

**OVI LAW CHANGES & OHIO'S HABITUAL OVI/OMWI OFFENDER  
REGISTRY  
SB 17  
FAQ's**

*The Ohio Department of Public Safety is an administrative agency and is required by law to implement the requirements of SB 17, effective September 30, 2008*

**Q. What is Ohio's Habitual OVI/OMWI Offenders Registry?**

A. This Registry was created in the 128<sup>th</sup> General Assembly by Ohio's legislators. It was part of SB 17, which was passed on June 23, signed by the Governor on June 27, and became effective September 30, 2008. All offenders having 5 or more OVI/OMWI convictions (or equivalent offenses) in the past 20 years must be listed on the Registry, to include:

- Offender's name
- Date of birth
- Residential address including street address, municipal corporation or township, county and zip code
- Number of times within the preceding 20 years the offender has been convicted of an OVI/OMWI violation
- Dates of OVI/OMWI violation

The Registry must be made available to the public online, to be searchable by the offender's name, county or zip code.

**Q. Why is my name listed on the Ohio's Habitual OVI/OMWI Offenders Registry?**

A. If your name is listed on the Ohio's Habitual OVI/OMWI Offenders Registry, it has been submitted to Ohio Department of Public Safety (ODPS) by a court convicting you of a 5<sup>th</sup> or subsequent OVI/OMWI (or equivalent offense) within the preceding 20 years.

**Q. When will I be removed from the registry?**

A. Your name will be removed from the registry when you no longer have 5 or more OVI/OMWI violations within the previous 20 years. The Registry is based on a rolling calendar. So, once 20 years from the first conviction date have passed, the first conviction "falls off" *and if* the remaining number of conviction is less than 5, your name will be removed from the Registry.

**Q. Isn't the information on the Registry protected information under the Driver Privacy Protection Act (DPPA)?**

A. The information on the Registry is not protected under DPPA. SB 17 specifically notated the Registry information as public record under the Ohio Revised Code Section 149.43.

**Q. How does ODPS obtain the information for the Registry?**

A. All information from the Registry is submitted by Ohio courts to ODPS.

**Q. How is the Registry information stored and maintained?**

A. The information from the Registry is stored on a separate database, which is updated when information from courts is received. The data is reflected directly onto the online application on the ODPS web site. The data received from the courts includes all OVI/OMWI or equivalent offenses.

**Q. What are “OVI/OMWI or equivalent offenses”?**

A. To determine whether a person has 5 or more convictions, SB 17 mandates that OVI/OMWI and all equivalent offense be counted. 5 convictions of any combination of these offenses within a 20 year period qualify a person for the Registry. This also applies to refusing Blood Alcohol Content tests administered by law enforcement.

This is a list of abbreviations and offenses considered “equivalent” to OVI/OMWI

- OVI: Operating a Vehicle under the Influence of Alcohol
- OMWI: Operating a Motor Watercraft under the Influence of Alcohol
- Equivalent Offenses:
  - Vehicular Homicide
  - Driving under the influence of Drugs/Opiates
  - DUI Municipal
  - Vehicular Assault
  - Vehicular Homicide
  - Aggravated Vehicular Homicide (not alcohol related)
  - Aggravated Vehicular Assault w/ Alcohol
  - Aggravated Vehicular Homicide w/ Alcohol
  - Vehicular Manslaughter
  - Involuntary Manslaughter w/ Alcohol
  - OVUAC: Operating a Vehicle with Alcohol Consumption
  - OVI Felony
  - Physical Control
  - OVI Refusal
  - CDL OVI (BAC .04 or higher)

**Q. There has been a mistake with my name on the registry, how do I get this corrected?**

A. The only way the registry can be changed, is through a court order from the court that last updated the offenders information on the registry.

**Q. Will convictions I received before September 30, 2008 count towards the 5 convictions, or will the courts only count convictions that occur after September 30, 2008?**

A. Convictions that occur before September 30, 2008 will be counted for purposes of the Registry as long as the conviction falls within the 20 year time period. Counting of convictions DOES NOT start after the effective date of SB 17, rather the 5<sup>th</sup> or subsequent conviction occurring after September 30, 2008 triggers the look-back period of 20 years.

- For example, an individual with 4 convictions dating back to January 1, 1995, will be placed on the Registry if he or she is convicted of a 5<sup>th</sup> OVI/OMWI or equivalent offense on October 1, 2008. This is because the individual now has 5 convictions within 20 years.

