

ADMINISTRATIVE LICENSE SUSPENSION PROVISIONS

Failing Test [R.C. 4511.191(C)]¹

<i>No. of Offense in 6 years</i>	<i>Length of Suspension</i> ²	<i>Driving Privileges</i> ³
1	Class E (90 days)	After 15 days
2	Class C (1 year)	After 30 days
3	Class B (2 years)	After 180 days ⁴
4 or more	Class A (3 years)	After 3 years

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

<i>No. of Refusal in 6 years</i>	<i>Length of Suspension</i> ⁵	<i>Driving Privileges</i> ⁶
1	Class C (1 year)	After 30 days
2	Class B (2 years)	After 90 days
3	Class A (3 years)	After 1 year
4 or more	5 years	After 3 years

¹ A failing test does not result in a suspension for an offender charged with physical control. R.C. 4511.191(C)(1).

² Suspension for failing test terminates upon guilty plea or no contest plea resulting in conviction; and time served is credited against 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 language of R.C. 4511.197(D) to the effect that if the suspension is continued upon appeal, a subsequent not guilty finding results in termination of the suspension.

³ Restricted plates are not required, but are optional, for the grant of driving privileges under an administrative license suspension. No privileges may be granted to offender whose license is suspended under R.C. 4511.191(C), and who, within the preceding six years, has had three or more convictions or guilty pleas. R.C. 4510.13(A)(3).

⁴ Immobilizing or disabling device required for privileges granted for days 181 to 365. R.C. 4510.13(A)(5)(d).

⁵ Refusal suspension terminates upon guilty plea or no contest plea resulting in conviction; and time served is credited against judicial suspension. R.C. 4511.191(B)(2). Any subsequent finding of not guilty does not affect the suspension. R.C. 4511.191(D)(1).

⁶ No privileges may be granted to offender whose license is suspended under R.C. 4511.191(B), and who, within the preceding six years, has had three or more refusals. 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 appeal, or any continuance of the same, does not operate as a stay unless stay is specifically granted. R.C. 4511.197(A). The scope of appeal is limited to determining whether one or more of the following conditions have not been met:

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

Person appealing suspension has burden of proving, by a preponderance of the evidence, that one or more of the conditions have not been met. If all conditions are met, court shall uphold and continue suspension until adjudication on the merits or other termination. If the appeal is well taken, court shall terminate suspension and notify BMV. R.C. 4511.197(D). A pretrial court suspension may be imposed if appeal is granted or if no ALS has been imposed, upon a determination that the person's continued driving will be a threat to public safety. R.C. 4511.196(B). Court suspension shall continue until final adjudication. R.C. 4511.196(C).