



Ohio Legislative Service Commission

Bill Analysis

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(As Introduced)

Reps. Hottinger and Weddington, Evans, Snitchler, Chandler

BILL SUMMARY

- Requires a court to require a "first-time OVI offender" whose license is suspended by a court or the Bureau of Motor Vehicles, who is granted limited driving privileges after a 15-day period of "hard suspension," and whose underlying OVI offense is alcohol-related to utilize a certified ignition interlock device on each vehicle the offender operates for the remainder of the period of suspension.
- Permits a court to require a "first-time OVI offender" whose license is suspended by a court or the Bureau of Motor Vehicles, who is granted limited driving privileges after a 15-day period of "hard suspension," and whose underlying OVI offense is drug-related to utilize a certified ignition interlock device on each vehicle the offender operates for the remainder of the period of suspension.
- Provides that, if a "first-time OVI offender" whose license is suspended by a court and who is granted limited driving privileges after a 15-day period of "hard suspension" and prohibited from operating any motor vehicle that is not equipped with an ignition interlock device operates a motor vehicle that is not equipped with an ignition interlock device, circumvents the device, or tampers with the device or if the court receives notice pursuant to R.C. 4510.46 that such a device prevented an offender described in this dot point from starting a motor vehicle, the court may require the offender to wear a continuous alcohol monitor on a first instance and must require the offender to wear for specified periods of time a continuous alcohol monitor on a second or subsequent instance.
- Requires the court to notify a "first-time OVI offender" whose license is suspended by a court or the Bureau of Motor Vehicles at the time the offender is granted limited driving privileges that if the court receives notice that the device prevented the offender from starting the motor vehicle because the device was tampered with or

circumvented or because the analysis of the deep-lung breath sample or other method of measuring the concentration of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration to prevent the motor vehicle from starting, the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two.

- Requires, upon receipt of information as described in the preceding dot point pertaining to a "first-time OVI offender" whose license has been suspended by a court and who has been granted limited driving privileges, the court to send a notice to the offender stating that it has received evidence that a certified ignition interlock device prevented the offender from starting the motor vehicle because the device was tampered with or circumvented or because of the presence of alcohol on the offenders breath.
- Requires the court to include in the notice described in the preceding dot point that because of this instance: (1) if R.C. 4510.13(A)(8) requires the offender to wear an alcohol monitor, the offender is now required to wear a continuous alcohol monitor, (2) the court may increase the period of suspension of the offender's driver's license, permit, or operating privilege from that originally imposed by the court by a factor of two, and (3) the court may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two.
- Specifies that the notice described in the preceding dot point must state whether the court will impose the increases described in the previous dot point and, if so, that the increases will take effect 14 days from the date of the notice, provides procedures for an offender's appeal of those increases, and provides that in no case may any period of suspension that is increased by a factor of two or any period of time during which the offender is prohibited from exercising limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device that is increased by a factor of two exceed the maximum period of time for which the court originally was authorized to suspend the offender's license, permit, or operating privilege.

- Applies a mandatory \$2.50 court cost in existing law and a permissive \$2.50 court cost in existing law to offenders who are required, under the bill, to utilize a certified ignition interlock device or wear a remote continuous alcohol monitor.

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CONTENT AND OPERATION

Background--existing law

State OVI prohibitions

Existing law, unchanged by the bill, prohibits a person from operating any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply: (1) the person is under the influence of alcohol, a drug of abuse, or a combination of them, (2) the person has a concentration of .08 of one per cent or more but less than .17 of one per cent by weight per unit volume of alcohol in the person's whole blood, (3) the person has a concentration of .096 of one per cent or more but less than .204 of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma, (4) the person has a concentration of .08 of one gram or more but less than .17 of one gram by weight of alcohol per 210 liters of the person's breath, (5) the person has a concentration of .11 of one gram or more but less than .238 of one gram by weight of alcohol per 100 milliliters of the person's urine, (6) the person has a concentration of .17 of one per cent or more by weight per unit volume of alcohol in the person's whole blood, (7) the person has a concentration of .204 of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma, (8) the person has a concentration of .17 of one gram or more by weight of alcohol per 210 liters of the person's breath, (9) the person has a concentration of .238 of one gram or more by weight of alcohol per 100 milliliters of the person's urine, or (10) the person has a concentration of any of a list of controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or

exceeds a specified concentration of the controlled substance or metabolite, as described in R.C. 4511.19(A)(1)(j) (R.C. 4511.19(A)(1)).

