



# Ohio Legislative Service Commission

## Bill Analysis

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(As Reported by H. Armed Services, Veterans Affairs, and Public Safety)

Rep. Scherer

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## BILL SUMMARY

### Unlimited driving privileges with an IID (for a first-time OVI offender)

- Allows a first-time OVI (operating a vehicle while intoxicated) offender to petition the court for unlimited driving privileges with a certified ignition interlock device (IID) during the period of the offender's driver's license suspension.
- Authorizes the court to grant unlimited driving privileges with an IID to a first-time OVI offender under any circumstance in which the court is authorized under current law to grant limited driving privileges, which allow an offender to drive only for specified purposes (e.g., getting to and from work).
- If the court grants the first-time offender unlimited driving privileges with an IID, both of the following apply:
  - The court must suspend any jail term imposed for the OVI offense; and
  - The court may reduce a first-time offender's suspension by up to half.
- If a first-time offender violates any term or condition imposed by the court during the period of suspension, requires the court to order the offender to serve the suspended jail term.
- Requires a first-time offender who is granted unlimited driving privileges with an IID to obtain a restricted driver's license that indicates on its face that the offender is required to use the IID.

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\* This analysis was prepared before the report of the House Armed Services, Veteran Affairs, and Public Safety Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Prohibits a first-time offender who has been granted unlimited driving privileges with an IID from operating a motor vehicle prior to obtaining a restricted driver's license, and applies the penalties for driving under an OVI suspension to a person who violates the prohibition.

### **Limited driving privileges with an IID**

- Prohibits an offender who has been granted *limited* driving privileges with an IID from operating a motor vehicle prior to obtaining a restricted driver's license, and applies the penalties for driving under an OVI suspension to a person who violates the prohibition.

### **Penalties for an IID violation**

- Applies the existing penalties for an IID violation to first-time OVI offenders, underage OVI offenders, and offenders who commit an OVI violation in another state.
- Establishes a compliance-based removal system, whereby any IID violation committed by an offender within the last 60 days of the offender's suspension extends the suspension for 60 days from the violation.
- Modifies the process for appealing an IID violation that results in an increase of the offender's driver's license suspension.

### **New requirements related to IIDs**

- Requires an IID manufacturer, as part of its application for a license issued by the Department of Public Safety (DPS), to agree to do both of the following:
  - Install and monitor all IIDs produced by that manufacturer; and
  - Charge a reduced fee for an IID, established by DPS, to any person who is deemed to be an indigent offender by the court.
- Requires the Director of Public Safety to establish a certificate of installation, and requires the manufacturer to use the certificate for purposes of certifying proper installation of the device.
- Requires the Director to adopt rules governing procedures for confirming and inspecting the installation of an IID.



- Requires an IID manufacturer to monitor each IID that it installs in an offender's vehicle, rather than requiring a governmental agency, bureau, department, or office, or a private corporation, or other entity to monitor IIDs as under current law.
- Requires a manufacturer to inform the court and the Registrar of Motor Vehicles as soon as practicable after an IID violation occurs.
- Requires DPS to reject a manufacturer's application for licensure if it is not accompanied by the agreement specified above or if the application is a renewal application and the manufacturer failed to monitor or report IID violations.
- Allows DPS to reject a manufacturer's application for licensure if the manufacturer has a history of failing to properly install immobilizing or disabling devices.
- Beginning January 1, 2020, requires IIDs to be equipped with a camera.

### **Other OVI-related provisions**

- Extends the "lookback" period for OVI and OVI-related offenses from six to ten years.
- Extends the permissive length of time of a required driver's license suspension for a first, second, or third OVI offense.
- Eliminates the requirement that a second-time "standard level" OVI offender who is granted limited driving privileges must display restricted license plates.
- Requires the Director of Public Safety to study the effect of the bill on the number of IIDs installed in Ohio, the number of drunk driving accidents and deaths, and the recidivism rate for OVI offenses, and to issue a report regarding the study not later than 48 months after the effective date of the bill.

