



SUMMARY OF HB 388 (AS INTRODUCED, 11.5.15)

- 45 day hard suspension is unaffected by the bill (4510.022)
- For a first-time OVI offender, the court **can** either:
 - Give no driving privileges
 - Give limited driving privileges (as under current law)
 - Give unlimited privileges (at petition of offender), with use of IID
 - Under 4510.17, this is also true for federal OVIs and OVIs from other states
 - This is also true for underage OVI
- **If** the court grants unlimited privileges with IID, the court **must**:
 - Issue an order authorizing the offender to use a vehicle only with an IID
 - Give a copy of the order to the offender with notice of sanction for violations
 - Submit a copy of the order to the BMV
- If the court grants unlimited privileges with IID, the court **can**:
 - Reduce the total suspension time, but not by more than half
- An offender who gets unlimited privileges with IID must get a new license that states that restriction. An offender will be charged under 4510.14 (strict liability DUS) if:
 - Drives without an IID
 - Drives without a license stating the IID restriction
- If an offender either drives without an IID or tampers with his IID, the court **may**:
 - Order the offender to wear a SCRAM device
 - On a second violation, the court **must** order SCRAM for at least 40 days (60 days for third violation)
 - Court **can** increase length of suspension, but **must** do so by at least 60 days if the offense happens within 60 days of the end of the originally determined suspension
 - This applies every time a new violation occurs in that timeframe (i.e. the suspension can increase by 60 day intervals indefinitely)
 - The same scheme applies to violations of 4511.19(G)(1)(a), (b), and (H)
 - The same scheme is provided in 4510.13 (F) – Restrictions On Suspension
- For every IID ordered by the court, the court **must** impose a cost of \$2.50, which will go to DPS to cover the cost of operating the OVI Offender Registry. An additional \$2.50 **may** be charged, to go into the Special Projects Fund.
- The look-back period is generally extended to 10 years, in all cases throughout Chapter 45.



- Beginning in January 2020, IIDs must be equipped with a camera to be certified for use through DPS, and “rolling tests” are no longer required
- 4510.44 [Immobilization or disabling device violation] – new language clarifies when a violation occurs
- Under 4510.45, an IID manufacturer:
 - Agrees to install IIDs for indigent offenders at a reduced fee
 - Can fail to have license renewed if does not report instances of IID tampering
- Under 4510.46, a “monitoring entity” (i.e. the manufacturer) is to notify the court every time the IID prevents an offender from starting his vehicle and must also notify the Registrar of Motor Vehicles as soon as practicable
- Under current law, the court shall notify the offender if the court is notified of a failure to start an IID-equipped vehicle. Then the court **may**:
 - Increase the length of the suspension
 - But **must** do so if the violation occurs within 60 days of the end of the suspension
 - The current prohibition against a suspension exceeding the maximum amount the court was authorized to suspend is removed from 4510.46
 - An offender may appeal a suspension increase, within 14 days of getting notice of it
- Under 4511.19 (G) [operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance]:
 - “Class 5 suspension” (6 mos. to 3 yrs.) is removed and replaced with 1 year – 5 years
 - “Class 4 suspension” (1 yr. – 5 yrs.) is removed and replaced with 1 year – 7 years
 - “Class 3 suspension” (2 yrs. – 10 yrs.) is removed and replaced with 2 years – 12 years
- 4511.199 creates a reporting requirement for courts to the Supreme Court and for the Supreme Court to the public