Existing law, unchanged by the bill, also prohibits a person who, within 20 years of the conduct described in clause (1) of this paragraph, previously has been convicted of or pleaded guilty to a violation of the prohibition described in this paragraph, the prohibition described in the preceding paragraph, the prohibition described in R.C. 4511.19(B) (state OVUAC, see **COMMENT 1**), or any other equivalent offense (see **COMMENT 2**) from doing both of the following: (1) operating any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them, and (2) subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in clause (1), being asked by a law enforcement officer to submit to a chemical test or tests under R.C. 4511.191 (the Vehicle Implied Consent Law), and being advised by the officer in accordance with R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refusing to submit to the test or tests (R.C. 4511.19(A)(2)).

A violation of any of the prohibitions in clauses (1) to (9) of the second preceding paragraph or the prohibition described in the preceding paragraph is the offense of "operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them." A violation of the prohibition described in clause (10) of the second preceding paragraph is the offense of "operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance." (R.C. 4511.19(G)(1).) Hereafter, both of the offenses are referred to as "**state OVI**." In subsequent portions of this analysis, a reference to "**high-amount state OVI**" means a violation of the prohibition set forth in clause (6), (7), (8), or (9) of the second preceding paragraph, and a reference to "**division (A)(2) state OVI**" means a violation of the prohibition set forth in the preceding paragraph. The offense of state OVI is punished for a "first-time OVI offender"¹ as described below in "**State OVI penalties for first-time OVI offenders**."

¹ The term "first-time OVI offender" is used in this analysis to mean an offender sentenced under R.C. 4511.191(G)(1)(a). An offender sentenced under this provision is an offender who has not been convicted of any violations of R.C. 4511.19(A) or (B) (state OVI or state OVUAC) or any other equivalent offense; an offender who was convicted of or pleaded guilty to one, two, three, or four violations of R.C. 4511.19(A) or (B) or an equivalent offense, each of which was committed *more* than six years prior to the date of the offense and who previously has not been convicted of or pleaded guilty to a felony OVI offense; or an offender who was convicted of or pleaded guilty to five or more violations of R.C. 4511.19(A) or (B) or an equivalent offense, each of which was committed *more than* 20 years prior to the date of the offense and who previously has not been convicted of or pleaded guilty to a felony OVI offense (R.C. 4511.19(G)(1)(a), (b), (c), (d), and (e)).

State OVI penalties for first-time OVI offenders

Under existing law, a person who is convicted of the offense of state OVI is sentenced under R.C. Chapter 2929., the general Criminal Sentencing Law, except as authorized or required by R.C. 4511.19(G). A first-time OVI offender is guilty of a misdemeanor of the first degree, and the court must sentence the offender to all of the following (R.C. 4511.19(G)(1)(a)):

(a) Unless the offense is "high-amount state OVI" or "division (A)(2) state OVI," a mandatory jail term of three consecutive days. The court may sentence the offender to both an intervention program and a jail term and may impose a jail term in addition to the three-day mandatory jail term or intervention program, provided that the cumulative jail term imposed cannot exceed six months. The court may suspend the execution of some or all of the three-day jail term and, instead, place the offender under a community control sanction for the suspended portion, require the offender to attend, for the suspended portion, a drivers' intervention program, and sentence the offender to a jail term for the non-suspended portion. The court also may require the offender to attend and complete any treatment or education programs that the operators of the drivers' intervention program determine that the offender should attend and may impose on the offender any other conditions of community control that it considers necessary.

