

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 62

A B I L L

To amend sections 9.54, 107.03, 119.14, 122.14, 1
164.08, 307.86, 505.267, 505.71, 723.52, 723.53, 2
1349.61, 3327.07, 4111.03, 4111.14, 4121.01, 3
4123.01, 4141.01, 4301.62, 4501.01, 4503.038, 4
4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 5
4506.09, 4506.11, 4506.17, 4507.01, 4507.06, 6
4507.13, 4507.23, 4507.50, 4507.51, 4507.52, 7
4509.101, 4510.04, 4511.21, 4511.521, 4511.76, 8
4513.263, 4513.34, 4549.10, 4582.12, 4582.31, 9
5501.21, 5501.41, 5543.19, 5575.01, 5577.15, 10
5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 11
5735.142, 5735.27, 5736.01, and 5751.01; to enact 12
sections 3.112, 306.051, 4503.193, 4926.01, 13
4926.02, 4926.03, 4926.04, 4926.05, 4926.06, 14
4926.07, 4926.08, 4926.09, 5517.07, 5534.014, 15
5534.407, 5534.807, and 5735.50; and to repeal 16
section 9.57 of the Revised Code and to amend 17
Sections 213.20 and 223.15 of H.B. 529 of the 18
132nd General Assembly, as subsequently amended, 19
and to repeal Section 3 of Am. Sub. S.B. 20 of the 20
120th General Assembly, as subsequently amended, 21
effective January 1, 2020, to increase the rate of 22
and modify the distribution of revenue from motor 23
fuel excise taxes, to make appropriations for 24
programs related to transportation and public 25

safety for the biennium beginning July 1, 2019, 26
and ending June 30, 2021, and to provide 27
authorization and conditions for the operation of 28
those programs. 29

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 9.54, 107.03, 119.14, 122.14, 30
164.08, 307.86, 505.267, 505.71, 723.52, 723.53, 1349.61, 3327.07, 31
4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 32
4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 4506.09, 33
4506.11, 4506.17, 4507.01, 4507.06, 4507.13, 4507.23, 4507.50, 34
4507.51, 4507.52, 4509.101, 4510.04, 4511.21, 4511.521, 4511.76, 35
4513.263, 4513.34, 4549.10, 4582.12, 4582.31, 5501.21, 5501.41, 36
5543.19, 5575.01, 5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 37
5735.053, 5735.142, 5735.27, 5736.01, and 5751.01 be amended and 38
sections 3.112, 306.051, 4503.193, 4926.01, 4926.02, 4926.03, 39
4926.04, 4926.05, 4926.06, 4926.07, 4926.08, 4926.09, 5517.07, 40
5534.014, 5534.407, 5534.807, and 5735.50 of the Revised Code be 41
enacted to read as follows: 42

Sec. 3.112. An elected officer or an employee of a county, 43
township, or municipal corporation may simultaneously serve as a 44
member or officer of the board of trustees of a transportation 45
improvement district created under Chapter 5540. of the Revised 46
Code. Neither the simultaneous holding of the two positions nor 47
the financial or contractual relationship between a county, 48
township, or municipal corporation and the transportation 49
improvement district shall constitute the holding of incompatible 50
offices or employment and are permissible, notwithstanding Ohio 51
common law or any contrary provision of the Revised Code. An 52
elected officer or an employee of a county, township, or municipal 53
corporation who serves simultaneously as a member or officer of 54

the board of trustees of a transportation improvement district 55
does not have an unlawful interest in a public contract under 56
section 2921.42 of the Revised Code by virtue of a financial or 57
contractual relationship between the county, township, or 58
municipal corporation and the transportation improvement district. 59

Sec. 9.54. Whoever erects or replaces a sign containing the 60
international symbol of access shall ~~use~~ do both of the following: 61

(A) Use forms of the word "accessible" rather than forms of 62
the words "handicapped" or "disabled" whenever words are included 63
on the sign; 64

(B) For the international symbol of access, use a logo that 65
depicts a dynamic character leaning forward with a sense of 66
movement. 67

Sec. 107.03. (A) As used in this section, "transportation 68
budget" means the biennial budget that primarily includes the 69
following: 70

(1) Motor fuel excise tax-related appropriations for the 71
department of transportation, public works commission, and 72
development services agency; 73

(2) Other appropriations that pertain to transportation and 74
infrastructure related to transportation. 75

(B) The governor shall submit a transportation budget to the 76
general assembly not later than four weeks after the general 77
assembly's organization. 78

