neither the request for, nor the 2444  
granting of, a continuance stays the suspension that is the 2445  
subject of the appeal, unless the court specifically grants a 2446  
stay. 2447

(B) A person shall file an appeal under division (A) of this section in the municipal court, county court, juvenile court, mayor's court, or court of common pleas that has jurisdiction over the charge in relation to which the person was arrested.

(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:

(1) Whether the arresting law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or was in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance and whether the arrested person was in fact placed under arrest;

(2) Whether the law enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to division (A) of section 4511.191 of the Revised Code;

(3) If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, whether the arresting officer advised the person at the time of the arrest that if the person refused to take a chemical test, the officer could employ whatever reasonable means were necessary to ensure that the person submitted to a chemical test of the person's whole blood or blood serum or plasma; or if the person was under arrest other than as described in division (A)(5) of section 4511.191 of the Revised Code, whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests;

(4) Whichever of the following is applicable:

(a) If the suspension was imposed under division (B) of

section 4511.191 and section 4511.192 of the Revised Code, whether 2479  
the arrested person refused to submit to the chemical test or 2480  
tests requested by the officer; 2481

(b) If the suspension was imposed under division (C) of 2482  
section 4511.191 and section 4511.192 of the Revised Code, whether 2483  
the arrest was for a violation of division (A) or (B) of section 2484  
4511.19 of the Revised Code or a municipal OVI ordinance and, if 2485  
it was, whether the chemical test results indicate that at the 2486  
time of the alleged offense the arrested person's whole blood, 2487  
blood serum or plasma, breath, or urine contained at least the 2488  
concentration of alcohol specified in division (A)(1)(b), (c), 2489  
(d), or (e) of section 4511.19 of the Revised Code or at least the 2490  
concentration of a listed controlled substance or a listed 2491  
metabolite of a controlled substance specified in division 2492  
(A)(1)(j) of section 4511.19 of the Revised Code. 2493

(D) A person who appeals a suspension under division (A) of 2494  
this section has the burden of proving, by a preponderance of the 2495  
evidence, that one or more of the conditions specified in division 2496  
(C) of this section has not been met. If, during the appeal, the 2497  
judge or magistrate of the court or the mayor of the mayor's court 2498  
determines that all of those conditions have been met, the judge, 2499  
magistrate, or mayor shall uphold the suspension, continue the 2500  
suspension, and notify the registrar of motor vehicles of the 2501  
decision on a form approved by the registrar. 2502

Except as otherwise provided in this section, if a suspension 2503  
imposed under section 4511.191 of the Revised Code is upheld on 2504  
appeal or if the subject person does not appeal the suspension 2505  
under division (A) of this section, the suspension shall continue 2506  
until the complaint alleging the violation for which the person 2507  
was arrested and in relation to which the suspension was imposed 2508  
is adjudicated on the merits or terminated pursuant to law. If the 2509  
suspension was imposed under division (B)(1) of section 4511.191 2510



of the Revised Code and it is continued under this section, any 2511  
subsequent finding that the person is not guilty of the charge 2512  
that resulted in the person being requested to take the chemical 2513  
test or tests under division (A) of section 4511.191 of the 2514  
Revised Code does not terminate or otherwise affect the 2515  
suspension. If the suspension was imposed under division (C) of 2516  
section 4511.191 of the Revised Code in relation to an alleged 2517  
misdemeanor violation of division (A) or (B) of section 4511.19 of 2518  
the Revised Code or of a municipal OVI ordinance and it is 2519  
continued under this section, the suspension shall terminate if, 2520  
for any reason, the person subsequently is found not guilty of the 2521  
charge that resulted in the person taking the chemical test or 2522  
tests. 2523

If, during the appeal, the judge or magistrate of the trial 2524  
court or the mayor of the mayor's court determines that one or 2525  
more of the conditions specified in division (C) of this section 2526  
have not been met, the judge, magistrate, or mayor shall terminate 2527  
the suspension, subject to the imposition of a new suspension 2528  
under division (B) of section 4511.196 of the Revised Code; shall 2529  
notify the registrar of motor vehicles of the decision on a form 2530  
approved by the registrar; and, except as provided in division (B) 2531  
of section 4511.196 of the Revised Code, shall order the registrar 2532  
to return the driver's or commercial driver's license or permit to 2533  
the person or to take any other measures that may be necessary, if 2534  
the license or permit was destroyed under section 4510.53 of the 2535  
Revised Code, to permit the person to obtain a replacement 2536  
driver's or commercial driver's license or permit from the 2537  
registrar or a deputy registrar in accordance with that section. 2538  
The court also shall issue to the person a court order, valid for 2539  
not more than ten days from the date of issuance, granting the 2540  
person operating privileges for that period. 2541