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## CONTENT AND OPERATION

### Introduction

The state "OVI" law prohibits a person from operating a motor vehicle if the person is under the influence of alcohol, drugs, or both.<sup>1</sup> One of the penalties imposed for an OVI violation is the suspension of the offender's driver's license. However, during the period of suspension, the court may grant the offender limited driving privileges for specified purposes, such as getting to and from work. If the court grants limited driving privileges during a suspension that is imposed for a second or subsequent OVI offense and the offense is alcohol-related, the court must require the offender to use a certified ignition interlock device (IID), which prevents the offender's vehicle from starting if a specified amount of alcohol is detected on the offender's breath. With respect to a first-time alcohol-related OVI offender and with respect to all drug-related OVI offenders, a court is authorized, but not required, to impose a requirement that the offender use an IID as a condition of limited driving privileges.

The bill establishes an alternative to limited driving privileges for a first-time OVI offender: unlimited driving privileges with an IID. The bill also makes changes to the requirements related to limited driving privileges granted under the condition that the offender use an IID, including requiring an offender using an IID to obtain a restricted driver's license and enhancing the penalties for an IID violation. Notably, if an offender who has been granted limited or unlimited driving privileges with an IID commits an IID violation within 60 days prior to the end of the applicable driver's license suspension, the bill requires the court to automatically extend the offender's suspension and the required use of an IID for a period of 60 days after the violation. The

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<sup>1</sup> Municipal OVI laws include identical prohibitions.



bill also modifies the process for monitoring and reporting IID violations and establishes additional requirements governing unlimited driving privileges.

The bill makes additional changes to the OVI law by increasing the "lookback" period for OVI and OVI-related offenses from six to ten years, extending the possible term of suspension for a first, second, or third-time OVI offender, and eliminating the restricted license plate requirement for second-time "standard level" OVI offenders.

### **Unlimited driving privileges with an IID (for first-time OVI offenders only)**

Under the bill, a "first-time OVI offender" means a person whose driver's license has been suspended for being convicted of, or pleading guilty to, an OVI violation under the state OVI statute, a municipal OVI ordinance, or the statute requiring a driver's license suspension for an out-of-state OVI conviction or guilty plea, if the person has not been convicted of, or pleaded guilty to, an OVI offense within the previous ten years.<sup>2</sup> The bill authorizes such a first-time offender to petition the court for unlimited driving privileges subject to the requirement that the offender use an IID during the period of suspension of the offender's driver's license.<sup>3</sup> The bill does not modify the ability of a first-time offender to petition the court for limited driving privileges. Under current law unchanged by the bill, a court may grant limited driving privileges to a first-time offender with or without requiring the offender to use an IID.<sup>4</sup>

#### **Petition**

Under the bill, a first-time offender must file a petition for unlimited driving privileges with an IID in the same manner and in the same venue as a petition for limited driving privileges. A court is permitted to grant unlimited driving privileges with an IID to a first-time offender in any circumstance in which the court is authorized to grant limited driving privileges to the offender. The court is prohibited from granting unlimited driving privileges with an IID during any period, or under any circumstance, that the court is prohibited from granting limited driving privileges.<sup>5</sup>

Under current law, with regard to an offender who commits an in-state OVI offense, the offender may file a petition for limited driving privileges in the court that

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<sup>2</sup> R.C. 4510.022(A).

<sup>3</sup> R.C. 4511.19(G)(1)(a)(iv) and (H)(1) and (2) and 4510.17(E)(3).

<sup>4</sup> R.C. 4510.13(A)(5)(a).

<sup>5</sup> R.C. 4510.022(B) and (C)(1).



has jurisdiction over the place of arrest.<sup>6</sup> A court is generally prohibited from granting limited driving privileges to a first-time offender under the following circumstances:

- (1) For the first 15 days of a suspension imposed on an adult OVI offender;<sup>7</sup>
- (2) For the first 60 days of a suspension imposed on an underage OVI offender;<sup>8</sup>
- (3) For employment as a driver of a commercial motor vehicle if the offender is disqualified from operating a commercial motor vehicle or the offender's license is suspended for failure to pay child support;<sup>9</sup> or
- (4) During the period of suspension of a commercial driver's license.<sup>10</sup>