(C) The governor shall submit to the general assembly, not 79
later than four weeks after its organization, a state budget 80
containing a complete financial plan for the ensuing fiscal 81
biennium, excluding items of revenue and expenditure described in 82
section 126.022 of the Revised Code. However, in years of a new 83

governor's inauguration, ~~the~~ this budget shall be submitted not 84
later than the fifteenth day of March. ~~In~~ 85

(D) In years of a new governor's inauguration, only the new 86
governor shall submit a budget to the general assembly. In 87
addition to other things required by law, each of the governor's 88
~~budget~~ budgets shall contain: 89

~~(A)~~(1) A general budget summary by function and agency 90
setting forth the proposed total expenses from each and all funds 91
and the anticipated resources for meeting such expenses; such 92
resources to include any available balances in the several funds 93
at the beginning of the biennium and a classification by totals of 94
all revenue receipts estimated to accrue during the biennium under 95
existing law and proposed legislation. 96

~~(B)~~(2) A detailed statement showing the amounts recommended 97
to be appropriated from each fund for each fiscal year of the 98
biennium for current expenses, including, but not limited to, 99
personal services, supplies and materials, equipment, subsidies 100
and revenue distribution, merchandise for resale, transfers, and 101
nonexpense disbursements, obligations, interest on debt, and 102
retirement of debt, and for the biennium for capital outlay, to 103
the respective departments, offices, institutions, as defined in 104
section 121.01 of the Revised Code, and all other public purposes; 105
and, in comparative form, the actual expenses by source of funds 106
during each fiscal year of the previous two bienniums for each 107
such purpose. No alterations shall be made in the requests for the 108
legislative and judicial branches of the state filed with the 109
director of budget and management under section 126.02 of the 110
Revised Code. If any amount of federal money is recommended to be 111
appropriated or has been expended for a purpose for which state 112
money also is recommended to be appropriated or has been expended, 113
the amounts of federal money and state money involved shall be 114
separately identified. 115

~~(C)~~(3) A detailed estimate of the revenue receipts in each 116
fund from each source under existing laws during each year of the 117
biennium; and, in comparative form, actual revenue receipts in 118
each fund from each source for each year of the two previous 119
bienniums; 120

~~(D)~~(4) The estimated cash balance in each fund at the 121
beginning of the biennium covered by the budget; the estimated 122
liabilities outstanding against each such balance; and the 123
estimated net balance remaining and available for new 124
appropriations; 125

~~(E)~~(5) A detailed estimate of the additional revenue receipts 126
in each fund from each source under proposed legislation, if 127
enacted, during each year of the biennium; 128

~~(F)~~(6) A description of each tax expenditure; a detailed 129
estimate of the amount of revenues not available to the general 130
revenue fund under existing laws during each fiscal year of the 131
biennium covered by the budget due to the operation of each tax 132
expenditure; and, in comparative form, the amount of revenue not 133
available to the general revenue fund during each fiscal year of 134
the immediately preceding biennium due to the operation of each 135
tax expenditure. The report prepared by the department of taxation 136
pursuant to section 5703.48 of the Revised Code shall be submitted 137
to the general assembly as an appendix to the governor's budget. 138
As used in this division, "tax expenditure" has the same meaning 139
as in section 5703.48 of the Revised Code. 140

~~(G)~~(7) The most recent report prepared by the tax expenditure 141
review committee under division (F) of section 5703.95 of the 142
Revised Code, which shall be submitted to the general assembly as 143
an appendix to the governor's budget. 144

Sec. 119.14. (A) For any small business that engages in a 145
paperwork violation, the state agency or regulatory authority that 146

regulates the field of operation in which the business operates 147
shall waive any and all administrative fines or civil penalties on 148
that small business for the violation, if the paperwork violation 149
is a first-time offense. 150

(B) When an agency or regulatory authority waives an 151
administrative fine or civil penalty under this section, the state 152
agency or regulatory authority shall require the small business to 153
correct the violation within a reasonable period of time. 154

(C) Notwithstanding this section, a state agency or 155
regulatory authority may impose administrative fines or civil 156
penalties on a small business for a paperwork violation that is a 157
first-time offense for any of the following reasons: 158

(1) The violation has the potential to cause serious harm to 159
the public interest as determined by a state agency or regulatory 160
authority director; 161

(2) The violation involves a small business knowingly or 162
willfully engaging in conduct that may result in a felony 163
conviction; 164

(3) Failure to impose an administrative fine or civil penalty 165
for the violation would impede or interfere with the detection of 166
criminal activity; 167

(4) The violation is of a law concerning the assessment or 168
collection of any tax, debt, revenue, or receipt; 169