(b) If the offense is "high-amount state OVI" or "division (A)(2) state OVI," except as otherwise described in this paragraph, a mandatory jail term of at least three consecutive days and a requirement that the offender attend a drivers' intervention program for three consecutive days. If the court determines that the offender is not conducive to treatment in such a program, if the offender refuses to attend such a program, or if the jail at which the offender is to serve the jail term imposed can provide such a program, the court must sentence the offender to a mandatory jail term of at least six consecutive days. The court may require the offender to attend and complete any treatment or education programs that the operators of the drivers' intervention program determine that the offender should attend and may impose any other conditions of community control on the offender that it considers necessary.

(c) In all cases, a fine of not less than \$375 and not more than \$1,075 and a Class 5 license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. 4510.02(A)(5) (six months to three years). The court may grant limited driving privileges relative to the suspension under R.C. 4510.021 and 4510.13 (see "**Limited driving privileges under an OVI suspension**," below).

Vehicle Implied Consent Law suspensions (administrative license suspensions)

The existing Vehicle Implied Consent Law provides, in relevant part, for administrative suspensions by the Bureau of Motor Vehicles of the driver's or commercial driver's license or permit or nonresident operating privilege of persons who are arrested for state OVI, state OVUAC, "having physical control of a vehicle while under the influence" (see **COMMENT 3**), or a substantially equivalent municipal ordinance, or a municipal OVI ordinance (see **COMMENT 4**), who are requested in accordance with specified procedures to submit to a chemical test of a specified bodily substance to determine the alcohol or drug content of the bodily substance, and who refuse to submit to the requested test (a "Vehicle Implied Consent Law refusal suspension") or who submit to the requested test and are determined to have a specified concentration of alcohol in the bodily substance (a "Vehicle Implied Consent Law prohibited concentration suspension"). The length of suspension varies, depending on the number of times within the preceding six years that: (1) for a refusal suspension, the person has refused previous requests to submit to a chemical test made under that Law or has been convicted of state OVI, state OVUAC, or other equivalent offense, and (2) for a prohibited concentration suspension, the person has been convicted of state OVI, state OVUAC, or another equivalent offense. For a first-time OVI offender, a prohibited concentration suspension is a definite period of six months to three years. A refusal suspension for a first-time OVI offender or an offender who has never refused to consent to a chemical test under the Vehicle Implied Consent Law is a definite period of two to ten years. (R.C. 4510.02(A)(3) and (5) and 4511.191.)

Limited driving privileges under an OVI suspension

Existing law

Existing law generally authorizes a court that imposes a suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege to grant the person limited driving privileges during the period of the suspension unless expressly prohibited by any Revised Code section. A court may grant the privileges 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, or (3) attending court-ordered treatment. In granting the privileges, the court must 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.

Unless expressly authorized by a section of the Revised Code, a court is prohibited from granting 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 Ohio must 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 Ohio 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 paragraph, the privileges must be for any of the limited purposes identified in the preceding paragraph. (R.C. 4510.021(A) and (B).)

Among the limited driving privilege prohibitions contained in the Revised Code are restrictions that specify a period of time, for specified types of suspensions, during which a court cannot grant limited driving privileges for the person who is subject to the suspension (the periods of time during which limited driving privileges cannot be granted generally are referred to as "hard suspensions"). For example, existing law provides that no judge or mayor may grant limited driving privileges during the first 15 days of a suspension imposed under R.C. 4511.19(G)(1)(a) (sentencing provisions for a "first-time OVI offender") or a comparable length suspension imposed under R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance, or of a suspension imposed under R.C. 4511.191(C)(1)(a) (Vehicle Implied Consent Law prohibited concentration suspension for an offender who, within six years of the date the chemical test was conducted, has not been convicted of state OVI and state OVUAC or an equivalent offense.) On or after the 16th day of the suspension, the court may grant limited driving privileges, but the court *may* require that the offender 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 R.C. 4510.43(C), which provides a limited exception to immobilizing or disabling device orders for persons who operate a vehicle in employment.

