



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Amanda M. Ferguson

Sub. H.B. 388

131st General Assembly
(As Passed by the General Assembly)

- Reps.** Scherer, T. Johnson, Anielski, Arndt, Landis, Young, Zeltwanger, Antani, Antonio, Barnes, Boose, Brown, Buchy, Butler, Conditt, Craig, Dean, Dovilla, Duffey, Grossman, Hagan, Hambley, Hayes, Howse, Kunze, Leland, McClain, M. O'Brien, Patmon, Perales, Reineke, Rogers, Ruhl, Slaby, Sprague, Sweeney, Terhar, Vitale
- Sens.** Bacon, LaRose, Tavares, Thomas, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Hackett, Hite, Hottinger, Hughes, Jones, Lehner, Obhof, Oelslager, Patton, Sawyer, Seitz, Uecker

Effective date: April 6, 2017

ACT 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 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 continuing law to grant limited driving privileges, which allow an offender to drive only for specified purposes (for example, getting to and from work).
- If the court grants a 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.

* This version updates the effective date.

- If a first-time offender violates any term or condition imposed by the court during the 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.
- 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 OVI 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 to certify proper installation of the device.
- Requires the Director to establish 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 prior 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.
- Modifies 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 act's effect 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 by April 6, 2021.

Notice from a salvage motor vehicle auction

- Requires a salvage motor vehicle auction that is seeking a salvage title to a motor vehicle to send a written request for the removal of a motor vehicle to the owner of the vehicle and any known lienholder using a nationally recognized courier service, rather than by certified mail, return receipt requested, as under prior law.



TABLE OF CONTENTS

Introduction	4
Unlimited driving privileges with an IID (for first-time OVI offenders only)	5
Petition for unlimited driving privileges	5
Order granting unlimited driving privileges	6
Restricted driver's license	7
Penalties for failing to obtain a restricted license	7
Additional court costs	8
Changes to limited driving privileges with an IID	9
In-state OVI violations	9
Out-of-state OVI violations	10
Penalties for committing an IID violation	10
Overview	10
Expansion of penalties established under prior law	10
Compliance-based removal	11
Notice to the offender	11
Appeal of an IID violation	12
Violations involving another person	12
New requirements related to IIDs	12
New licensing requirements	12
Certificate of installation and inspection requirements	13
Monitoring and other requirements	13
Lookback period for OVI and OVI-related offenses	14
Length of an OVI license suspension	15
Restricted license plates	16
Study on drunk driving	16
Notice from a salvage motor vehicle auction	16

CONTENT AND OPERATION

Introduction

The "OVI" law prohibits a person from operating a motor vehicle if the person is under the influence of alcohol, drugs, or both. One of the penalties imposed for an OVI violation is the suspension of the offender's driver's license. However, during the 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 order that the offender use an IID as a condition of limited driving privileges.



The act establishes an alternative to limited driving privileges for a first-time OVI offender: unlimited driving privileges with an IID. The act also makes changes to the requirements related to limited driving privileges granted under the condition that the offender use an IID, including requiring the offender 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 act 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 act also modifies the process for monitoring and reporting IID violations and establishes additional requirements governing unlimited driving privileges.

The act 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)

The act establishes new provisions that apply to a first-time OVI offender, which is 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.¹ The act 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 suspension of the offender's driver's license.² The act does not modify the ability of a first-time offender to petition the court for limited driving privileges. Under continuing law, a court may grant limited driving privileges to a first-time offender with or without requiring the offender to use an IID.³

Petition for unlimited driving privileges

Under the act, a first-time offender who wishes to obtain unlimited driving privileges with an IID must file a petition 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

¹ R.C. 4510.022(A)(1).

² R.C. 4510.022(B), 4511.19(G)(1)(a)(iv) and (H)(1), and 4510.17(E)(3).

³ R.C. 4510.13(A)(5)(a) and (c).



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.⁴

Under continuing 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 has jurisdiction over the place of arrest.⁵ 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;

(2) For the first 60 days of a suspension imposed on an underage OVI offender;

(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; or

(4) During the period of suspension of a commercial driver's license.⁶

With regard to an offender who commits an out-of-state OVI offense, under continuing law, the offender may file a petition for limited driving privileges in the municipal, county, or juvenile court in whose jurisdiction the offender resides. The court is prohibited from granting limited driving privileges 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.⁷

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. Further, the

⁴ R.C. 4510.022(B) and (C)(1).

⁵ R.C. 4510.13(B).

⁶ R.C. 4510.13(A)(4), (A)(5)(a) and (c), and (C)(2).

