

OHIO IMPAIRED DRIVING LAW

TYPES OF OFFENSES

- **Operation under the influence of alcohol, drug of abuse or both. R.C. 4511.19(A)(1)(a).**
- **Operation with concentration of alcohol specified below. R.C. 4511.19(A)(1)(b)-(i).**

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

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

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

- **Operation under the influence of alcohol, drug of abuse or both, with prior OVI conviction in 20 years, and with current refusal of chemical test or tests. R.C. 4511.19(A)(2).**
- **Operation by person under age 21 with concentration of alcohol specified below. R.C. 4511.19(B)(1)-(4).**

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

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

ADMINISTRATIVE LICENSE SUSPENSIONS

Refusal of Chemical Test [R.C. 4511.191(B)]

No. of Refusal in 6 Years	Type and Length of Suspension ¹	Driving Privileges ²	Immobilizing or Disabling Device	Restricted Plates as Condition for Privileges
1st	Class C (1 year)	After 30 days	No	Optional
2nd	Class B (2 years)	After 90 days	No	Optional
3rd	Class A (3 years)	After 1 year	No	Optional
4th or more	5 years	After 3 years	No	Optional

Failed Chemical Test [R.C. 4511.191(C)]³

No. of Offense in 6 Years	Type and Length of Suspension ⁴	Driving Privileges ⁵	Immobilizing or Disabling Device	Restricted Plates as Condition for Privileges
1st	Class E (90 days)	After 15 days	Optional	Optional
2nd	Class C (1 year)	After 30 days	Optional	Optional
3rd	Class B (2 years)	After 180 days	Mandatory for days 181-365	Optional
4th or more	Class A (3 years)	After 3 years	Mandatory	Optional

¹ Refusal suspension terminates upon guilty or no contest plea resulting in conviction, and time served is credited against judicial suspension. R.C. 4511.191(B)(2). However, a subsequent finding of not guilty does not affect the suspension. R.C. 4511.191(D)(1). **Refusal of test in a commercial vehicle results in a one-year commercial driver's license disqualification while a second anytime results in a lifetime CDL disqualification.** R.C. 4506.17(D),(E). **No privileges may be granted.** R.C. 4510.13(A)(4). **CDL operators are subject to lower alcohol and controlled substance levels plus separate offenses under R.C. Chap. 4506.**

² No privileges may be granted to offender who within the preceding six years has had three or more refusals. R.C. 4510.13(A)(3).

³ Failed test result is a concentration of alcohol or controlled substance **equal to or greater than** R.C. 4511.19(A)(1)(b)-(e) or (j) amounts. R.C. 4511.101(C)(1).

⁴ Suspension for failing test terminates upon guilty or no contest plea resulting in conviction, and time served is credited against any judicial suspension. R.C. 4511.191(C)(2). Under R.C. 4511.191(D)(1), any subsequent finding of not guilty does not affect the suspension. But note R.C. 4511.197(D), stating that if the suspension is continued upon appeal, a subsequent finding of not guilty terminates the suspension.

⁵ No privileges may be granted to offender who within the preceding six years has had three or more convictions or guilty pleas. R.C. 4510.13(A)(3).

Appeal [R.C. 4511.197]

An administrative license suspension may be appealed at the initial appearance (5 day hearing), or within 30 days of the same. The scope of appeal is limited to determining whether one or more of the following conditions have not been met:

1. Whether the officer had reasonable ground to believe the person was OVI, OVUAC, or in physical control, in violation of statute or municipal ordinance, and whether the person was in fact placed under arrest. R.C. 4511.197(C)(1).
2. Whether the officer requested the person to submit to chemical test or tests. R.C. 4511.197(C)(2).
3. Whether the officer informed the person of consequences of taking or refusing test or tests. R.C. 4511.197(C)(3).
4. Whichever of the following applies:
 - a. the person refused to submit to test or tests requested by the officer, or
 - b. the arrest was for OVI or OVUAC, and if it was, whether test result was failing. R.C. 4511.197(C)(4).