With regard to an offender who commits an out-of-state OVI offense, under current law, the offender may file a petition for limited driving privileges in the municipal, county, or juvenile court (as applicable) in whose jurisdiction the offender resides. The court may grant limited driving privileges if there is satisfactory proof to believe that suspension would seriously affect the person's ability to continue working, except under the following circumstances:

- (1) For employment as a driver of a commercial motor vehicle if the person would be disqualified from operating a commercial motor vehicle under Ohio law if the violation had occurred in Ohio; or
- (2) During the first 15 days of a suspension imposed on an OVI offender.<sup>11</sup>

### **Order granting unlimited driving privileges**

If the court grants unlimited driving privileges with an IID to a first-time offender, the court may impose any reasonable conditions, other than conditions that restrict the driving privileges in terms of purpose, place, or time. The court also may reduce the length of the offender's driver's license suspension by up to half.<sup>12</sup> Further,

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<sup>6</sup> R.C. 4510.13(B).

<sup>7</sup> R.C. 4510.13(A)(5)(a).

<sup>8</sup> R.C. 4510.13(A)(5)(c).

<sup>9</sup> R.C. 4510.13(A)(4).

<sup>10</sup> R.C. 4510.13(C)(2).

<sup>11</sup> R.C. 4510.17(E)(1).

<sup>12</sup> R.C. 4510.022(A)(3) and (C)(2)(b).



the court is required to suspend any jail term imposed for the OVI offense.<sup>13</sup> Under the bill, the court retains jurisdiction over the first-time offender until the expiration of the period of suspension imposed for the OVI offense. If the offender violates any term or condition imposed by the court, the court must require the first-time offender to serve the jail term.<sup>14</sup>

Upon granting limited driving privileges, the court must issue an order authorizing the offender to operate a vehicle only if the vehicle is equipped with an IID, provide a copy of the order to the offender along with notice of the sanctions that apply if the offender violates the order (see below, "**Penalties for committing an IID violation**"), and submit a copy of the order to the Registrar of Motor Vehicles.<sup>15</sup>

### **Restricted driver's license**

In order to exercise unlimited driving privileges, the first-time offender must present the order and a certificate affirming the installation of a certified IID to the Registrar of Motor Vehicles or a deputy registrar. The Registrar or deputy registrar is required to issue a restricted license to the first-time offender, unless the offender's license is suspended for another reason and the offender has not been granted limited driving privileges with regard to that suspension. A restricted license is identical to a standard Ohio driver's license, except that it must have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with a certified ignition interlock device.<sup>16</sup>

### **Penalties for failing to obtain a restricted license**

The bill prohibits a first-time offender who had been granted unlimited driving privileges with an IID from operating a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition, which is a strict liability offense, is subject to the penalties for driving under an OVI suspension.<sup>17</sup> Those penalties, established under current law, are as follows:<sup>18</sup>

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<sup>13</sup> R.C. 4510.022(C)(2)(c) and 4511.19(G)(1)(a) and (H)(1).

<sup>14</sup> R.C. 4510.022(C)(2)(c).

<sup>15</sup> R.C. 4510.022(C)(2)(a) and 4510.17(E)(5)(b).

<sup>16</sup> R.C. 4510.022(D)(1) and 4510.17(E)(5)(b).

<sup>17</sup> R.C. 4510.022(D)(2) and 4510.17(E)(6)(b) and (c).

<sup>18</sup> R.C. 4510.14(B).



	<b>First violation</b>	<b>Second violation</b>	<b>Third or subsequent violation</b>
<b>Degree of offense</b>	First degree misdemeanor	First degree misdemeanor	Unclassified misdemeanor
<b>Jail/house arrest</b>	Mandatory 3 day jail term and permissive additional jail term up to a total of 6 months; <i>or</i> 30 days to 6 months of house arrest with electronic monitoring	Mandatory 10 day jail term and permissive additional jail term up to 1 year; <i>or</i> 90 days to 1 year of house arrest with electronic monitoring	Mandatory 30 day jail term and permissive additional term of up to 1 year total <sup>19</sup>
<b>Fine</b>	\$250-1,000	\$500-2,500	\$500-2,500
<b>Driver's license suspension</b>	Up to 1 year	Up to 1 year	Up to 1 year
<b>Vehicle immobilization or forfeiture</b>	Immobilization of the vehicle (if registered to offender) and impoundment of the license plates for 30 days	Immobilization of the vehicle (if registered to offender) and impoundment of the license plates for 60 days	Criminal forfeiture of the vehicle (if registered to offender)