⁷ R.C. 4510.17(E)(1) and (2)(a).



court is required to suspend any jail term imposed for the OVI offense. The court retains jurisdiction over the first-time offender until the expiration of the 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 suspended jail term.⁸

On granting unlimited 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.⁹

Restricted driver's license

In order to exercise unlimited driving privileges, a 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 must 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.¹⁰

Penalties for failing to obtain a restricted license

The act 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 license. Any person who violates this prohibition, which is a strict liability offense, is subject to the penalties for driving under an OVI suspension.¹¹ Those penalties are as follows:¹²

Table 1: Penalties for driving under an OVI suspension or failing to obtain a restricted license			
	First violation	Second violation	Third or subsequent violation

⁸ R.C. 4510.022(A)(3) and (C)(2).

⁹ R.C. 4510.022(C)(2)(a) and 4510.17(E)(5)(b).

¹⁰ R.C. 4510.022(D)(1) and 4510.17(E)(5)(b).

¹¹ R.C. 4510.022(D)(2) and 4510.17(E)(6)(b) and (c).

¹² R.C. 4510.14(B), not in the act.



Table 1: Penalties for driving under an OVI suspension or failing to obtain a restricted license			
	First violation	Second violation	Third or subsequent violation
Degree of offense	First degree misdemeanor	First degree misdemeanor	Unclassified misdemeanor
Jail/house arrest	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 ¹³
Fine	\$250-1,000	\$500-2,500	\$500-2,500
Driver's license suspension	Up to 1 year	Up to 1 year	Up to 1 year
Vehicle immobilization or forfeiture	Immobilization of the vehicle (if registered to offender) and impoundment of the license plates for 30 <i>days</i>	Immobilization of the vehicle (if registered to offender) and impoundment of the license plates for 60 <i>days</i>	Criminal forfeiture of the vehicle (if registered to offender)

Additional court costs

The act 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 the additional court costs to the state treasury to be credited to the State Highway Safety Fund. The Department of Public Safety must use those funds to cover costs associated with maintaining the habitual OVI/OMWI offender registry. The act also authorizes the court to impose another additional court cost of \$2.50, which the court clerk must deposit in the court's special projects fund.¹⁴

These additional court costs are the same as those that are imposed under continuing law on an offender who is granted limited driving privileges subject to the

¹³ It is unclear whether a term of house arrest with electronic monitoring may be imposed. See R.C. 4510.14(B)(3)(a).

¹⁴ R.C. 4510.022(F).



requirement that the offender use an immobilizing or disabling device, including an IID.¹⁵

Changes to limited driving privileges with an IID

In-state OVI violations

The act requires a court that grants an offender limited driving privileges subject to the requirement that the person use an immobilizing or disabling device, including an IID, to provide a copy of the order to the person and to submit a copy to the Registrar of Motor Vehicles. The offender must 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**"). 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**"). This is a strict liability offense.¹⁶

Under prior law, the court was required to issue a copy of the order to an offender and the offender was permitted to use it in lieu of a driver's license or commercial driver's license until the Registrar or deputy registrar issued a restricted license to the offender. The offender was permitted, but not required, to present the copy of the order to the Registrar or a deputy registrar to obtain a restricted license.¹⁷

The act also applies the process for obtaining a restricted driver's license (see above, "**Restricted driver's license**") to an offender who is required to use an IID as a condition of a community control sanction imposed for an OVI conviction. Under prior law, this process was the same as for other in-state OVI violations, as discussed above. Under continuing law, 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).¹⁸

¹⁵ R.C. 4510.13(A)(10).

¹⁶ R.C. 4510.13(F).

¹⁷ R.C. 4510.13(F)(1) and (2).

¹⁸ R.C. 2951.02(C) and 4510.02, not in the act.



Out-of-state OVI violations

The act 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 prior law, the court was required to issue to such an offender a permit card that could be used to exercise the driving privileges. Under the act, the court must issue 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.¹⁹

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, continuing 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.

Expansion of penalties established under prior law

The act expands the penalties that applied only to a second-time OVI offender who committed an IID violation under prior law so that those penalties also apply to a first-time OVI offender or an underage offender who commits an IID violation.²⁰ The act also applies those penalties to a person who commits an IID violation during a suspension imposed for an out-of-state OVI violation.²¹ Prior law did not establish penalties for IID violations committed by a first-time offender, underage offender, or out-of-state offender.²²

As a result, the penalties for an IID violation under the act are as follows:²³

Table 2: Penalties for committing an IID violation

¹⁹ R.C. 4510.17(E)(5).

