

**AMENDING SECTION 335.07 OF THE CODIFIED ORDINANCES  
FOR THE VILLAGE OF GREENHILLS  
REGARDING DRIVING UNDER SUSPENSION**

WHEREAS, the Ohio Revised Code has recently been amended to make certain changes to the penalties associated with certain categories of driving under suspension violations; and

WHEREAS, it is the desire of Council for Section 335.07 of the Codified Ordinances to conform with these amended provisions of the Ohio Revised Code; and

WHEREAS, Council has determined that it is necessary to amend Section 335.07.

NOW, THEREFORE, be it ordained by the Council of the Village of Greenhills, Ohio, 6 members elected thereto concurring:

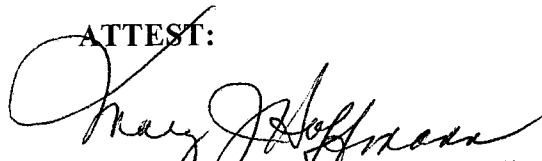
**Section 1.** That Section 335.07 of the Village of Greenhills Codified Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

**Section 2.** That this Ordinance shall be effective from and after the earliest period allowed by law.

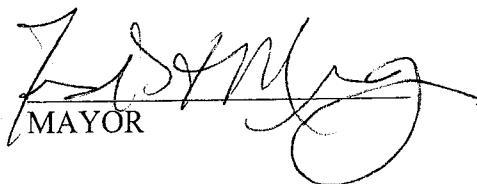
PASSED THIS 6 DAY OF April, 2010.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

APPROVED:

  
\_\_\_\_\_  
MAYOR

*Revisions*

.335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) (1) (A) Except as provided in division (c)(1)(B) of this section, whoever violates division (a) of this section is guilty of driving under suspension, a misdemeanor of the first degree. The court shall impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

**Deleted:** Whoever  
**Deleted:** or in violation of a license restriction

(B) If the offender's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 3123.58 or 4510.22 of the Revised Code, a violation of division (a) of this section is an unclassified misdemeanor. The offender may be fined up to one thousand dollars and pursuant to division (B) of section 2929.27 of the Revised Code additionally may be ordered to serve a term of community service of up to five hundred hours. If the offender previously was convicted of or pleaded guilty to two or more violations of this section as a substantially equivalent statute or municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.

(2) Whoever violates division (b) of this section is guilty of driving in violation of a license restriction, a misdemeanor of the first degree.

(3) Except as provided in subsection (c)(4) or (5) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for thirty days.

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(4) If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for sixty days.

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(5) If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the State.

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(d) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

*New language*

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

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(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

(c) (1) (A) Except as provided in division (c)(1)(B) of this section, whoever violates division (a) of this section is guilty of driving under suspension, a misdemeanor of the first degree. The court shall impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

(B) If the offender's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 3123.58 or 4510.22 of the Revised Code, a violation of division (a) of this section is an unclassified misdemeanor. The offender may be fined up to one thousand dollars and pursuant to division (B) of section 2929.27 of the Revised Code additionally may be ordered to serve a term of community service of up to five hundred hours. If the offender previously was convicted of or pleaded guilty to two or more violations of this section as a substantially equivalent statute or municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.

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(4) If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for sixty days.

(5) If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the State.

(d) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

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*Revisions*

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