

Administrative License Suspension

II. CHARTS

§ 6:23

§ 6:23 Administrative License Suspension--Chart

ADMINISTRATIVE LICENSE SUSPENSION¹

ARREST

1. Arrest based upon reasonable grounds to believe defendant was violating R.C. 4511.19 or similar city ordinance Upon a highway or public or private property used for public vehicle travel or parking.
2. Officer asks defendant to submit to test(s) and provides and reads implied consequence form indicating consequences of positive test results or refusal.

A.If Arrestee tests over .08 BAC or refuses test, officer serves notice of suspension, effective immediately. and seizes license. Notified defendant of appeal rights and sends license to Bureau along with a sworn report containing all the above. Also sends sworn report to court. ALS takes affect immediately, and is as follows.

Positive Test Suspension ²	
No Prior Conviction	90 Days (Class E)
One Prior Conviction	1 Year (Class C)
Two Prior Convictions	2 Years (Class B)
More than Two Prior Convictions	3 Years (Class A)

Refusal Suspension ³	
No Prior Conviction	1 Year (Class C)
One Prior Conviction	2 Years (Class B)
Two Prior Convictions	3 Years (Class A)
More than Two Prior Convictions	5 Years (no Class)

- B. If test under .08. or if no test, officer seizes license and sends to court for possible judicial pretrial suspension.

Arraignment—5 day hearing

APPEAL OF SUSPENSION

Defendant files written request for hearing at a 5-day hearing, or within 30 days thereafter, in court where person will appear for criminal charges. Appeal does not stay suspension, unless court specifically grants stay.

SCOPE OF HEARING

- Was there an arrest and reasonable grounds for same?
- Was there a proper reading of implied consent form?
- Was there a refusal or a proper positive test result?

PETITION FOR OCCUPATIONAL DRIVING PRIVILEGES

Defendant files petition in common pleas court, municipal court, county court, mayor's Court, or juvenile court with jurisdiction over the related criminal or juvenile case.

SCOPE OF HEARING

Whether reason able grounds to believe the suspension would seriously affect the person's ability to continue his/her employment. If so, court may grant *occupational privileges* as follows

Positive Test Suspension	
No Prior Conviction	After 15 days
One Prior Conviction	After 30 days
Two Prior Convictions	After 180 Days : Interlock required
More than Two Prior Convictions	After 3 years: Interlock required

Refusal Suspension	
No Prior Conviction	After 30 days
One Prior Conviction	After 90 Days
Two Prior Convictions	After 1 year
More than Two Prior Convictions	After 3 years

Court gives person a permit card containing all conditions of privileges. Provides information of its decision to Bureau.

ENDNOTES

1. Rc 4511.191
2. Period of Suspension is enhanced by number of prior convictions within six years of RC 4511.19 or similar\ city ordinance, or vehicular homicide offense while

OVL, or involuntary manslaughter where OVI was an element. The six-year period is from date of test to date of prior conviction. RC4511.191(B)(1)(b). But because of the suspension for testing over the prohibited alcohol level terminates on a conviction or on a not guilty finding, the ALS for testing “over” the presumptive level has validity as a pre-trial suspension only—so the periods are substantially irrelevant.

3. Period of suspension is enhanced by number of prior refusals within the previous five years from date of present refusal to date of prior refusal.