### **Additional court costs**

The bill requires a court, when issuing an order granting unlimited driving privileges with an IID, to impose an additional court cost of \$2.50 on the offender. The court may not waive this payment unless it determines that the offender is indigent and it waives the payment of all court costs. The court clerk must transmit all such additional court costs collected during a month on or before the 23rd day of the following month to the state treasury to be credited to the State Highway Safety Fund. The Department of Public Safety must use the amounts collected to cover costs associated with maintaining the habitual OVI/OMWI offender registry. The bill also authorizes the court to impose on the offender another additional court cost of \$2.50. The court clerk must deposit this discretionary cost in the court's special projects fund.<sup>20</sup>

<sup>19</sup> It is unclear whether a term of house arrest with electronic monitoring may be imposed. See R.C. 4510.14(B)(3)(a).

<sup>20</sup> R.C. 4510.022(F).





## Changes to limited driving privileges with an IID

### In-state OVI violations

The bill specifies that if a court grants an offender limited driving privileges subject to the requirement that the person use an immobilizing or disabling device, including an IID, the court must provide a copy of the order to the person for purposes of obtaining a restricted driver's license and must submit a copy to the Registrar of Motor Vehicles. The offender is required to obtain a restricted driver's license in the same manner as a first-time offender who is granted unlimited driving privileges with an IID (see above, "**Restricted driver's license**"). Under the bill, if the offender operates a motor vehicle prior to obtaining a restricted license, the offender is subject to the penalties for driving under an OVI suspension (see above, "**Penalties for failing to obtain a restricted license**"). The bill specifies that this is a strict liability offense.<sup>21</sup>

Under current law, the court must issue a copy of such an order to an offender and the offender may use it in lieu of a driver's license or commercial driver's license until the Registrar or deputy registrar has issued a restricted license to the offender. The offender is permitted, but not required, to present the copy of the order to the Registrar or a deputy registrar to obtain a restricted license.<sup>22</sup>

The bill also specifies that if an offender is required to use an IID as a condition of a community control sanction imposed for an OVI conviction, the process for obtaining a restricted driver's license (see above, "**Restricted driver's license**") applies. Under current law, this process is the same as for other in-state OVI violations. Under current law unchanged by the bill, the court is permitted to impose a class seven driver's license suspension (a period of up to one year) if the offender violates the requirement that the offender use an IID as a condition of a community control sanction. If the offender has previously violated that requirement, the court may impose a class four suspension (a period of one to five years).<sup>23</sup>

### Out-of-state OVI violations

The bill modifies the requirements that apply to a person who is granted limited driving privileges during a suspension imposed for committing an out-of-state OVI or drug offense. Under current law, the court must issue to such an offender a permit card that may be used to exercise the driving privileges. Under the bill, the court must issue

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<sup>21</sup> R.C. 4510.13(F).

<sup>22</sup> R.C. 4510.13(F)(1) and (2).

<sup>23</sup> R.C. 2951.02(C) and 4510.02, not in the bill.



a copy of the order granting limited driving privileges to the offender. If the limited driving privileges are subject to the condition that the offender use an immobilizing or disabling device, the offender must obtain a restricted license and is subject to the same penalties as specified above for in-state offenders.<sup>24</sup>

## Penalties for committing an IID violation

### Overview

With respect to an OVI offender who is required to use a vehicle equipped with an IID as a condition of the offender's limited driving privileges, current law establishes penalties if any of the following apply: (1) the offender operates a vehicle that is not equipped with an IID, (2) the offender circumvents or tampers with the IID, or (3) the IID detects an amount of alcohol that prevents the offender from starting the vehicle. Any such action is referred to as an IID violation. The existing penalties for an IID violation are as follows:<sup>25</sup>

