

CHAPTER 71: LICENSING PROVISIONS

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			§ 71.01 DISPLAY OF LICENSE PLATES OR VALIDATION STICKERS; REGISTRATION.
			(A) (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under R.C. §§ 4503.19 and 4503.191, furnished by the Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer, or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and

on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(2) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.
(R.C. § 4503.21(A))

(B) Except as otherwise provided by R.C. §§ 4503.103, 4503.173, 4503.41, 4503.43, and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.
(R.C. § 4503.11(A))

(C) No person shall operate or drive upon the highways of this municipality a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration.
(R.C. § 4549.11(A)) (Rev. 2004)

(D) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the highways of this municipality while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this state relating to the registration and identification of motor vehicles.
(R.C. § 4549.12(A)) (Rev. 2004)

(E) (1) Whoever violates division (A) of this section is guilty of a minor misdemeanor.
(R.C. § 4503.21(B)) (Rev. 2004)

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4503.11(D)) (Rev. 2004)

(3) Whoever violates division (C) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(R.C. § 4549.11(B)) (Rev. 2004)

(4) Whoever violates division (D) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or

identification mark issued by a foreign jurisdiction, a minor misdemeanor.

(R.C. § 4549.12(B)) (Rev. 2010)

§ 71.02 IMPROPER USE OF NONCOMMERCIAL MOTOR VEHICLE.

(A) No person shall use a motor vehicle registered as a noncommercial motor vehicle for other than the purposes set forth in R.C. § 4501.01.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 4503.05) (Rev. 2004)

§ 71.03 OPERATING MOTOR VEHICLE ORDERED IMMOBILIZED; FORFEITURE.

(A) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under R.C. § 4503.233.

(B) A motor vehicle that is operated by a person during a violation of division (A) of this section shall be criminally forfeited to the state in accordance with the procedures contained in R.C. § 4503.234.

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the second degree.
(R.C. § 4503.236) (Rev. 2004)

§ 71.04 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

(A) No person shall do any of the following:

(1) Operate in this municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this state knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in R.C. Chapter 4505;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon

cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4505;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules adopted pursuant to R.C. Chapter 4505;

(6) Except as otherwise provided in R.C. Chapters 4505 and 4517, sell at wholesale a motor vehicle ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with R.C. § 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. § 1981;

(7) Operate in this state a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(B) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(C) Whoever violates this section shall be fined not more than \$200, imprisoned not more than 90 days, or both. (R.C. § 4505.18) (Rev. 2004)

§ 71.05 DISPLAY OF CERTIFICATE OF REGISTRATION.

(A) (1) The operator of a "commercial car", as defined in R.C. § 4501.01, when the commercial car is required to be registered under state law, shall, when operating the commercial car, trailer or semitrailer on the streets, roads, or highways of this municipality display inside or on the vehicle the certificate of registration for the commercial car, trailer or semitrailer provided for in R.C. § 4503.19, or shall carry the certificate on the operator's person and display it upon the demand of any peace officer.

(2) Every person operating a commercial car, trailer or semitrailer required to be registered under state law shall permit the inspection of the certificate of registration upon demand of any peace officer.

(B) Whoever violates division (A) of this section is guilty of a commercial car certificate of registration violation, a minor misdemeanor. (R.C. § 4549.18) (Rev. 2004)

§ 71.06 USE OF UNAUTHORIZED PLATES.

(A) No person shall operate or drive a motor vehicle upon the public roads and highways in this municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1) It is fictitious;

(2) It is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3) It belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this municipality during the 30-day period described in R.C. § 4503.12(A)(4).

(B) A person who fails to comply with the transfer of registration provisions of R.C. § 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section.

(C) Whoever violates division (A)(1), (A)(2), or (A)(3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (R.C. § 4549.08) (Rev. 2004)

§ 71.07 OPERATING WITHOUT DEALER OR MANUFACTURER LICENSE PLATES.

(A) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays two placards, except as provided in R.C. § 4503.21, issued by the Director of Public Safety that bear the registration number of its manufacturer or dealer.

(B) Whoever violates division (A) of this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor. (R.C. § 4549.10) (Rev. 2010)

DRIVER'S LICENSES

§ 71.20 PROHIBITED ACTS.

(A) No person shall do any of the following:

(1) Display or cause or permit to be displayed, or possess any identification card, driver's or commercial

driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended, or altered;

(2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit or any renewal or duplicate thereof, knowingly conceal a material fact or present any physician's statement required under R.C. § 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(B) Whoever violates any division of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.30) (Rev. 2005)

Statutory reference:

Use of license to violate liquor laws; suspension; procedures, see R.C. § 4510.33

§ 71.21 PERMITTING MINOR TO OPERATE VEHICLE PROHIBITED; TEMPORARY INSTRUCTION PERMIT; PROBATIONARY LICENSE.