²⁰ R.C. 4510.022(E)(1) to (4) and 4510.13(A)(8)(a) to (c).

²¹ R.C. 4510.17(F).

²² See R.C. 4510.13(A)(8).

²³ R.C. 4510.022(E)(1) to (4), 4510.13(A)(8)(a) to (c), 4510.17(F).



	First-time, second-time, or underage OVI offender	Third or subsequent OVI offender
First IID violation	Permissive continuous alcohol monitoring	Mandatory continuous alcohol monitoring for a minimum of 40 days
Second IID violation	Mandatory continuous alcohol monitoring for a minimum of 40 days	Mandatory continuous alcohol monitoring for a minimum of 60 days
Third or subsequent IID violation	Mandatory continuous alcohol monitoring for a minimum of 60 days	Mandatory continuous alcohol monitoring for a minimum of 60 days
Any IID violation	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 maximum length of suspension that the court was originally authorized to impose	

Compliance-based removal

The act establishes an additional penalty, commonly referred to as compliance-based removal, that applies to OVI offenders who commit an IID violation. Under the compliance-based removal system established by the act, 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 continuing law (see table above), the court must extend the suspension and the requirement that the person drive with an IID so that each ends 60 days after the violation. For each subsequent violation, the court must extend the suspension and the requirement that the person drive with an IID so that each ends 60 days after the most recent violation. The Registrar of Motor Vehicles is prohibited from reinstating an offender's license unless the suspension has been served and no IID violations have been committed within the 60 days prior to the application for reinstatement.²⁴

Notice to the offender

The act expands the content requirements of the notice that a court must provide to an offender regarding the penalties that are being imposed for an IID violation. Under the act, the court must inform the offender if 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.²⁵

²⁴ R.C. 4510.022(E)(5), 4510.13(A)(8)(d), and 4510.17(F).

²⁵ R.C. 4510.46(C).



Appeal of an IID violation

The act modifies the process for appealing an IID violation that results in an increase of the offender's driver's license suspension. Under prior law, if the court sought to increase the offender's suspension by a factor of two, the court was required to notify the offender that the increase would take effect 14 days from the date of the notice unless the offender filed an appeal. If the offender filed an appeal within 14 days of the date of the notice, the court could hold a hearing to determine if an IID violation occurred. If the court determined that the IID violation occurred, it would issue an order imposing the suspension.²⁶

The act expands the 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. However, under the act, 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 was sent as under prior law. 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.²⁷

Violations involving another person

Continuing 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. It also prohibits any other person from breathing into an IID to provide the offender with an operable vehicle. The act expands these prohibitions to apply to an offender who is granted unlimited driving privileges with an IID. The penalty for such a violation is a first degree misdemeanor.²⁸

New requirements related to IIDs

New licensing requirements

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

²⁶ R.C. 4510.46(B).

²⁷ R.C. 4510.46(C)(6) and (D).

²⁸ R.C. 4510.44.



(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 court that granted the limited or unlimited driving privileges subject to the use of an IID.²⁹

The act 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 act also allows the Department to reject a license application if the manufacturer has a history of failing to properly install IIDs.³⁰ An IID manufacturer may appeal a decision by the Director to reject a license application using a process established under continuing law.³¹

Certificate of installation and inspection requirements

The act 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.³²

Monitoring and other requirements

The act requires the manufacturer of an IID to monitor each device that it has produced 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 prior law, an IID was required to be monitored by a governmental agency, bureau, department, or office, a private corporation, or any other entity. Reports of violations were required only to be made to the court.³³

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

²⁹ R.C. 4510.45(A)(2).

³⁰ R.C. 4510.45(A)(4)(a) and (b).

³¹ R.C. 4510.45(A)(4)(c).

³² R.C. 4510.43(A)(5).

³³ R.C. 4510.46(B).

equipped with a camera. Under continuing law, the Director of Public Safety is required to adopt rules establishing the requirements for obtaining the certification of an IID.³⁴

Lookback period for OVI and OVI-related offenses

The act extends the six-year "lookback period" established under prior law for purposes of the OVI law and the laws governing many OVI-related offenses to a ten-year "lookback period." The effect of a "lookback period" is to prohibit the court from considering offenses committed prior to the "lookback period" for purposes of enhancing the penalty for a subsequent offense. The court may only consider offenses committed within the "lookback period." As a result of this change, a court may now consider offenses committed more than six but less than ten years prior to an offense to which the "lookback period" applies for purposes of enhancing the penalty for that offense.