	Second-time OVI offender	Third or subsequent OVI offender
<b>First IID violation</b>	Permissive continuous alcohol monitoring	Mandatory continuous alcohol monitoring for a minimum of 40 days
<b>Second IID violation</b>	Mandatory continuous alcohol monitoring for a minimum of 40 days	Mandatory continuous alcohol monitoring for a minimum of 60 days
<b>Third or subsequent IID violation</b>	Mandatory continuous alcohol monitoring for a minimum of 60 days	Mandatory continuous alcohol monitoring for a minimum of 60 days
<b>Any IID violation</b>	Court <i>may</i> increase the period of suspension (and the period of time during which the person must drive with an IID) by a factor of two, but the total period of suspension cannot exceed the length the court was originally authorized to impose	

### Expansion of existing penalties

The bill expands the existing penalties that are applicable to a second-time OVI offender who commits an IID violation (see left column above) to also apply to a first-time OVI offender or an underage offender who commits an IID violation.<sup>26</sup> The bill also specifies that all of the penalties in the table above are applicable to a person who

<sup>24</sup> R.C. 4510.17(E)(5).

<sup>25</sup> R.C. 4510.13(A)(8) and (10) and 4510.46(E).

<sup>26</sup> R.C. 4510.022(E)(1) to (4) and 4510.13(A)(8)(a) to (c).



commits an IID violation during the period of suspension imposed for an out-of-state OVI violation.<sup>27</sup>

### **Compliance-based removal**

The bill establishes an additional penalty, colloquially referred to as compliance-based removal, that is applicable to OVI offenders who commit an IID violation. Under the compliance-based removal system established by the bill, if an IID violation occurs within 60 days of the end of the suspension and the court does not impose an increase of the suspension by a factor of two (as permitted under current law (see table above)), the court must extend the period of suspension and the period of time during which the person must drive with an IID so that the suspension ends 60 days after the violation. For each subsequent violation, the court must extend the period of suspension so that the suspension ends 60 days after the most recent violation. The Registrar of Motor Vehicles is prohibited from reinstating an offender's license unless the applicable period of suspension has been served and no IID violations have been committed within the 60 days prior to the application for reinstatement.<sup>28</sup>

The bill also reorganizes and simplifies some of the provisions related to existing penalties.<sup>29</sup>

### **Notice to the offender**

The bill expands the notice that the court must provide to an offender regarding the penalties that are being imposed for an IID violation. Under the bill, if applicable, the court must inform the offender that it is imposing compliance-based removal and that the Registrar of Motor Vehicles is prohibited from reinstating the offender's license unless the period of suspension has been served and no violations have been committed within the 60 days prior to the application for reinstatement.<sup>30</sup>

### **Appeal of an IID violation**

The bill modifies the process for appealing an IID violation that results in an increase of the offender's driver's license suspension. Under current law, if the court intends to increase the offender's suspension by a factor of two, the court must notify the offender that the increase will take effect 14 days from the date of the notice unless

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<sup>27</sup> R.C. 4510.17(F).

<sup>28</sup> R.C. 4510.022(E)(5), 4510.13(A)(8)(d), and 4510.17(F).

<sup>29</sup> R.C. 4510.13(A)(8)(c), (9), and (10).

<sup>30</sup> R.C. 4510.46(C).



the offender files an appeal. If the offender files an appeal within 14 days of the date of the notice, the court may hold a hearing to determine if an IID violation occurred. If the court determines the IID violation occurred, it must issue an order imposing the suspension.<sup>31</sup>

The bill expands this appeal process so that it is also available to an offender if the court is imposing a 60-day (compliance-based removal) increase in the offender's driver's license suspension. Further, the bill provides that any increased suspension for an IID violation takes effect at the time the court sends the notice, rather than 14 days from the date the notice is sent as under current law. However, if the offender appeals the increased suspension within 14 days after its imposition and the court determines that no violation occurred, the court must issue an order terminating the increase in the offender's suspension.<sup>32</sup>