(A) No person shall cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license or permit to drive a motor vehicle under R.C. Chapter 4507.
(R.C. § 4507.31(A))

(B) (1) No holder of a temporary instruction permit issued under R.C. § 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under R.C. § 4507.05(A).

(2) (a) Except as provided in division (B)(2)(b) of this section, no holder of a temporary instruction permit that is issued under R.C. § 4507.05(A)

and that is issued on or after July 1, 1998, and who has not attained the age of 18 years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m.

(b) The holder of a temporary instruction permit issued under R.C. § 4507.05(A) on or after July 1, 1998, who has not attained the age of 18 years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this state, is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in R.C. § 4511.19(A).

(R.C. § 4507.05(F)) (Rev. 2008)

(C) (1) (a) No holder of a probationary driver's license who has not attained the age of 17 years shall operate a motor vehicle upon a highway or any public or private property used by the public for vehicular travel or parking between the hours of midnight and 6:00 a.m. unless the holder is accompanied by the holder's parent or guardian.

(b) No holder of a probationary driver's license who has attained the age of 17 years but has not attained the age of 18 years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of 1:00 a.m. and 5:00 a.m. unless the holder is accompanied by the holder's parent or guardian.

(2) (a) Subject to division (E)(1)(a) of this section, division (C)(1)(a) of this section does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and 6:00 a.m. and has in the holder's immediate possession written documentation from the holder's employer.

(b) Division (C)(1)(b) of this section does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of 1:00 a.m. and 5:00 a.m. and has in the holder's immediate possession written documentation from the holder's employer.

(3) An employer is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer provided an employee who is the holder of a probationary driver's license with the written documentation described in division (C)(2) of this section. The Registrar of Motor Vehicles has available at no cost a form to serve as the written documentation described in division (C)(2) of this section, and employers and holders of probationary driver's licenses may utilize that form or may

choose to utilize any other written documentation to meet the requirements of that division.

(4) No holder of a probationary driver's license who is less than 17 years of age shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(D) It is an affirmative defense to a violation of division (C)(1)(a) or (C)(1)(b) of this section if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of division (C)(1)(a) or (C)(1)(b) of this section, or the holder was an emancipated minor.

(E) (1) (a) Except as otherwise provided in division (E)(2) of this section, if a person is issued a probationary driver's license prior to attaining the age of 17 years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking during whichever of the following time periods applies:

1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of 16.5 years, during the six-month period commencing on that date;

2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of 16.5 years but not 17 years, until the person attains the age of 17 years.

(b) If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of 17 years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation the person has attained the age of 17 years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of 17 years, the holder is not subject to the restriction described in divisions (E)(1)(a)1. and (E)(1)(a)2. of this section unless

the court or juvenile court imposes such a restriction upon the holder.

(2) Any person who is subject to the operating restrictions established under division (E)(1) of this section as a result of a first moving violation may petition the court for occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that division. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in division (E)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this division shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this division are terminated upon the subsequent conviction, plea, or adjudication.

(3) No person shall violate division (E)(1)(a) of this section.

(F) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(G) A restricted license may be issued to a person who is 14 or 15 years of age under proof of hardship satisfactory to the Registrar of Motor Vehicles.

(H) Notwithstanding any other provisions of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (F) of this section, or for the sole purpose of issuing a ticket, citation or summons if that requirement has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(I) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C)(1)(a) or (C)(1)(b) of this

section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for such a violation or for causing the arrest or commencing a prosecution of a person for such a violation.

(J) As used in this section:

FAMILY MEMBER. A family member of a probationary license holder includes any of the following:

- (a) A spouse;
- (b) A child or stepchild;
- (c) A parent, stepparent, grandparent, or parent-in-law;
- (d) An aunt or uncle;
- (e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;
- (f) A son or daughter of the probationary license holder’s stepparent if the stepparent has not adopted the probationary license holder;
- (g) An eligible adult, as defined in R.C. § 4507.05.

MOVING VIOLATION. Means any violation of any statute or ordinance that regulates the operation of vehicles on the highways or streets. The term does not include a violation of R.C. § 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

OCCUPANT RESTRAINING DEVICE. Has the same meaning as in R.C. § 4513.263.
(R.C. § 4507.071(B) - (I)) (Rev. 2010)

(K) (1) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.31(B)) (Rev. 2004)

(2) Whoever violates divisions (B), (C)(1), (C)(4), (E)(3), or (F) of this section is guilty of a minor misdemeanor.
(R.C. §§ 4507.05(I), 4507.071(J)) (Rev. 2010)

§ 71.22 LICENSE REQUIRED AS DRIVER OR COMMERCIAL DRIVER ON PUBLIC OR PRIVATE PROPERTY; NONRESIDENT EXEMPTION.