Operation of the bill

The bill modifies the conditions of the period of the hard suspension for a "first-time OVI offender," an offender subject to a comparable length suspension imposed for a violation of a municipal OVI ordinance, and for an offender subject to a Vehicle Implied Consent Law prohibited concentration suspension who, within six years of the date the chemical test was conducted, has not been convicted of state OVI, state OVUAC, or an equivalent offense. The bill *requires* a court to require such an offender who is granted limited driving privileges after a 15-day period of hard suspension and whose underlying OVI offense is alcohol-related to not exercise the privilege for the remainder of the period of suspension unless each vehicle the offender operates is equipped with a certified ignition interlock device. In addition, the bill *permits* a court

to require such an offender who is granted limited driving privileges after a 15-day period of hard suspension and whose underlying OVI offense is drug-related to not exercise the privilege for the remainder of the period of suspension unless each vehicle the offender operates is equipped with a certified ignition interlock device.

The above requirement is subject to an exception in current law that provides that the person subject to a requirement to use a certified ignition interlock device may operate a motor vehicle that is owned by the person's employer only if the person is required to operate that motor vehicle in the course and scope of the offender's employment. Such a person may operate that vehicle without the installation of an immobilizing or disabling device, provided that the employer has been notified that the person has limited driving privileges and of the nature of the restriction and further provided that the person has proof of the employer's notification in the person's possession while operating the employer's vehicle for normal business duties. (R.C. 4510.13(A)(5)(a) and 4510.43(C).)

Consequences of "violating" ignition interlock device requirement while exercising limited driving privileges

Continuous alcohol monitoring

The bill provides that in any case in which a first-time OVI offender who is required by a court (as opposed to the Bureau of Motor Vehicles) to use an ignition interlock device pursuant to the provision discussed in the second preceding paragraph operates a motor vehicle that is not equipped with an ignition interlock device, circumvents the device, or tampers with the device or in any case in which the court receives notice that a certified ignition interlock device issued under the provision discussed in the second preceding paragraph prevented an offender from starting a motor vehicle, the following applies (R.C. 4510.13(A)(8)(a)):

(a) On a first instance, the court *may* require the offender to wear a monitor that provides continuous alcohol monitoring that is remote.

(b) On a second instance, the court *must* require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of 40 days.

(c) On a third instance or more, the court *must* require the offender to wear a monitor that provides continuous alcohol monitoring that is remote for a minimum of 60 days.

The bill does not provide for continuous alcohol monitoring for a person whose license is administratively suspended under R.C. 4511.191(C)(1)(a) by the Bureau of Motor Vehicles.

Permissive increase in length of license suspension and usage of ignition interlock device

Existing law, which is not changed by the bill, continues to provide that in any case in which a court issues an order prohibiting an offender from exercising limited driving privileges unless the vehicles the offender operates are equipped with an immobilizing or disabling device, including a certified ignition interlock device, the court must notify the offender at the time the offender is granted limited driving privileges that if the court receives notice that the device prevented the offender from starting the motor vehicle because the device was tampered with or circumvented or because the analysis of the deep-lung breath sample or other method employed by the device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the device from permitting the motor vehicle to be started, the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two. This provision applies to any person required under the bill to only operate vehicles equipped with a certified ignition interlock device. (R.C. 4513.10(A)(10).)

Under an existing provision that is not changed by the bill and that applies to a "first-time OVI offender," a governmental agency, bureau, department, or office, or a private corporation, or any other entity that monitors certified ignition interlock devices for or on behalf of a court must inform the court whenever such a device that has been installed in a motor vehicle indicates that it has prevented an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended by a court under R.C. 4511.19(G)(1)(a), (b), (c), (d), or (e) and who has been granted limited driving privileges under R.C. 4510.13 from starting the motor vehicle because the device was tampered with or circumvented or because the analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started.

Under the bill, upon receipt of such information pertaining to a "first-time OVI offender" whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended by a court under R.C. 4511.19(G)(1)(a) and who has been granted limited driving privileges under R.C. 4510.13, the court must send a notice to the offender stating that it has received evidence of an instance described in

the preceding paragraph. If a court pursuant to the bill requires the offender to wear an alcohol monitor, the notice must state that because of this instance the offender is required to wear a monitor that provides for continuous alcohol monitoring in accordance with R.C. 4510.13(A)(8). The notice must further state that because of this instance the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two.