### **Violations involving another person**

Current law prohibits an offender who has been granted limited driving privileges and required to use an IID from requesting or permitting another person to breathe into the IID, and prohibits any other person from breathing into an IID, for purposes of providing the offender with an operable vehicle. The bill expands these prohibitions to apply with regard to an offender who is granted unlimited driving privileges with an IID. The penalty for such a violation is a first degree misdemeanor.<sup>33</sup>

## **New requirements related to IIDs**

### **New licensing requirements**

The bill establishes additional requirements for IID manufacturers that wish to be licensed by the state in order to have IIDs certified for use in Ohio by the Department of Public Safety. First, the bill requires an IID manufacturer to submit to the Department of Public Safety a signed agreement, in a form established by the Director of Public Safety, affirming that the manufacturer agrees to do both of the following:

(1) Install and monitor all devices produced by that manufacturer; and

(2) Charge a reduced fee, established by the Department, for the installation and monitoring of an IID used by a person who is deemed to be an indigent offender by the

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<sup>31</sup> R.C. 4510.46(B).

<sup>32</sup> R.C. 4510.46(C)(6) and (D).

<sup>33</sup> R.C. 4510.44(A)(2) and (B).



court that granted the limited or unlimited driving privileges subject to the use of an IID.<sup>34</sup>

The bill requires the Department to reject an application for a license if the application is not accompanied by the required agreement or if the application is a renewal application and the manufacturer has failed to monitor and report IID violations (see below, "**Monitoring and other requirements**"). The bill also allows the Department to reject a license application if the manufacturer has a history of failing to properly install IIDs.<sup>35</sup> Current law establishes a process by which an IID manufacturer may appeal a decision by the Director to reject a license application.<sup>36</sup>

### **Certificate of installation and inspection requirements**

The bill requires the Director of Public Safety to establish a certificate of installation that a manufacturer of immobilizing or disabling devices must sign and provide to a person upon installation of such a device on the person's motor vehicle. The Director also must adopt rules, in accordance with the Administrative Procedure Act, that govern procedures for confirming and inspecting the installation of immobilizing or disabling devices.<sup>37</sup>

### **Monitoring and other requirements**

The bill requires the manufacturer of an IID to monitor each device that has been produced by the manufacturer and that has been installed in an offender's vehicle. The manufacturer must inform the court and the Registrar of Motor Vehicles as soon as practicable after an IID violation has occurred. Under current law, an IID may be monitored by a governmental agency, bureau, department, or office, a private corporation, or any other entity. Reports of violations are required only to be made to the court.<sup>38</sup>

The bill also requires that beginning January 1, 2020 the requirements for obtaining the certification of an IID must include the requirement that the device is

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<sup>34</sup> R.C. 4510.45(A)(2).

<sup>35</sup> R.C. 4510.45(A)(4)(a) and (b).

<sup>36</sup> R.C. 4510.45(A)(4)(c).

<sup>37</sup> R.C. 4510.43(A)(5).

<sup>38</sup> R.C. 4510.46(A) and (B).



equipped with a camera. Under current law, the Director of Public Safety is required to adopt rules establishing the requirements for obtaining the certification of an IID.<sup>39</sup>

### **Lookback period for OVI and OVI-related offenses**

Under the current OVI law and the laws governing many OVI-related offenses, there is a six-year "lookback period" that is used to determine whether the person has committed a prior OVI-related offense or other specified offense. As a result, the court may only consider offenses committed within the six years prior to the offense for which the offender is being sentenced and cannot consider offenses committed prior to the lookback period. The bill extends this lookback period to ten years for purposes of all of the following:

(1) The penalty for operation or physical control of any watercraft or manipulation of any water skis, aquaplane, or similar device while under the influence;<sup>40</sup>

(2) Determining whether a mayor's court has jurisdiction over an OVI case;<sup>41</sup>

(3) The penalty for OVI-related aggravated vehicular homicide;<sup>42</sup>

(4) The penalty for OVI-related aggravated vehicular assault;<sup>43</sup>

(5) The prohibition against allowing a person to operate a school bus for a period of time after an OVI conviction or guilty plea;<sup>44</sup>

(6) Prohibitions against granting limited driving privileges to certain repeat OVI offenders or chemical test refusers;<sup>45</sup>

(7) The period of hard suspension for an out-of-state OVI offense;<sup>46</sup>

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<sup>39</sup> R.C. 4510.13(A)(2). The current rules can be found in O.A.C. 4501-45-04.