(A) (1) (a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking, knowing the operator does not have a valid driver’s license

issued to the operator by the Registrar of Motor Vehicles under R.C. Chapter 4507 or a valid commercial driver’s license issued under R.C. Chapter 4506. Except as otherwise provided in this division, whoever violates this division is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(b) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) No person shall receive a driver’s license, or a motorcycle operator’s endorsement of a driver’s or commercial driver’s license, unless and until the person surrenders to the Registrar all valid licenses issued to the person by another jurisdiction recognized by this state. The Registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The Registrar shall destroy any such license that is not returned to the issuing authority. No person shall be permitted to have more than one valid license at any time.
(R.C. § 4507.02(A)) (Rev. 2012)

(B) (1) No person shall be required to obtain a driver’s or commercial driver’s license for the purpose of temporarily driving, operating, drawing, moving, or propelling a road roller or road machinery upon a street or highway.

(2) No person shall be required to obtain a driver’s or commercial driver’s license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of 25 miles per hour or less.

(3) No person shall drive, operate, draw, move, or propel any agricultural tractor or implement of husbandry upon a street or highway at a speed greater than 25 miles per hour unless the person has a current, valid driver’s or commercial driver’s license.

(4) No person having a valid driver’s or commercial driver’s license shall be required to have a

motorcycle operator's endorsement to operate a motorcycle having three wheels with a motor of not more than 50 cubic centimeters piston displacement.

(5) Every person on active duty in the military or naval forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with such duty, is exempt from the license requirements of R.C. Chapters 4506 and 4507. Every person on active duty in the military or naval forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States, is exempt from the license requirements of such sections for the period of the person's active duty or service and for six months thereafter, provided such person was a licensee under such sections at the time the person commenced the person's active duty or service. This section does not prevent such a person or the person's spouse or dependent from making an application, as provided in R.C. § 4507.10(C), for the renewal of a driver's license or motorcycle operator's endorsement or as provided in R.C. § 4506.14 for the renewal of a commercial driver's license during the period of the person's active duty or service.

(6) Whoever violates division (B)(3) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.03) (Rev. 2010)

(C) Nonresidents, permitted to drive upon the highways of their own state, may operate any motor vehicle upon any highway in this state without examination or license under R.C. §§ 4507.01 through 4507.39, inclusive, upon condition that such nonresident may be required at any time or place to prove lawful possession or their right to operate such motor vehicle, and to establish proper identity. (R.C. § 4507.04) (Rev. 2004)

§ 71.23 EMPLOYMENT OF A MINOR TO OPERATE A TAXICAB PROHIBITED.

(A) Notwithstanding the definition of "chauffeur" in R.C. § 4501.01, no person shall employ any minor for the purpose of operating a taxicab.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.321) (Rev. 2004)

§ 71.24 RESTRICTION AGAINST OWNER LENDING VEHICLE FOR USE OF ANOTHER.

(A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges;

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under R.C. Chapter 4510 or any other provision of the Ohio Revised Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in R.C. Chapter 4509.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate R.C. § 4511.19 or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under R.C. § 4503.235 and the other person is prohibited from operating the vehicle under that order.

(B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section has occurred, it shall be prima facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in division (A)(1), (A)(3), or (A)(5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in division (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.

(3) Regarding an operator allegedly in the category described in division (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(C) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle, and shall be punished as provided in divisions (C) to (H) of this section.

(1) Except as provided in division (C)(2) of this section, whoever violates division (A)(1), (A)(2), or (A)(3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the

offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) (a) If, within three years of a violation of division (A)(1), (A)(2), or (A)(3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (A)(2), or (A)(3) of this section, R.C. § 4511.203(A)(1), (A)(2), or (A)(3), or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(b) Whoever violates division (A)(4) or (A)(5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under this Code or R.C. Chapter 2929, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

(a) Except as otherwise provided in division (C)(3)(b) or (C)(3)(c) of this section, the court may order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under R.C. § 4503.233.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4511.203, or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under R.C. § 4503.234.

(4) If title to a motor vehicle that is subject to an order for criminal forfeiture under division (C)(3)(c) of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine imposed under this division shall be distributed in accordance with R.C. § 4503.234(C)(2).

(D) If a court orders the criminal forfeiture of a vehicle under division (C)(3)(a) or (C)(3)(b) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under division (C)(3)(c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in R.C. § 4549.65.

(G) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(H) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(R.C. § 4511.203) (Rev. 2012)

§ 71.25 SUSPENSION OF DRIVER'S LICENSE; LICENSE SUSPENDED BY COURT OF RECORD.

