



Ohio Administrative Code

Rule 4501:1-1-25 Report of peace officer; request of commercial motor vehicle driver to submit to blood, breath or urine test(s) for alcohol concentration or controlled substances.

Effective: August 13, 2007

(A) The report required by section 4506.17 of the Revised Code shall contain the following:

(1) A certification that the investigating peace officer had probable cause to stop or detain the person;

(2) A certification that the investigating peace officer, after investigation, had probable cause to believe that the person was driving a commercial motor vehicle within the state of Ohio in violation of section 4506.15 of the Revised Code;

(3) The name and current address of the driver; sufficient information to identify the driver which may include the driver's date of birth, social security number, driver license number and state of issue, and county of residence; the date and time of the alleged violation; the date and time of refusal to submit to a test or tests, if applicable; the date and time of the submission to a test or tests, if applicable; and, any other information prescribed by the registrar;

(4) A certification that the peace officer read and showed the following statement to the driver: "I am a peace officer; I have probable cause to stop or detain you. After investigating the circumstances, I have probable cause to believe that you were driving a commercial motor vehicle in violation of section 4506.15 of the Revised Code. I request that you submit to a test or tests of your blood, breath, or urine for the purpose of determining your alcohol concentration or the presence of any controlled substance. If you refuse to submit to the test or tests you will immediately be placed out-of-service for twenty-four hours, you will be disqualified from operating a commercial motor vehicle for a period of not less than one year, and you will be required to surrender your commercial driver's license to me;"

(5) A place for the driver to sign acknowledging the fact that the peace officer read and showed the foregoing statement to the driver;



- (6) A certification that the peace officer requested the driver to submit to a blood, breath, or urine test or tests for alcohol concentration or for the presence of any controlled substance in accordance with division (A) of section 4506.17 of the Revised Code;
- (7) If the driver refused to submit to the requested test or tests, a statement that the driver refused to submit to the requested test or tests; and,
- (8) If the driver submitted to the requested test or tests and the test or tests disclosed the presence of a controlled substance or an alcohol concentration of four hundredths of one per cent or more, by whole blood or breath, an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma, or an alcohol concentration of fifty-six-thousandths of one per cent or more by urine, a statement that the test or tests disclosed the presence of a controlled substance or an alcohol concentration of four hundredths of one per cent or more.
- (B) The driver's signature on the report shall constitute evidence of the fact that the peace officer read and showed the statement to the driver, but shall not constitute evidence of whether or not the driver refused to submit to the requested test or tests. If the driver refuses to sign acknowledging that the peace officer read and showed the statement to the driver, the peace officer shall note the driver's refusal to sign. The driver's refusal to sign shall not affect the validity or enforceability of the peace officer's report.
- (C) The peace officer shall swear to or affirm the contents of the report before a person authorized to administer oaths in this state.
- (D) If the report of the peace officer states that the driver refused to submit to the requested test or tests or states that the driver submitted to the requested test or tests which disclosed the presence of a controlled substance or an alcohol concentration of four hundredths of one per cent or more, the registrar shall notify the driver, by regular mail to the address stated on the report, that the driver will be disqualified from driving a commercial motor vehicle for the period required by section 4506.16 of the Revised Code.
- (E) The disqualification procedure shall be in accordance with the procedure set forth in rule 4501:1-



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #273984

1-24 of the Administrative Code.