

OHIO IMPAIRED DRIVING LAW

TYPES OF OFFENSES

➤ **Operation under the influence of alcohol, drug of abuse or both. RC 4511.19(A)(1)(a).**

➤ **Operation with concentration of alcohol specified below. RC 4511.19(A)(1)(b)-(i).**

| Alcohol Level | Whole Blood | | Blood Serum or Plasma | | Breath | | Urine | |
|---------------|-------------|------------|-----------------------|------------|--------|------------|---------|------------|
| Low Test | ≥ .08% | §(A)(1)(b) | ≥ .096% | §(A)(1)(c) | ≥ .08g | §(A)(1)(d) | ≥ .11g | §(A)(1)(e) |
| | < .17% | | < .204% | | < .17g | | < .238g | |
| High Test | ≥ .17% | §(A)(1)(f) | ≥ .204% | §(A)(1)(g) | ≥ .17g | §(A)(1)(h) | ≥ .238g | §(A)(1)(i) |

➤ **Operation with concentration of controlled substance specified below. RC 4511.19(A)(1)(j)(i)-(x).**

| Controlled Substance | Urine | Whole Blood, Blood Serum or Plasma | Section No. |
|---|---|--------------------------------------|---------------------|
| Amphetamine | ≥ 500 ng | ≥ 100 ng | (A)(1)(j)(i) |
| Cocaine | ≥ 150 ng | ≥ 50 ng | (A)(1)(j)(ii) |
| Cocaine Metabolite | ≥ 150 ng | ≥ 50 ng | (A)(1)(j)(iii) |
| Heroin | ≥ 2000 ng | ≥ 50 ng | (A)(1)(j)(iv) |
| Heroin Metabolite (6-monoacetyl morphine) | ≥ 10 ng | ≥ 10 ng | (A)(1)(j)(v) |
| L.S.D. | ≥ 25 ng | ≥ 10 ng | (A)(1)(j)(vi) |
| Marihuana | ≥ 10 ng | ≥ 2 ng | (A)(1)(j)(vii) |
| Marihuana Metabolite and under the influence | ≥ 15 ng | ≥ 5 ng | (A)(1)(j)(viii)(I) |
| Marihuana Metabolite | ≥ 35 ng | ≥ 50 ng | (A)(1)(j)(viii)(II) |
| Methamphetamine | ≥ 500 ng | ≥ 100 ng | (A)(1)(j)(ix) |
| Phencyclidine | ≥ 25 ng | ≥ 10 ng | (A)(1)(j)(x) |
| Salvia divinorum and salvinorin A | Pending State Board of Pharmacy rule | Pending State Board of Pharmacy rule | (A)(1)(j)(xi) |

➤ **Operation under the influence of alcohol, drug of abuse or both, with prior OVI conviction in 20 years, and with current refusal of chemical test or tests. RC 4511.19(A)(2).**

➤ **Operation by person under age 21 with concentration of alcohol specified below. RC 4511.19(B)(1)-(4).**

| Whole Blood | | Blood Serum or Plasma | | Breath | | Urine | |
|-------------|---------|-----------------------|---------|--------|---------|---------|---------|
| ≥ .02% | §(B)(1) | ≥ .03% | §(B)(2) | ≥ .02g | §(B)(3) | ≥ .028g | §(B)(4) |
| < .08% | | < .096% | | < .08g | | < .11g | |

➤ **Having physical control while under the influence of alcohol, drug of abuse or both, or with concentration of alcohol or controlled substance equal to or greater than §(A)(1)(b)-(e) or (j) amounts. RC 4511.194(B)(1)-(3).**

ADMINISTRATIVE LICENSE SUSPENSIONS

Refusal of Chemical Test RC 4511.191(B)

| No. of Refusal/ Offense in 6 Years | Type and Length ¹ of Suspension | Driving Privileges ^{2&3} | Restricted Plates as Condition for Privileges | Interlock as Condition for Privileges |
|---------------------------------------|---|--|--|--|
| 1 st | Class C (1 year) | After 30 days | Optional | Optional |
| 2 nd | Class B (2 years) | After 90 days | Optional | Optional |
| 3 rd | Class A (3 years) | After 1 year | Optional | Optional |
| 4 th or more | 5 years | After 3 years | Optional | Optional |

Failed⁴ Chemical Test RC 4511.191(C)

| No. of Offense in 6 Years | Type and Length ⁵ of Suspension | Driving Privileges ⁶ | Restricted Plates as Condition for Privileges | Interlock as Condition for Privileges |
|------------------------------|---|------------------------------------|--|--|
| 1 st | Class E (90 days) | After 15 days | Optional | Optional |
| 2 nd | Class C (1 year) | After 45 days | Optional | Optional |
| 3 rd | Class B (2 years) | After 180 days | Optional | Required if alcohol- related, optional if drug. |
| 4 th or more | Class A (3 years) | After 3 years | Optional | Required if alcohol- related, optional if drug. |

¹ Refusal suspension terminates upon guilty or no contest plea resulting in conviction, and time served is to be credited against judicial suspension. RC 4511.191(B)(2). However, a subsequent finding of not guilty does not affect the suspension. RC 4511.191(D)(1).

² No privileges may be granted to offender with refusal who, within the preceding six years, has had three or more test refusals. RC 4510.13(A)(3).

³ Refusal of test in a offense in commercial vehicle results in a one-year commercial driver's (CDL) license disqualification while a second anytime results in lifetime CDL disqualification. RC 4506.17(D),(E). No privileges may be granted. RC 4510.13(A)(4). Also, CDL operators are subject to lower alcohol and controlled substance levels plus separate offenses under RC Chap. 4506.

⁴ Failed chemical test result is a concentration of alcohol or controlled substance equal to or greater than RC 4511.19(A)(1)(b)-(e) or (j) amounts. RC 4511.191(C)(1).

⁵ Suspension for failing test terminates upon guilty or no contest plea resulting in conviction, and time served is to be credited against any judicial suspension. RC 4511.191(C)(2). Under RC 4511.191(D)(1), any subsequent finding of not guilty does not affect the suspension. But, note RC 4511.197(D), stating that if the suspension is continued upon appeal, a subsequent finding of not guilty terminates the suspension.

⁶ No privileges may be granted to offender with failed test who, within the preceding six years, has had three or more convictions or guilty pleas. RC 4510.13(A)(3).

Appeal RC 4511.197

An administrative license suspension may be appealed at the initial appearance (5 day hearing), or within 30 days of the same.

The scope of appeal is limited to determining whether one or more of the following conditions have **not** been met:

1. Whether the officer had reasonable ground to believe the person was OVI, OVUAC, or in physical control in violation of statute or municipal ordinance, and whether the person was in fact placed under arrest. RC 4511.197(C)(1).
2. Whether the officer requested the person to submit to a chemical test or tests. RC 4511.197(C)(2).
3. Whether the officer informed the person of consequences of taking or refusing test or tests; or for repeat OVI offender that would be required to be sentenced under RC 4511.19(G)(1)(c),(d), or (e), that in event of test refusal officer could use whatever reasonable means were necessary to ensure the person submitted to a blood test. RC 4511.197(C)(3).
4. Whichever of the following applies:
 - a. if a test refusal suspension was imposed, whether the person refused to submit to test or tests requested by the officer, or
 - b. if a failed test suspension was imposed, whether at the time of the offense, the bodily substance tested contained a prohibited concentration of alcohol or a listed controlled substance or metabolite. RC 4511.197(C)(4).