<sup>40</sup> R.C. 1547.99(G)(2) and (3).

<sup>41</sup> R.C. 1905.01(B)(1) and (2).

<sup>42</sup> R.C. 2903.06(B)(2)(c) and 2929.142.

<sup>43</sup> R.C. 2903.08(B)(1)(d), (e), and (f).

<sup>44</sup> R.C. 3327.10(F)(2).

<sup>45</sup> R.C. 4510.13(A)(3).

<sup>46</sup> R.C. 4510.17(E)(1).



(8) The penalty for an OVI offense;<sup>47</sup>

(9) The penalty for refusing to consent to a chemical test upon arrest for OVI;<sup>48</sup>

(10) The penalty for a positive chemical test after arrest for OVI;<sup>49</sup>

(11) Vehicle immobilization or forfeiture for violation of a municipal OVI ordinance;<sup>50</sup> and

(12) Vehicle seizure for an OVI offense.<sup>51</sup>

### Length of an OVI license suspension

The bill modifies the permissive range of a driver's license suspension for a first, second, or third OVI offense as discussed in the table below. Please note that the penalty under current law is based upon a six-year lookback period, whereas the penalty as modified by the bill is based upon a ten-year lookback period.

	Under current law	Under the bill
First OVI offense <sup>52</sup>	6 months to 3 years	1 to 5 years, but the court may reduce the suspension by up to half if the offender obtains unlimited driving privileges with an IID
Second OVI offense <sup>53</sup>	1 to 5 years	1 to 7 years
Third OVI offense <sup>54</sup>	2 to 10 years	2 to 12 years

### Restricted license plates

Under certain circumstances, a person who is granted limited driving privileges may be required to operate a vehicle with restricted license plates, which are special

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<sup>47</sup> R.C. 4511.19(G)(1)(b), (c), and (d).

<sup>48</sup> R.C. 4511.191(B)(1)(b), (c), and (d).

<sup>49</sup> R.C. 4511.191(C)(1)(b), (c), and (d).

<sup>50</sup> R.C. 4511.193(C)(2)(a) and (b).

<sup>51</sup> R.C. 4511.195(B)(1)(a).

<sup>52</sup> R.C. 4510.02(A)(5), 4510.022(C)(2)(b), and 4511.19(G)(1)(a)(iv).

<sup>53</sup> R.C. 4510.02(A)(4) and 4511.19(G)(1)(b)(iv).

<sup>54</sup> R.C. 4510.02(A)(3) and 4511.19(G)(1)(c)(iv).



plates that are yellow with red lettering. The bill generally eliminates a requirement that if a judge or mayor grants limited driving privileges to an offender whose license has been suspended for a second OVI offense, the judge or mayor must require the offender to display restricted license plates. However, the bill retains that requirement for a second-time OVI offender under either of the following circumstances:

(1) The offender committed a "high test" OVI offense (i.e., the person had a concentration of .17% or more of alcohol by weight per unit volume in the person's whole blood or a comparable amount in another tested substance); or

(2) The offender operated a vehicle while under the influence, the offender refused to submit to a chemical test after being arrested and requested by a law enforcement officer to submit, and the offender had previously committed an OVI or underage OVI offense within 20 years.<sup>55</sup>

### Study on drunk driving

The bill requires the Director of Public Safety to study the effect of the bill on the number of IIDs installed in Ohio, the number of drunk driving accidents and deaths, and the recidivism rate for OVI offenses. Not later than 48 months after the effective date of the bill, the Director is required to issue a report on its findings to the Governor, the Senate President, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader.<sup>56</sup>

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## HISTORY

ACTION	DATE
Introduced	11-05-15
Reported, H. Armed Services, Veterans Affairs & Public Safety	---

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<sup>55</sup> R.C. 4510.13(A)(7).

<sup>56</sup> Section 3 of the bill.