The lookback period is used 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;³⁵

(2) Determining whether a mayor's court has jurisdiction over an OVI case;³⁶

(3) The penalty for OVI-related aggravated vehicular homicide;³⁷

(4) The penalty for OVI-related aggravated vehicular assault;³⁸

(5) The prohibition against allowing a person to operate a school bus for a period of time after an OVI conviction or guilty plea;³⁹

(6) Prohibitions against granting limited driving privileges to certain repeat OVI offenders or chemical test refusers;⁴⁰

³⁴ R.C. 4510.43(A)(2). The current rules can be found in O.A.C. 4501-45-04.

³⁵ R.C. 1547.99(G)(2) and (3).

³⁶ R.C. 1905.01(B)(1) and (2).

³⁷ R.C. 2903.06(B)(2)(c) and 2929.142.

³⁸ R.C. 2903.08(B)(1)(d), (e), and (f).

³⁹ R.C. 3327.10(F)(2).

⁴⁰ R.C. 4510.13(A)(3).



- (7) The period of hard suspension for an out-of-state OVI offense;⁴¹
- (8) The penalty for an OVI offense;⁴²
- (9) The penalty for refusing to consent to a chemical test upon arrest for OVI;⁴³
- (10) The penalty for a positive chemical test after arrest for OVI;⁴⁴
- (11) Vehicle immobilization or forfeiture for violation of a municipal OVI ordinance;⁴⁵ and
- (12) Vehicle seizure for an OVI offense.⁴⁶

Length of an OVI license suspension

The act 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 prior law was based on a six-year lookback period, whereas the penalty under the act is based on a ten-year lookback period.

Table 3: Driver's license suspensions for OVI offenses		
	Under prior law	Under the act
First OVI offense ⁴⁷	6 months to 3 years	1 to 3 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 ⁴⁸	1 to 5 years	1 to 7 years
Third OVI offense ⁴⁹	2 to 10 years	2 to 12 years

⁴¹ R.C. 4510.17(E)(1).

⁴² R.C. 4511.19(G)(1)(b), (c), and (d).

⁴³ R.C. 4511.191(B)(1)(b), (c), and (d).

⁴⁴ R.C. 4511.191(C)(1)(b), (c), and (d).

⁴⁵ R.C. 4511.193(C)(2)(a) and (b).

⁴⁶ R.C. 4511.195(B)(1)(a).

⁴⁷ R.C. 4510.02(A)(5), not in the act, 4510.022(C)(2)(b), and 4511.19(G)(1)(a)(iv).

⁴⁸ R.C. 4510.02(A)(4), not in the act, and 4511.19(G)(1)(b)(iv).

⁴⁹ R.C. 4510.02(A)(3), not in the act, and 4511.19(G)(1)(c)(iv).



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 plates that are yellow with red lettering. The act 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 act retains that requirement for a second-time OVI offender under either of the following circumstances:

(1) The offender committed a "high test" OVI offense, which means the person had a concentration of 0.17% 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 to the test, and the offender had previously committed an OVI or underage OVI offense within 20 years.⁵⁰

Study on drunk driving

The act requires the Director of Public Safety to study the effect of the act on the number of IIDs installed in Ohio, the number of drunk driving accidents and deaths, and the recidivism rate for OVI offenses. By April 6, 2021 (48 months after the act's effective date), the Director must issue a report of the findings to the Governor, the Senate President, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader.⁵¹

Notice from a salvage motor vehicle auction

Under continuing law, if a salvage motor vehicle auction is in the possession of a motor vehicle it may apply to the clerk of the court of common pleas for a salvage title to the vehicle if all of the following apply:

(1) An insurance company requested the salvage motor vehicle auction to take possession of the vehicle and either denied coverage for the vehicle or otherwise did not take ownership of the vehicle;

⁵⁰ R.C. 4510.13(A)(7).

⁵¹ Section 3.



(2) The vehicle has been in the possession of the salvage auction for at least 45 days; and

(3) The salvage auction sent a written request to the owner and any lienholder of the vehicle that the vehicle be removed from its facility.

The act requires the salvage motor vehicle auction to provide proof that the written request required under (3) above was delivered by a nationally recognized courier service, rather than by certified mail, return receipt requested, as under prior law.⁵²

HISTORY

ACTION	DATE
Introduced	11-05-15
Reported, H. Armed Services, Veterans Affairs & Public Safety	04-13-16
Passed House (87-6)	05-18-16
Reported, S. Insurance	12-06-16
Passed Senate (31-0)	12-06-16
House concurred in Senate amendments (97-0)	12-06-16

16-HB388-UPDATED-131.docx/ar

⁵² R.C. 4505.11(C)(2).