(A) Except as otherwise provided in R.C. § 4510.07 or in any other provision of the Ohio Revised Code, whenever an offender is convicted of or pleads guilty to a violation of any provision of this code that is substantially equivalent to a provision of the Ohio Revised Code, and a court is permitted or required to suspend a person's driver's

or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or non resident operating privileges for the period of time the court determines appropriate, but the period of suspension imposed for the violation of the provision of this code shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the Ohio Revised Code to which the provision of this code is substantially equivalent.

(R.C. § 4510.05) (Rev. 2004)

(B) Whenever a person is found guilty under the laws of this state or any ordinance of any political subdivision of this state, of operating a motor vehicle in violation of any such law or ordinance relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(5).

(C) Suspension of a commercial driver's license under this section shall be concurrent with any period of suspension disqualification under R.C. § 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under R.C. Chapter 4507 during the period of the suspension.
(R.C. § 4510.15) (Rev. 2005)

§ 71.26 DISPLAY OF LICENSE.

(A) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made, and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima facie evidence of the person's not having obtained a driver's license.

(B) (1) Except as provided in division (B)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a

community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, R.C. § 4507.35, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.
(R.C. § 4507.35) (Rev. 2012)

§ 71.27 PROHIBITION AGAINST FALSE STATEMENTS.

(A) No person shall knowingly make a false statement to any matter or thing required by the provisions of this traffic code.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4507.36) (Rev. 2004)

§ 71.28 DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION; DRIVING UNDER SUSPENSION FOR FAILURE TO APPEAR IN COURT, FAILURE TO PAY A FINE OR FAILURE TO PAY CHILD SUPPORT.

(A) *Driving under suspension or in violation of license restriction.*

(1) Except as provided in division (A)(2) of this section, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under R.C. § 4506.10(D) or 4507.14.

(3) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A)(1) or (A)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (A)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (A)(2) of this section. The person charged with a violation of division (A)(1) or (A)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) (a) Whoever violates division (A)(1) or (A)(2) of this section is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(b) 1. Except as provided in division (A)(4)(b)2. or (A)(4)(b)3. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with R.C. § 4503.233.

2. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, or any combination of three or more violations of this section or R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) Any order for immobilization and impoundment under this section shall be issued and enforced under R.C. §§ 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(6) Any order of criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of the copy of the order from the court, neither the Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(7) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.
(R.C. § 4510.11) (Rev. 2012)

(B) *Driving under suspension for failure to appear in court, failure to pay a fine or failure to pay child support.*

(1) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality whose driver's or commercial driver's license has been suspended pursuant to R.C. § 4510.22 for failing to appear in court or to pay a fine, resulting in license forfeiture.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality whose driver's or commercial driver's license has been suspended pursuant to R.C. § 3123.58 for being in default in payment of child support.

(3) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (B)(1) or (B)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension

at the time of the alleged violation of division (B)(1) or (B)(2) of this section. The person charged with a violation of division (B)(1) or (B)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) Whoever violates division (B)(1) or (B)(2) of this section is guilty of driving under suspension and shall be punished as provided in division (B)(4) of this section.

(a) Except as otherwise provided in division (B)(4)(b) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(b) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of division (B)(1) or (B)(2) of this section, or any combination of two or more violations of division (B)(1) or (B)(2) of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this division (B).

(c) In all cases, the court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in R.C. § 4507.02(A)(7).

(d) 1. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 20 days in accordance with R.C. § 4503.233.

2. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. In all cases, if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of this section, or any combination of three or more violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to any other sentence that it imposes upon the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) An order for immobilization and impoundment under this section shall be issued and enforced under R.C. §§ 4503.233 and 4507.02, as applicable. The court shall not release a motor vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that motor vehicle.

(6) An order for criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(R.C. § 4510.111) (Rev. 2012)

(C) *Repeat traffic offender; point system suspension.* Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under R.C. § 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a twelve-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division.
(R.C. § 4510.037(J)) (Rev. 2012)

(D) It is an affirmative defense to any prosecution brought under division (A) of this section that the alleged

offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(R.C. § 4510.04) (Rev. 2012)

§ 71.29 OPERATING MOTOR VEHICLE OR MOTORCYCLE WITHOUT VALID LICENSE.

(A) (1) No person, except those expressly exempted under R.C. §§ 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid driver's license issued under R.C. Chapter 4507 or a commercial driver's license issued under R.C. Chapter 4506.

(2) No person, except a person expressly exempted under R.C. §§ 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in R.C. § 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(B) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A)(1) or (A)(2) of this section may be admitted into evidence as prima facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of division (A)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of division (A)(2) of this section. The person charged with a violation of division (A)(1) or (A)(2) of this section may offer evidence to rebut this prima facie evidence.

(C) Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in

a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this division, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this division, the offense is a minor misdemeanor. If within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(D) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance.

