

PENALTIES

OPERATING VEHICLE UNDER THE INFLUENCE RC 4511.19(A),(G) - 6 POINTS

<i>No. and Type of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges^{1&2}</i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
1 st in 6 years [simple OVI, low test or drug]	M-1	3 days jail or DIP. ³ Up to 6 months. ⁴	\$375 - \$1,075	Optional	Class 5 (6 months to 3 years)	After 15 days	Both optional	No
1 st in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	M-1	6 days jail or 3 days jail and 3 days DIP. ³ Up to 6 months. ⁴	\$375 - \$1,075	Optional	Class 5 (6 months to 3 years)	After 15 days	Plates required for high-end. Interlock optional.	No
2 nd in 6 years [simple OVI, low test or drug]	M-1	10 days jail or 5 days jail and 18 days HAEM and/or CAM. ⁵ Up to 6 months. ⁴	\$525 - \$1,625	Alcohol/drug assessment and recommended treatment mandatory	Class 4 (1 to 5 years)	After 45 days	Plates required. Interlock required if alcohol-related, optional if drug.	90 days immobilization if registered to Δ ⁶
2 nd in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	M-1	20 days jail or 10 days jail and 36 days HAEM and/or CAM. ⁵ Up to 6 months. ⁴	\$525 - \$1,625	Alcohol/drug assessment and recommended treatment mandatory	Class 4 (1 to 5 years)	After 45 days	Plates required. Interlock required if alcohol-related, optional if drug.	90 days immobilization if registered to Δ ⁶
3 rd in 6 years [simple OVI, low test or drug]	Unclassified misdemeanor	30 days jail or 15 days jail and 55 days HAEM and/or CAM. ⁵ Up to 1 year. ⁴	\$850 - \$2,750	Alcohol/drug addiction program mandatory	Class 3 (2 to 10 years) ⁷	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸
3 rd in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	Unclassified misdemeanor	60 days jail or 30 days jail and 110 days HAEM and/or CAM. ⁵ Up to 1 year. ⁴	\$850 - \$2,750	Alcohol/drug addiction program mandatory	Class 3 (2 to 10 years) ⁷	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸

Either: [a] 4 th or 5 th in 6 years, or [b] 6 th in 20 years [simple OVI, low test or drug]	F-4	60 days local incarceration , up to 1 year; or 60 days prison , with option of additional 6 to 30 months. ⁹	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸
Either: [a] 4 th or 5 th in 6 years, or [b] 6 th in 20 years [and high test or refusal]	F-4	120 days local incarceration , up to 1 year; or 60 days prison , with option of additional 6 to 30 months. ⁹	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸
2 nd felony lifetime [simple OVI, low test or drug]	F-3	60 days prison , up to 5 years [36 months under RC 2929.14(A)(3)(b)]. ^{9, 10}	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸
2 nd felony lifetime, and either: [a] high test, or [b] refusal	F-3	120 days prison , up to 5 years [36 months under RC 2929.14(A)(3)(b)]. ^{9, 10}	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸
1 st or 2 nd felony lifetime with RC 2941.1413 specification	F-4 (1 st felony) F-3 (2 nd felony)	F-4 or F-3 penalties as set forth in boxes above, and 1, 2, 3, 4, or 5 years prison consecutive to same.	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ ⁸

¹ No privileges may be granted on suspension imposed on offender who, within the preceding six years, has had three or more convictions or guilty pleas. RC 4510.13(A)(3).

² CDL operators are subject to separate offenses with lower alcohol and controlled substance levels while operating a commercial vehicle. RC 4506.15.

³ "DIP" is a driver intervention program certified under RC 3793.10 provisions. See RC 4511.191(G)(1)(a).

⁴ A court located within a county served by board establishing an alternative sentencing center may sentence an "eligible offender" to center for an OVI and/or a driving under an OVI suspension. RC 307.932.

⁵ "HAEM" is house arrest with electronic monitoring. "CAM" is continuous alcohol monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4511.19(G)(3).

⁶ Waiver may be granted, under RC 4503.235 conditions, for "family or household member" if completely dependent on vehicle and immobilization would be undue hardship.

⁷ Court has authority to reduce the minimum period of a Class 3 suspension from two years to one year. RC 4510.13(A)(2)(b).

⁸ If vehicle forfeiture is required and title is assigned/transferred, offender may be fined value of vehicle per national auto dealers' association publications. RC 4503.234(E).

⁹ Under RC 2967.19, court has limited power to order early release for felony offender serving prison term imposed under RC 2929.13(G)(2).

¹⁰ *State v. Owen, 2013-Ohio-2824 (11th Dist.)*, held that **RC 2929.14 conflicts with RC 4511.19 for F-3 OVI. The sentence in brackets is maximum allowable.** See also *State v. May, 2014-Ohio-1542 (2nd Dist.)*; *State v. South, 2014-Ohio-374 (9th Dist.)*. See *State v. Sturgill, 2013-Ohio-4648 (12th Dist.)* for contrary view.

OPERATING VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION RC 4511.19(B),(H) - 4 POINTS

<i>No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges</i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
1 st in 1 year	M-4	0-30 days jail	\$0 - \$250	Optional	Class 6 (90 days to 2 years)	After 60 days	Optional	No
2 nd or more in 1 year	M-3	0-60 days jail	\$0 - \$500	Optional	Class 4 (1 to 5 years)	After 60 days	Optional	No

PHYSICAL CONTROL WHILE UNDER THE INFLUENCE RC 4511.194 - 0 POINTS

<i>No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges</i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
Any	M-1	0-180 days jail	\$0 - \$1,000	Optional	Class 7 optional (up to 1 year)	No restrictions	Optional	No