

Summary of Major OVI Penalties¹

	1st Offense	2nd Offense within 6 years (misdemeanor)	3rd Offense within 6 years (misdemeanor)	4th Offense or more within 6 years (4th degree felony)
ALS for .08% or above BAC	90 days	1 year	2 years	3 years
ALS for test refusal	1 year	2 years	3 years	5 years
Court license suspension	6 months to 3 years	1 to years	2 to 10 years	3 years to life
Fine	\$250-\$1,000	\$350-\$1,500	\$550-\$2,500	\$800-\$10,000
Jail time for .08%-.17% BAC	Mandatory consecutive 3 days and/or court ordered participation in a DIP (cumulative court ordered jail time can't exceed 6 months)	Mandatory minimum 10 consecutive days or combination of jail and EMHA (cumulative court ordered jail time can't exceed 6 months) and court may order a DIP and/or treatment	Mandatory 30 consecutive days or combination of jail and EMHA (cumulative court ordered jail time can't exceed 1 year)	Court may impose a local incarceration of 6 to 18 months. If offender accumulates 5 or more OVI convictions in 20 years, incarceration could reach 30 months. ²
Jail time for above .17% BAC	Mandatory minimum consecutive 3 days and 3 days in DIP. If DIP performed at jail and offender refuses or court determines there would be no benefit from the program, offender will receive a minimum consecutive 6-day jail term (cumulative court ordered jail time can't exceed 6 months) and court may order other treatment education programs	Mandatory minimum 20 consecutive days or combination of jail and EMHA (cumulative court ordered jail time can't exceed 6 months) and court may order a DIP and/or treatment	Mandatory 30 consecutive days or combination of jail and EMHA (cumulative court ordered jail time can't exceed 1 year) and mandatory attendance in a treatment program	Court may impose a local incarceration of 6 to 18 months. If offender accumulates 5 or more OVI convictions in 20 years, incarceration could reach 30 months. ²
Limited driving privileges	If court ordered, 15 or 30 days after date of offense. Restricted license plate required for .17% BAC or above.	If court ordered, with restricted license plates only after 1 year	If court ordered, with restricted license plates only after 1 year	If court ordered, with restricted license plates only after 3 years
Vehicle restrictions		Vehicle immobilization and plates impounded for 90 days	Criminal forfeiture of vehicle for a 3 rd OVI conviction within 5 years	Criminal forfeiture of vehicle for a 3 rd OVI conviction within 5 years

An offense with a prior felony OVI offense: After pleading guilty to or being convicted of a felony charge, if caught violating the law again you are subject to a third-degree felony charge and the following applies: Court license suspension for three years to life; fine from \$800 to \$10,000; for BAC .08% to .17%—court imposed 60 day prison term, up to five years; for BAC over .17%—court imposed 120 day prison term, up to five years; driver will commence a treatment program; driver's vehicle is subject to criminal forfeiture. If forfeiture occurs, no vehicle can be registered in the offender's name for 5 years.

¹ Chart summarizes major changes to Ohio OVI laws. It does not detail all provisions of the law.

² Based on HB 52, effective June 1, 2004

Definitions:

OVI—Operating a Vehicle Under the Influence

ALS—Administrative License Suspension

DIP—Driver Intervention Program

EMHA—Electronically Monitored House Arrest