

Driving under OVI suspension or driving under suspension without insurance

The court is authorized to order vehicle immobilization and impoundment of the license plates at the time of sentencing for:

• Driving under OVI suspension

First offense:

- 3 days jail time, with possible house arrest 30 days - 6 months;
- Fine: \$250 - \$1,000;
- Class 7 Suspension not to exceed one year;
- Impoundment for 30 days of plate and immobilization of vehicle for 30 days.

Second offense:

- 10 days jail time, with possible house arrest 90 days to one year;
- Fine: \$500 - \$2,500;
- Class 7 Suspension not to exceed one year;
- Impoundment for 60 days and plate impoundment for 60 days, if vehicle operated at time of offense is in offender's name.

Third or more offenses within 6 years:

- 30 days jail time, with no option of house arrest;
- Fine: \$500 - \$2,500;
- Class 7 Suspension not to exceed one year;
- Vehicle forfeiture/Immobilization: criminal forfeiture of vehicle, court may fine offender the value of the vehicle.

• Driving under FRA suspension

First offense:

- no more than 30 days jail time;
- Class 7 Suspension not to exceed one year.

Second offense:

- 60 days jail time;
- Class 7 Suspension not to exceed one year.

Third offense:

- Forfeiture;
- Class 7 Suspension not to exceed one year.

NOTE: For multiple OVI offenders under suspension, the court may also impound the plates of any other vehicle owned by the offender.

Vehicle forfeiture

Permanent loss of vehicle shall be ordered by the court for any of the following which occur within five years:

- Third and felony offense of OVI
- Third or more offense of Driving Under Suspension (DUS) for OVI or Driving Under Suspension for Financial Responsibility (FRA)
- First offense of driving a vehicle that is immobilized and plates impounded

Wrongful entrustment

A vehicle can no longer be seized, immobilized or forfeited unless it is registered in the driver's name. However, a person who loans a car to someone who that person knows or has reason to believe should not be driving can be held criminally liable for wrongful entrustment may face:

- up to 180 days of jail time
- may receive one-year driver license suspension
- 30 days immobilization or impoundment
- Class 7 suspension
- Vehicle forfeiture

Swift & Sure

Ohio's OVI Laws

Ohio Department of Public Safety
P.O. Box 182081
Columbus, OH 43218-2081
(614) 466-4775



WWW.PUBLICSAFETY.OHIO.GOV

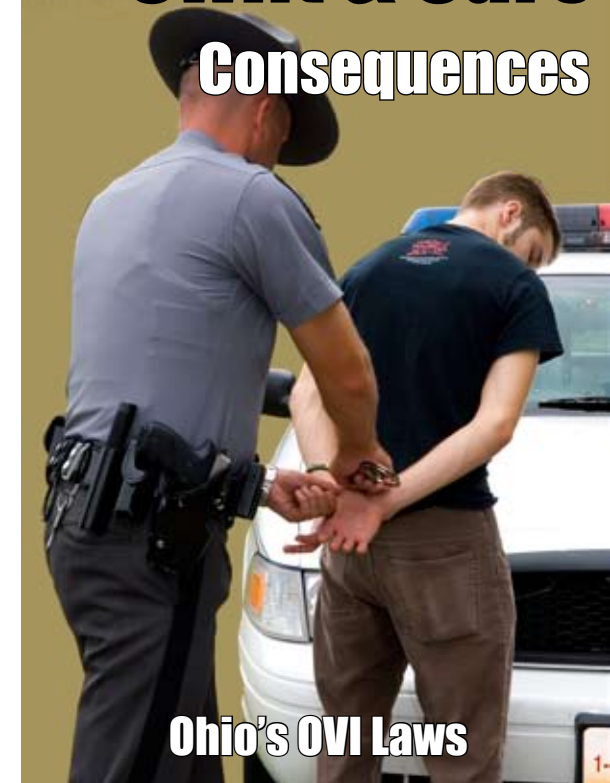
AN EQUAL OPPORTUNITY EMPLOYER

HSY 7747 9/10

Drinking and driving is a serious crime...



with Swift & Sure Consequences



Ohio's OVI Laws

Administrative License Suspension (ALS)

If you are stopped for drunk driving and you refuse to take the sobriety test, or if your test results exceed the legal limit of .08% Blood Alcohol Concentration (BAC), the officer can take your driver license on the spot, and the suspension begins immediately.