The notice must state whether the court will impose these increases, and, if so, that these increases will take effect 14 days from the date of the notice unless the offender files a motion with the court, appealing the increases in the time described in the preceding paragraph and requesting a hearing on the matter. Any motion that is filed within that 14-day period is considered timely, and any motion that is filed after that 14-day period is considered untimely. If the offender files a timely motion, the court may hold a hearing on the matter. The scope of the hearing is limited to determining whether the offender in fact was prevented from starting a motor vehicle that is equipped with a certified ignition interlock device because the analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started.

If the court finds by a preponderance of the evidence that this instance as indicated by the ignition interlock device in fact did occur, it may deny the offender's appeal and issue the order increasing the relevant periods of time described in the preceding two paragraphs. If the court finds by a preponderance of the evidence that this instance as indicated by the ignition interlock device in fact did not occur, it must grant the offender's appeal and no such order may be issued. Current law also provides that in no case may any period of suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege that is increased by a factor of two or any period of time during which the offender is prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device that is increased by a factor of two exceed the maximum period of time for which the court originally was authorized to suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege under R.C. 4511.19(G)(1)(a), (b), (c), (d), or (e).

Additionally, the bill specifies under an existing provision that in any case in which the court issues an order under the bill prohibiting an offender from exercising limited driving privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device, or requires an offender to wear a monitor that provides for continuous alcohol monitoring that is remote, the court must impose an additional court cost of \$2.50 on the offender. The court may not waive the payment of the court cost unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender. One hundred per cent of the court cost must be credited to the state highway safety fund created under R.C. 4501.06, to be used by the Department of Public Safety to cover costs associated with maintaining the habitual OVI/OMWI offender registry created under R.C. 5502.10. In addition, the court may impose an additional court cost of \$2.50 on the offender, to be deposited in the court's special projects fund established under R.C. 2303.201(E)(1) or 1091.26(B)(1). (R.C. 4510.13(A)(9).)

COMMENT

1. Existing R.C. 4511.19(B) prohibits a person under 21 years of age from operating any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply: (1) the person has a concentration of at least .02 of one per cent but less than .08 of one per cent by weight per unit volume of alcohol in the person's whole blood, (2) the person has a concentration of at least .03 of one per cent but less than .096 of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma, (3) the person has a concentration of at least .02 of one gram but less than .08 of one gram by weight of alcohol per 210 liters of the person's breath, or (4) the person has a concentration of at least .028 of one gram but less than .11 of one gram by weight of alcohol per 100 milliliters of the person's urine.

A violation of the prohibition is the offense of "operating a vehicle after underage alcohol consumption," commonly referred to as "state OVUAC."

2. As used in R.C. sections 4511.181 to 4511.99, "equivalent offense" means any of the following:

(1) A violation of R.C. 4511.19(A) or (B);

(2) A violation of a municipal OVI ordinance;

(3) A violation of R.C. 2903.04 in a case in which the offender was subject to the sanctions described in R.C. 2903.04(D);

(4) A violation of R.C. 2903.06(A)(1) or 2903.08(A)(1) or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of R.C. 2903.06(A)(2), (3), or (4), R.C. 2903.08(A)(2), or former R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of R.C. 1547.11(A) or (B);

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. 4511.19(A) or (B) or 1547.11(A) or (B);

(9) A violation of a former law of this state that was substantially equivalent to R.C. 4511.19(A) or (B) or 1547.11(A) or (B).

3. Existing R.C. 4511.194 prohibits a person from being in "physical control" (defined as being in the driver's position of the front seat of a vehicle or in the driver's position of a streetcar or trackless trolley and having possession of the vehicle's, streetcar's, or trackless trolley's ignition key or other ignition device) of a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in R.C. 4511.19(A)(1)(b), (c), (d), or (e). A violation of the prohibition is the offense of "having physical control of a vehicle while under the influence." (R.C. 4511.194--not in the bill.)

4. Existing R.C. 4511.181(C) defines "municipal OVI ordinance" and "municipal OVI offense," for purposes of R.C. 4511.181 to 4511.197, as any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a

vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine (R.C. 4511.181(C)--not in the bill).

HISTORY

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