(E) If the offender is sentenced under division (C)(2) of this section, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of R.C. § 4510.12, this section, or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(R.C. § 4510.12) (Rev. 2012)

§ 71.30 DRIVING UNDER OVI SUSPENSION.

(A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under R.C. § 4511.19, 4511.191, or 4511.196 or under R.C. § 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this municipality during the period of the suspension.

(B) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under R.C. Chapter 2929, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (C) of this section, the court instead imposes a sentence of not less than 30 consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months;

(b) A fine of not less than \$250 and not more than \$1,000;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for 30 days of the offender's vehicle and impoundment for 30 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of 10 consecutive days. Notwithstanding the jail terms provided in R.C. §§ 2929.21 through 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The 10-day mandatory jail term shall be imposed unless, subject to division (C) of this section, the court instead imposes a sentence of not less than 90 consecutive days of

house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year;

(b) Notwithstanding the fines provided for in R.C. Chapter 2929, a fine of not less than \$500 and not more than \$2,500;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization of the offender's vehicle for 60 days and the impoundment for 60 days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of 30 consecutive days. Notwithstanding the jail terms provided in R.C. §§ 2929.21 through 2929.28, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term;

(b) Notwithstanding the fines set forth in R.C. Chapter 2929, a fine of not less than \$500 and not more than \$2,500;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with R.C. § 4503.234. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with division R.C. § 4503.234(C)(2).

(C) (1) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (B)(1) or (B)(2) of this section unless, within 60 days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term

imposed, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing.

(2) An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(D) Fifty percent of any fine imposed by a court under division (B)(1), (B)(2), or (B)(3) of this section shall be deposited into the municipal Indigent Drivers Alcohol Treatment Fund under the control of that court, as created by the municipality pursuant to R.C. § 4511.191(H).

(E) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

(1) When permitted as specified in R.C. § 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under R.C. § 4503.231, on the vehicle driven subject to the privileges, except as provided in R.C. § 4503.231(B).

(2) A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under R.C. § 3123.58 or R.C. § 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under R.C. Chapter 4507 during the period of the suspension.

(F) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced.

(G) As used in this section:

ELECTRONIC MONITORING. Has the same meaning as in R.C. § 2929.01.

EQUIVALENT OFFENSE. Means any of the following:

(a) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;

(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.

JAIL. Has the same meaning as in R.C. § 2929.01.

MANDATORY JAIL TERM. Means the mandatory term in jail of 3, 10, or 30 consecutive days that must be imposed under division (B)(1), (B)(2), or (B)(3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.

(R.C. § 4510.14) (Rev. 2012)

(G) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(R.C. § 4510.04) (Rev. 2004)

Statutory reference:

Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 71.31 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW SUSPENSION OR CANCELLATION; DRIVING UNDER A NONPAYMENT OF JUDGMENT SUSPENSION.

(A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to R.C. Chapter 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by R.C. Chapter 4509. No person shall operate a motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period in which the

person is required by R.C. § 4509.45 to file and maintain proof of financial responsibility for a violation of R.C. § 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(B) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to R.C. § 4509.37 or 4509.40 for nonpayment of a judgment.

(C) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A) or (B) of this section may be admitted into evidence as prima facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (A) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (B) of this section. The person charged with a violation of division (A) or (B) of this section may offer evidence to rebut this prima facie evidence.

(D) Whoever violates division (A) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in divisions (D) to (I) of this section. Whoever violates division (B) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in divisions (D) to (I) of this section.

(1) Except as otherwise provided in this division (D)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28 (A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27 (A)(3), the offender may be ordered pursuant to § 130.99 (F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of this section, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(E) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to § 130.99(G) or R.C. § 2929.28 in an amount not exceeding \$5,000 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(F) The court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range of time specified in R.C. § 4510.02(A)(7).

(G) (1) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization for 30 days of the vehicle involved in the offense and the impoundment for 30 days of the license plates of that vehicle in accordance with R.C. § 4503.233.

(2) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender has been convicted of or pleaded guilty to two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or any combination of two violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially similar municipal ordinance, the court, in addition to or independent of any other sentence that it imposes on the offender, may order the immobilization for 60 days of the vehicle involved in the offense and the impoundment for 60 days of the license plates of that vehicle in accordance with R.C. § 4503.233.

(3) If the vehicle is registered in the offender's name and if, within three years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or any combination of three or more violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially similar municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the criminal forfeiture to the state of the vehicle involved in the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with R.C. § 4503.234 (C)(2).