If you refuse a test, your license is suspended as follows:

- **1st refusal (within six years) - one year**
- **2nd refusal (within six years) - two years**
- **3rd refusal (within six years) - three years**
- **4th and subsequent refusal (within six years) - five years**

The administrative suspension is independent of any jail term, fine or other criminal penalty imposed in court for an OVI offense.

1st offense

- ALS for 90 days for .08% or higher BAC.
- For an OVI conviction with a BAC between .08% and .17%, mandatory 72 hours in jail, unless court orders participation in a driver intervention program.
- For an OVI conviction with a BAC over .17%, mandatory 72 hours in jail and 72 hours driver intervention. If driver intervention program can be done at the jail, and the driver refuses to attend the intervention program, or would not benefit from the program, then the driver will receive a six-day jail term. Court must also order alcohol/drug assessment and require treatment, if warranted.
- \$375 - \$1,075 fine
- Court license suspension for six months to three years, with possible driving privileges.

2nd offense within six years of first

- ALS for one year for .08% or higher BAC.
- For an OVI conviction with a BAC between .08% and .17%, mandatory minimum 10-day jail term, or combination of jail and electronically monitored house arrest with alcohol monitoring. Jail time must be less than six months. Court must also order alcohol/drug assessment and require treatment, if warranted.
- For an OVI conviction with a BAC over .17%, mandatory minimum 20-day jail term, or combination of jail and electronically monitored house arrest with alcohol monitoring. Jail time must be less than six months. Court must also order alcohol/drug assessment and require treatment, if warranted.
- \$500 - \$1,625 fine
- Court license suspension for one to five years.
- Vehicle impounded for 90 days.

3rd offense within six years of first

- ALS for two years for .08% or higher BAC.
- For an OVI conviction with a BAC between .08% and .17%, mandatory minimum 30-day jail term or combination of jail and electronically monitored house arrest. Jail time must be less than one year.
- For an OVI conviction with a BAC over .17%, mandatory minimum 60-day jail term, or combination of jail and electronically monitored house arrest. Jail time must be less than one year.
- \$850 - \$2,750 fine
- Court license suspension for two to 10 years.
- Driver will commence a treatment program.

4th or 5th offense within six years of first, or 6th offense within 20 years of first felony of the fourth degree

- Felony conviction
- ALS for three years for .08% or higher BAC.
- For an OVI conviction with a BAC between .08% and .17%, court may impose a local incarceration of 60 days, or imprisonment. Local incarceration may be greater than 60 days, but no more than one year. Imprisonment can be increased to six months but less than 30 months.
- For an OVI conviction with a BAC over .17%, court may impose a local incarceration of 120 days or imprisonment.
- \$1,350 - \$10,500 fine
- Court license suspension for three years to life.
- A person can also be charged with a separate specification of having previous convictions. If convicted of this specification, the person can be imprisoned for one to five years.

Second felony

- ALS for three years.
- For an OVI conviction with a BAC of .08%

to .17%, court shall impose 60-day prison term, up to five years.

- For an OVI conviction with a BAC over .17%, court shall impose 120-day prison term, up to five years.
- \$1,350 - \$10,500 fine
- Court license suspension for three years to life.
- Driver's vehicle is subject to criminal forfeiture.
- Driver will commence a treatment program.

Appeal process for administrative license suspension

A person who has been arrested for drunk driving and whose license has been suspended can appeal the suspension. The ALS must be appealed at the initial appearance or within 30 days after the initial appearance. The scope of appeal is confined to four issues:

- Was the arrest based on reasonable grounds?
- Did the officer request the person to take a test?
- Was the violator made aware of the consequences if he/she refused or failed the test?
- Did the person refuse or fail the test?

NOTE: A court may still issue a suspension even if the appeal is granted if the court finds the person a threat to public safety.

