

IN THE DELAWARE MUNICIPAL COURT, DELAWARE COUNTY, OHIO

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State of Ohio/City-Village of _____

Case No. _____

vs.

Def. DOB: _____

Def. OLN# _____

Defendant

Petition for "Unlimited Driving Privileges" per R.C. § 4510.022 During OVI Suspension

Defendant is/will be a first-time offender and moves the court to grant unlimited driving privileges with a certified ignition interlock device (CIID) during any period of suspension imposed herein for an OVI offense and to impose sentence (or modify existing sentence) as provided by R.C. § 4510.022. Defendant acknowledges that upon notice that the CIID prevented vehicle start by offender or is circumvented/tampered with, or a vehicle is operated w/o CIID, the court may require remote-function continuous alcohol monitor be worn for 0 - 60+ days and either double the period that OL is suspended and/or that CIID is required, or extend CIID requirement by 60+ days per R.C. § 4510.022(E); if Defendant violates any term or condition of the order, the court must require Defendant to serve the jail term. R.C. § 4510.022(C)(2).

Proof of current financial responsibility (liability insurance) per R.C. § 4509.101 is [] attached [] previously filed.

Defendant / Attorney for Defendant

Attorney for Defendant Print name

SCN

Street

City

State

Zip

Telephone

email

R.C. § 4510.022.

(1) "First-time offender" means a person whose driver's license or commercial driver's license or permit or nonresident operating privilege has been suspended for being convicted of, or pleading guilty to, an OVI offense under any of the following:

(a) R.C. § 4511.19(G)(1)(a) or (H)(1);

(b) R.C. § 4510.07 for a municipal OVI offense when the offense is equivalent to offense under R.C. § 4511.19(G)(1)(a) or (H)(1);

(c) R.C. § 4510.17(B) or (D) when offense is equivalent to offense under division R.C. § 4511.19(G)(1)(a) or (H)(1).

(2) "OVI offense" means a violation of R.C. § 4511.19 or . . . a substantially similar municipal ordinance or [federal or state law]

(3) "Unlimited driving privileges" means driving privileges that are unrestricted [as to time, place, or purpose].

Judgment Entry - Magistrate's Decision / Post Conviction

[] 1. Petition granted; Defendant's driving rights suspended shall be from _____, 20____ for _____ days/months/years as a) [] unchanged b) [] as reduced (≤ half) from original sentencing entry. Defendant is authorized to operate only vehicle equipped with a CIID, only while in compliance with R.C. § 4510.44 and in possession of OBMV-issued restricted license. If Defendant is not owner-shareholder-member-partner of employer, and employer acknowledges notice of this restriction as below shown,* CIID is not required on employer-owned vehicle not used for commuting. Jail term previously imposed herein, if any, is suspended; the court retains jurisdiction until the expiration of the driving rights suspension (and as otherwise provided). CIID costs per R.C. § 4510.022(F) / 4510.13(A)(10) are assessed. Clerk: Serve a copy hereof on the parties and the OBMV.

[] 2. Defendant [] is not [] is an indigent offender eligible for reduced-fee CIID installation per R.C. § 4510.45. OAC §120-1-03.

[] 3. Petition denied. Limited driving privileges: [] granted per separate entry. [] Defendant may apply.

4. _____

Magistrate / Judge

Judge - Adopted as final order subject to CR19/TR 14

WebCrTr UDPPetition032217.wpd0930032417

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*I certify under penalty of law that I am Defendant's employer/supervisor and I acknowledge receipt of this notice. [Court file stamp is required IN THIS BOX after it is signed by employer in order for Defendant to operate employer vehicle (not for commuting) w/o CIID.]

Employer name _____

X

Date _____

address _____

Print name _____

Copy served on _____, 20____ by _____, Dep Clerk on: [] Defendant by EM OM PS _____, [] Atty. for Defendant by EM OM PS _____, [] Prosecutor by EM _____, [] OBMV by EM OM _____.