(H) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with R.C. §§ 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(I) An order for criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (R.C. § 4510.16) (Rev. 2012)

(J) (1) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(2) It is an affirmative defense to any prosecution brought under this section that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under R.C. § 4509.101(A)(3)(c) and that, at the time of the initial financial responsibility random verification request, the alleged offender was in compliance with R.C. § 4509.101(A)(1) as shown by proof of financial responsibility that was in effect at the time of that request. (R.C. § 4510.04) (Rev. 2004)

Statutory reference:

Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161

§ 71.32 FAILURE TO REINSTATE LICENSE.

(A) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the bureau of motor vehicles, or another provision of the Ohio Revised Code.

(B) Upon the request or motion of the prosecuting authority, a non-certified copy of the law enforcement automated data system report or a non-certified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A) of this section may be admitted into evidence as prima facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of division (A) of this section. The person charged with a violation of division (A) of this section may offer evidence to rebut this prima facie evidence.

(C) Whoever violates this section is guilty of failure to reinstate a license, and shall be punished as follows:

(1) Except as provided in division (C)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to § 130.18, § 130.99 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to § 130.99(E) or R.C. § 2929.26; notwithstanding § 130.99(G)(1)(b)1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to \$1,000; and, notwithstanding § 130.99(F)(1)(c) and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to § 130.99(F)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

(2) If, within three years of a violation of division (A) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of this section, R.C. § 4510.21 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7). (R.C. § 4510.21) (Rev. 2012)

(D) It is an affirmative defense to any prosecution brought under this section that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency. (R.C. § 4510.04) (Rev. 2004)

COMMERCIAL DRIVER'S LICENSES**§ 71.45 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL CONCENTRATION. The concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following: 100 milliliters of whole blood, blood serum, or blood plasma; 210 liters of breath; or 100 milliliters of urine.

COMMERCIAL DRIVER'S LICENSE. A license issued in accordance with R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM. The information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986", 100 Stat. 3207-171, 49 U.S.C. App. 2701.

COMMERCIAL MOTOR VEHICLE. Except when used in R.C. § 4506.25, any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided that the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2) Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;

(3) Any single vehicle or combination of vehicles that is not a Class A or Class B vehicle, but is designed to transport 16 or more passengers including the driver;

(4) Any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under 49 C.F.R. part 172, subpart F, as amended; or

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including but not limited to a motorized

crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

CONTROLLED SUBSTANCE. Includes all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act", 80 Stat. 1242 (1970), 21 U.S.C. § 802(6), as amended;

(2) Any substance included in Schedules I through V of 21 C.F.R. part 1308, as amended;

(3) Any drug of abuse.

CONVICTION. An unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

DISQUALIFICATION. Means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. § 391.

DRIVE. To drive, operate or be in physical control of a motor vehicle.

DRIVER. Any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

DRIVER'S LICENSE. A license issued by the Bureau of Motor Vehicles that authorizes an individual to drive.

DRUG OF ABUSE. Any controlled substance, dangerous drug as defined in R.C. § 4729.01, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

ELIGIBLE UNIT OF LOCAL GOVERNMENT. A village, township, or county that has a population of not

more than 3,000 persons according to the most recent federal census.

EMPLOYER. Any person, including the federal government, any state, and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

ENDORSEMENT. An authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

FARM TRUCK. A truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this definition and is not used in the operations of a motor transportation company or private motor carrier.

FATALITY. The death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of death.

FELONY. Any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one year and includes any offense specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

FOREIGN JURISDICTION. Any jurisdiction other than a state.

GROSS VEHICLE WEIGHT RATING. The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

HAZARDOUS MATERIALS. Any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under 49 C.F.R. part 172, subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

IMMINENT HAZARD. The existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of

a formal proceeding begun to lessen the risk of death, illness, injury, or endangerment.

MOTOR VEHICLE. A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

OUT-OF-SERVICE ORDER. A declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that the driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. § 390.5.

PEACE OFFICER. Has the same meaning as in R.C. § 2935.01

PORTABLE TANK. A liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

PUBLIC SAFETY VEHICLE. Has the same meaning as in R.C. § 4511.01(E)(1) and (E)(3).

RECREATIONAL VEHICLE. Includes every vehicle that is defined as a recreational vehicle in R.C. § 4501.01 and is used exclusively for purposes other than engaging in business for profit.

RESIDENCE. Any person's residence determined in accordance with standards prescribed in the rules adopted by the Registrar.

SCHOOL BUS. Has the same meaning as in R.C. § 4511.01.

SERIOUS TRAFFIC VIOLATION. A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03 or a conviction arising from the operation of any motor vehicle that involves any of the following:

(1) A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;

(2) Violations of R.C. § 4511.20 or R.C. § 4511.201 or any substantially equivalent ordinance or resolution, or of any substantially equivalent law of another state or political subdivision of another state;

(3) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any substantially equivalent law of another state or political subdivision of another state, that results in a fatal accident;

(4) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or

township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(5) Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

(6) Violation of R.C. § 4511.33 or R.C. § 4511.34, or any municipal ordinance or county or township resolution substantially equivalent to either of those sections, or any substantially equivalent law of another state or political subdivision of another state;

(7) Violation of any other law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Ohio Director of Public Safety designates as such by rule.

