

OHIO OVI/PHYSICAL CONTROL MISDEMEANOR OFFENSE PENALTIES*

OPERATING A VEHICLE UNDER THE INFLUENCE [R.C. 4511.19 (A) and (G)]

<i>No. of Offense in 6 years</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>Mandatory License Suspension</i>	<i>Limited Driving Privileges</i>	<i>Immobilization/ Forfeiture</i>	<i>Restricted Plates for Privileges</i>
First ¹	M-1	3 days jail or DIP, up to 6 months	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Yes
First high-end ²	M-1	3 days jail and 3 days DIP or 6 days jail, up to 6 months	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Yes
Second	M-1	10 days jail or 5 days jail and 18 days EMHA, up to 6 months	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ	Yes
Second high-end	M-1	20 days jail or 10 days jail and 36 days EMHA, up to 6 months	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ	Yes
Third	Unclassified misdemeanor	30 days jail or 15 days jail and 55 days EMHA, up to 1 year	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years)	After 180 days. Disabling device required for days 181 to 365.	Forfeiture if registered to Δ. Opt. fine = value if vehicle transferred.	Yes
Third high-end	Unclassified misdemeanor	60 days jail or 30 days jail and 110 FMHA, up to 1 year	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years)	After 180 days. Disabling device required for days 181 to 365.	Forfeiture if registered to Δ. Opt. fine = value if vehicle transferred.	Yes

OPERATING VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION [R.C. 4511.19(B) and (H)]

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

PHYSICAL CONTROL WHILE UNDER THE INFLUENCE [R.C. 4511.194]

<i>No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>Mandatory License Suspension</i>	<i>Limited Driving Privileges</i>	<i>Immobilization/ Forfeiture</i>	<i>Restricted Plates for Privileges</i>
Any	M-1	0 - 180 days	\$0 - \$1,000	Optional	None mandatory. Optional Class 7 (up to 1 year)	Yes	No	Optional

***Effective January 1, 2004**

¹ *Per se* levels are .08% by whole blood; .096% by serum or plasma; .08 gram by breath; and .11 gram by urine. R.C. 4511.19(A)(2) to (5)

² *Per se* levels for high-end offenses are .17% by whole blood; .204% by serum or plasma; .17 gram by breath; and .238 gram by urine. R.C. 4511.19(A)(6) to (9)

³ Underage levels are .02% to .08% by whole blood; .03% to .096% by serum or plasma; .02 to .08 gram by breath; and .028 to .11 gram by urine. R.C. 4511.19(B)(1) to (4)