(E) ~~Any~~ (1) Except as provided in division (E)(2) of this 2542

~~section, any person whose driver's or commercial driver's license 2543  
or permit or nonresident operating privilege has been suspended 2544  
pursuant to section 4511.191 of the Revised Code may file a 2545  
petition requesting limited driving privileges in the common pleas 2546  
court, municipal court, county court, mayor's court, or juvenile 2547  
court with jurisdiction over the related criminal or delinquency 2548  
case. The petition may be filed at any time subsequent to the date 2549  
on which the arresting law enforcement officer serves the notice 2550  
of suspension upon the arrested person but no later than thirty 2551  
days after the arrested person's initial appearance or arraignment 2552  
as provided in section 4510.13 of the Revised Code. Upon the 2553  
making of the request, A court may grant limited driving 2554  
privileges may be granted under sections 4510.021 and 4510.13 of 2555  
the Revised Code, regardless of whether the person appeals the 2556  
suspension under this section or appeals the decision of the court 2557  
on the appeal, and, if the person has so appealed the suspension 2558  
or decision, regardless of whether the matter has been heard or 2559  
decided by the court. The person shall pay the costs of the 2560  
proceeding, notify the registrar of the filing of the petition, 2561  
and send the registrar a copy of the petition. 2562~~

~~The court may not grant the person limited driving privileges 2563  
when prohibited by section 4510.13 or 4511.191 of the Revised 2564  
Code. 2565~~

(2) Any first-time offender specified in division (A)(2) of 2566  
section 4510.022 of the Revised Code may file a petition 2567  
requesting the authority to drive with a certified ignition 2568  
interlock device as provided in section 4510.022 of the Revised 2569  
Code. A court may grant the authority to drive with a certified 2570  
ignition interlock device to the person regardless of whether the 2571  
person appeals the suspension under this section or appeals the 2572  
decision of the court on appeal, and, if the person has so 2573  
appealed the suspension or decision, regardless of whether the 2574

matter has been heard or decided by the court. The person shall 2575  
pay the costs of the proceeding, notify the registrar of the 2576  
filing of the petition, and send the registrar a copy of the 2577  
petition. 2578

(F) Any person whose driver's or commercial driver's license 2579  
or permit has been suspended under section 4511.19 of the Revised 2580  
Code or under section 4510.07 of the Revised Code for a conviction 2581  
of a municipal OVI offense and who desires to retain the license 2582  
or permit during the pendency of an appeal, at the time sentence 2583  
is pronounced, shall notify the court of record or mayor's court 2584  
that suspended the license or permit of the person's intention to 2585  
appeal. If the person so notifies the court, the court, mayor, or 2586  
clerk of the court shall retain the license or permit until the 2587  
appeal is perfected, and, if execution of sentence is stayed, the 2588  
license or permit shall be returned to the person to be held by 2589  
the person during the pendency of the appeal. If the appeal is not 2590  
perfected or is dismissed or terminated in an affirmance of the 2591  
conviction, then the license or permit shall be taken up by the 2592  
court, mayor, or clerk, at the time of putting the sentence into 2593  
execution, and the court shall proceed in the same manner as if no 2594  
appeal was taken. 2595

(G) Except as otherwise provided in this division, if a 2596  
person whose driver's or commercial driver's license or permit or 2597  
nonresident operating privilege was suspended under section 2598  
4511.191 of the Revised Code appeals the suspension under division 2599  
(A) of this section, the prosecuting attorney of the county in 2600  
which the arrest occurred shall represent the registrar of motor 2601  
vehicles in the appeal. If the arrest occurred within a municipal 2602  
corporation within the jurisdiction of the court in which the 2603  
appeal is conducted, the city director of law, village solicitor, 2604  
or other chief legal officer of that municipal corporation shall 2605  
represent the registrar. If the appeal is conducted in a municipal 2606

court, the registrar shall be represented as provided in section 2607  
1901.34 of the Revised Code. If the appeal is conducted in a 2608  
mayor's court, the city director of law, village solicitor, or 2609  
other chief legal officer of the municipal corporation that 2610  
operates that mayor's court shall represent the registrar. 2611

(H) The court shall give information in writing of any action 2612  
taken under this section to the registrar of motor vehicles. 2613

(I) When it finally has been determined under the procedures 2614  
of this section that a nonresident's privilege to operate a 2615  
vehicle within this state has been suspended, the registrar of 2616  
motor vehicles shall give information in writing of the action 2617  
taken to the motor vehicle administrator of the state of the 2618  
nonresident's residence and of any state in which the nonresident 2619  
has a license. 2620

**Section 2.** That existing sections 4510.021, 4510.11, 4510.13, 2621  
4510.14, 4510.17, 4510.43, 4510.44, 4510.46, 4511.19, and 4511.197 2622  
of the Revised Code are hereby repealed. 2623