STATE. A state of the United States and includes the District of Columbia.

TANK VEHICLE. Any commercial motor vehicle that is designed to transport any liquid and has a maximum capacity greater than 119 gallons or is designed to transport gaseous materials and has a water capacity greater than 1,000 pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis. The term does not include any of the following:

(1) Any portable tank having a rated capacity of less than 1,000 gallons;

(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached;

(3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;

(4) Ready-mix concrete mixers.

TESTER. Means a person or entity acting pursuant to a valid agreement entered into pursuant to R.C. § 4506.09(B).

UNITED STATES. Means the 50 states and the District of Columbia.

VEHICLE. Has the same meaning as in R.C. § 4511.01.

(R.C. § 4506.01) (Rev. 2006)

§ 71.46 USE OF ACTUAL GROSS WEIGHT IN LIEU OF RATING.

For purposes of this subchapter, the actual gross weight of a vehicle or combination of vehicles may be used in lieu of a gross vehicle weight rating to determine whether a vehicle or combination of vehicles qualifies as a commercial motor vehicle if the gross vehicle weight rating specified by the manufacturer for the vehicle or combination of vehicles is not determinable, or if the manufacturer of the vehicle has not specified a gross vehicle weight rating.

(R.C. § 4506.011) (Rev. 2006)

§ 71.47 PROHIBITED ACTS.

(A) No person shall do any of the following:

(1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this state, any other state, or by a foreign jurisdiction;

(2) Drive a commercial motor vehicle on a highway in this municipality in violation of an out-of-service order while the person's driving privilege is suspended, revoked, or cancelled, or while the person is subject to disqualification;

(3) Drive a motor vehicle on a highway in the municipality under the authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this state for 30 days or longer;

(4) Knowingly give false information in any application or certification required by R.C. § 4506.07.

(B) The municipality shall give every conviction occurring out of this state and notice of which was received by the state Department of Public Safety after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the conviction had occurred in this state.

(R.C. § 4506.04(A), (B))

(C) No person shall drive any commercial motor vehicle for which an endorsement is required under R.C. § 4506.12 unless the proper endorsement appears on the person's commercial driver's license.

(R.C. § 4506.12(E))

(D) (1) Whoever violates division (A)(1), (A)(2) or (A)(3) of this section is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (A)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of R.C. § 4507.19 apply. (R.C. § 4506.04(C))

(3) Whoever violates division (C) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4506.12(F)) (Rev. 2005)

§ 71.48 PREREQUISITES TO OPERATION OF COMMERCIAL MOTOR VEHICLE.

(A) Except as provided in divisions (B) or (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this municipality unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, a valid examiner's commercial driver's permit issued under R.C. § 4506.13, a valid restricted commercial driver's license and waiver for farm-related service industries issued under R.C. § 4506.24, or a valid commercial driver's license temporary instruction permit issued by the Registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

(2) No person shall be issued a commercial driver's license until the person surrenders to the Registrar of Motor Vehicles all valid licenses issued to the person by another jurisdiction recognized by this state. The Registrar shall report the surrender of a license to the issuing authority, together with information that a license is now issued in this state. The Registrar shall destroy any such license that is not returned to the issuing authority.

(3) No person who has been a resident of this state for 30 days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued in another jurisdiction.

(B) Nothing in division (A) of this section applies to any qualified person when engaged in the operation of any of the following:

- (1) A farm truck;
- (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;
- (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
- (4) A recreational vehicle;

(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio National Guard. This exception does not apply to United States reserve technicians;

(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. § 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to R.C. Chapter 4919, 4921, or 4923;

(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise;

(9) A police SWAT team vehicle;

(10) A police vehicle used to transport prisoners.

(C) Nothing contained in division (B)(5) of this section shall be construed as preempting or superseding any law, rule or regulation of this state concerning the safe operation of commercial motor vehicles. (R.C. § 4506.03(A) - (C)) (Rev. 2010)

(D) Notwithstanding any other provision of law, a person may drive a commercial motor vehicle on a highway in this municipality if all of the following conditions are met:

- (1) The person has a valid commercial driver's license or commercial driver's license temporary instruction permit issued by any state or jurisdiction in accordance with the minimum standards adopted by the Federal Motor Carrier Safety Administration under the "Commercial Motor Vehicle Safety Act of 1986", 100 Stat. 3207-171, 49 U.S.C. App., for issuance of commercial driver's licenses;
- (2) The person's commercial driver's license or permit is not suspended, revoked or cancelled;
- (3) The person is not disqualified from driving a commercial motor vehicle;

(4) The person is not subject to an out-of-service order.
(R.C. § 4506.05(A)) (Rev. 2006)

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. §§ 4506.03(D), 4506.05(B)) (Rev. 2006)

§ 71.49 PHYSICAL QUALIFICATION TO OPERATE COMMERCIAL MOTOR VEHICLES.