- Another example, an individual with 4 convictions dating back to January 1, 1985, will NOT be placed on the Registry if he or she is convicted of a 5<sup>th</sup> OVI/OMWI or equivalent offense on October 1, 2008. This is because the individual only has 4 convictions within 20 years. HOWEVER, subsequent offenses after October 1, 2008, could place the individual on the Registry if the total of subsequent offenses equal 5 or more convictions within a 20 year time period.

**Q. Can I still refuse a sobriety test if I am requested to do so by law enforcement?**

A. If you have had 2 or more OVI/OMWI (or equivalent offense) convictions, you can no longer refuse an alcohol or drug test. SB 17 requires a law enforcement officer to obtain a chemical alcohol or drug test by “whatever reasonable means are necessary,” from offenders who have previously pleaded guilty or been convicted of 2 or more violations.

**Q. What constitutes “reasonable means”?**

A. The statute does not define “reasonable means”. However, the officer no longer needs to obtain a warrant to require the offender to submit to the alcohol test.

**Q. I have an immobilization order, but my family relies on my vehicle. How can I obtain permission for them to drive my vehicle?**

A. An immobilization waiver may be ordered by the court to a family that is perceived to have undue hardship as a result of an immobilization order. You must contact the court to obtain a hardship waiver.

**Q. I have had a previous refusal or OVI, how long is my suspension period?**

A. Here is a list of violations and suspension times:

- 1 previous violation or refusal = 2 years
- 2 previous violations, or 1 violation and 1 refusal = 3 years
- 3 or more previous violations or any combination of 3 violations and refusals = 5 years

**Q. Did SB 17 change reinstatement fees?**

A. Yes. Reinstatement fees have increased by \$50 dollars. Effective September 30, 2008, reinstatement fees increase from \$425 to \$475. The additional \$50 will be distributed to indigent drivers’ alcohol treatment funds.



## REPORT FOR HABITUAL OVI/OMWI OFFENDERS REGISTRY

1. All Courts must use this form to report offenders who are to be listed on "Ohio's Habitual OVI/OMWI Offenders" registry. Pursuant to ORC 5502.10, offenders convicted of their 5<sup>th</sup> or subsequent OVI/OMWI/or equivalent offense on or after September 30, 2008 are to be placed on the registry.
2. If the license is suspended or revoked, please send the license with this report to: Ohio Department of Public Safety, License Verification Unit, P.O. Box 16784, Columbus, Ohio 43216-6784.
3. The information listed on this form is thought to be true and accurate information obtained from a court of competent jurisdiction. The Ohio Department of Public Safety (ODPS), its divisions, or persons employed by or acting on behalf of ODPS shall not be liable in a civil action to recover damages allegedly caused by inaccurate information or misinformation reported on this form.

DATE OF BIRTH (MONTH, DAY, YEAR)				DRIVER LICENSE NUMBER				
NAME (LAST)		FIRST		MIDDLE				
RESIDENCE (STREET AND NUMBER OR RDF NUMBER)				<input type="checkbox"/> ADD	<input type="checkbox"/> CHANGE	<input type="checkbox"/> DELETE		
CITY		COUNTY		STATE		ZIP CODE		
COURT CODE		CASE NUMBER		SSN (REQUIRED)				
NUMBER OF OVI/OMWI CONVICTIONS IN PREVIOUS 20 YEARS		#	CONVICTION DATE	OFFENSE CODE	COURT CODE/STATE	CONVICTION DATE	OFFENSE CODE	COURT CODE/STATE
PREVIOUS CONVICTIONS (START WITH MOST RECENT)		<i>Example:</i>	5/23/08	02	OH2520			
PREVIOUS CONVICTIONS (CONT.)								
PREVIOUS CONVICTIONS (CONT.)								
PREVIOUS CONVICTIONS (CONT.)								
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PREVIOUS CONVICTIONS (CONT.)								
PREVIOUS CONVICTIONS (CONT.)								

I hereby certify that the above statements are taken from the records of this Court. DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE OF JUDGE/MAGISTRATE/CLERK OF COURT <b>X</b>	DATE
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Send completed copy to Ohio Department of Public Safety, P.O. Box 16784, Columbus, Ohio, 43216-6784.