(A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so. Each person who drives or expects to drive a commercial motor vehicle in interstate or foreign commerce or is otherwise subject to 49 C.F.R. §§ 391 et seq., as amended, shall certify to the Registrar of Motor Vehicles at the time of application for a commercial driver's license that the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. §§ 391 et seq., as amended, shall also certify at the time of application that the person is not subject to these standards.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 4506.10(A), (E)) (Rev. 2004)

§ 71.50 CRIMINAL OFFENSES.

(A) No person shall do any of the following:

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;

(2) Drive a commercial motor vehicle while having an alcohol concentration of 0.04% or more by whole blood or breath;

(3) Drive a commercial motor vehicle while having an alcohol concentration of .048% or more by blood serum or blood plasma;

(4) Drive a commercial motor vehicle while having an alcohol concentration of .056% or more by urine;

(5) Drive a motor vehicle while under the influence of a controlled substance;

(6) Use a vehicle in the commission of a felony;

(7) Refuse to submit to a test under R.C. § 4506.17;

(8) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, cancelled, or disqualified;

(9) Cause a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in R.C. § 3719.01 or the possession with intent to manufacture, distribute, or dispense a controlled substance;

(11) Drive a commercial motor vehicle in violation of any provision of R.C. §§ 4511.61 through 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

(12) Violate any prohibitions described in divisions (A)(2) through (A)(11) of this section while transporting hazardous materials.
(R.C. § 4506.15(A)) (Rev. 2006)

(B) No person shall refuse to immediately surrender the person's commercial driver's license to a peace officer when required to do so by R.C. § 4506.17.
(R.C. § 4506.17(H))

(C) (1) Within the jurisdictional limits of the appointing authority, any peace officer shall stop and detain any person found violating division (A) of this section without obtaining a warrant. When there is reasonable ground to believe that a violation of division (A) of this section has been committed and a test or tests of the person's whole blood, blood plasma or blood serum, breath or urine is necessary, the peace officer shall take the person to an appropriate place for testing. If a person refuses to submit to a test after being warned as provided in R.C. § 4506.17(C), or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of 0.04% or more by whole blood or breath, an alcohol concentration of .048% or more by blood serum or blood plasma, or an alcohol concentration of .056% or more by urine, the peace officer shall require that the person immediately surrender the person's commercial driver's license to the peace officer.

(2) As used in this division (C), *JURISDICTIONAL LIMITS* means the limits within which a peace officer may arrest and detain a person without a warrant under R.C. § 2935.03, except that the Superintendent and the troopers of the State Highway Patrol may stop and detain, without warrant, any person who, in the presence of the Superintendent or any trooper, is engaged in a violation of any of the provisions of this subchapter or R.C. Chapter 4506.
(R.C. § 4506.23) (Rev. 2006)

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.

(R.C. §§ 4506.15(B), 4506.17(N)) (Rev. 2006)

Statutory reference:

Alcohol or controlled substance testing, disqualification of drivers, see R.C. § 4506.17

Disqualification of drivers for violations, see R.C. § 4506.16

§ 71.51 APPLICATION OF FEDERAL REGULATIONS.

(A) The provisions of 49 C.F.R. part 383, subpart C (Notification Requirements and Employer Responsibilities), as amended, shall apply to all commercial drivers or persons who apply for employment as commercial drivers. No person shall fail to make a report to the person's employer as required by this section.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

(R.C. § 4506.19) (Rev. 2004)

§ 71.52 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(A) Each employer shall require every applicant for employment as a driver of a commercial vehicle to provide the applicant's employment history for the 10 years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;

(2) The dates the applicant was employed by these employers;

(3) The reason for leaving each of these employers.

(B) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1) The driver's commercial driver's license is suspended, revoked, or cancelled by any state or a foreign jurisdiction;

(2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;

(3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or a foreign jurisdiction;

(4) The driver has more than one driver's license.

(C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of R.C. § 4506.15.

(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.

(E) Whoever violates division (C) of this section is guilty of a felony to be prosecuted under appropriate state law.

(R.C. § 4506.20) (Rev. 2006)

§ 71.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty otherwise is provided in the section that contains the provision violated is guilty of a misdemeanor of the first degree.

(R.C. §§ 4506.99, 4507.99) (Rev. 2005)