(5) The violation presents a direct danger to the public 170
health or safety, results in a financial loss to an employee ~~as~~ 171
~~defined in section 4111.03 of the Revised Code~~, or presents the 172
risk of severe environmental harm, as determined by the head of 173
the agency or regulatory authority; 174

(6) The violation is a failure to comply with a federal 175
requirement for a program that has been delegated from the federal 176

government to a state agency or regulatory authority and where the 177
federal requirement includes a requirement to impose a fine. 178

(D)(1) Nothing in this section shall prohibit a state agency 179
or regulatory authority from waiving administrative fines or civil 180
penalties incurred by a small business for a paperwork violation 181
that is not a first-time offense. 182

(2) Any administrative fine or civil penalty that is waived 183
under this section, may be reinstated and imposed in addition to 184
any additional fines or penalties associated with a subsequent 185
violation for noncompliance with the same paperwork requirement. 186

(E) This section shall not apply to any violation by a small 187
business of a statutory or regulatory requirement mandating the 188
collection of information by a state agency or regulatory body if 189
that small business previously violated any such requirement 190
mandating the collection of information. 191

(F) Nothing in this section shall be construed to diminish 192
the responsibility for any citizen or business to apply for and 193
obtain a permit, license, or authorizing document that is required 194
to engage in a regulated activity, or otherwise comply with state 195
or federal law. 196

(G) As used in this section: 197

(1) "Small business" has the same meaning as defined by the 198
Code of Federal Regulations, Title 13, Chapter 1, Part 121. 199

(2) "Paperwork violation" means the violation of any 200
statutory or regulatory requirement in the Revised Code mandating 201
the collection of information by a state agency or regulatory 202
body. 203

(3) "First-time offense" means the first instance of a 204
violation of the particular statutory or regulatory requirement 205
mandating the collection of information by a state agency or 206

regulatory body.	207
<u>(4) "Employee" means any individual employed by an employer</u>	208
<u>but does not include:</u>	209
<u>(a) Any individual employed by the United States;</u>	210
<u>(b) Any individual employed as a baby-sitter in the</u>	211
<u>employer's home, or a live-in companion to a sick, convalescing,</u>	212
<u>or elderly person whose principal duties do not include</u>	213
<u>housekeeping;</u>	214
<u>(c) Any individual engaged in the delivery of newspapers to</u>	215
<u>the consumer;</u>	216
<u>(d) Any individual employed as an outside salesperson</u>	217
<u>compensated by commissions or employed in a bona fide executive,</u>	218
<u>administrative, or professional capacity as such terms are defined</u>	219
<u>by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29</u>	220
<u>U.S.C. 201, as amended;</u>	221
<u>(e) Any individual who works or provides personal services of</u>	222
<u>a charitable nature in a hospital or health institution for which</u>	223
<u>compensation is not sought or contemplated;</u>	224
<u>(f) A member of a police or fire protection agency or student</u>	225
<u>employed on a part-time or seasonal basis by a political</u>	226
<u>subdivision of this state;</u>	227
<u>(g) Any individual in the employ of a camp or recreational</u>	228
<u>area for children under eighteen years of age and owned and</u>	229
<u>operated by a nonprofit organization or group of organizations</u>	230
<u>described in section 501(c)(3) of the "Internal Revenue Code of</u>	231
<u>1954," and exempt from income tax under section 501(a) of that</u>	232
<u>code;</u>	233
<u>(h) Any individual employed directly by the house of</u>	234
<u>representatives or directly by the senate.</u>	235

Sec. 122.14. (A) There is hereby created in the state 236
treasury the roadwork development fund. The fund shall consist of 237
the investment earnings of the security deposit fund created by 238
section 4509.27 of the Revised Code and revenue transferred to it 239
by the director of budget and management from the highway 240
operating fund created in section 5735.051 of the Revised Code. 241
The fund shall be used by the development services agency in 242
accordance with Section 5a of Article XII, Ohio Constitution, to 243
make road improvements associated with retaining or attracting 244
business for this state, including both of the ~~construction~~ 245
following: 246

(1) Construction, reconstruction, maintenance, or repair of 247
public roads that provide access to a public airport or are 248
located within a public airport; 249

(2) Construction, reconstruction, maintenance, or repair of 250
public roads that provide or improve access to tourism 251
attractions. All 252

(B) All investment earnings of the fund shall be credited to 253
the fund. 254

Sec. 164.08. (A) Except as provided in sections 151.01 and 255
151.08 or section 164.09 of the Revised Code, the net proceeds of 256
obligations issued and sold by the treasurer of state pursuant to 257
section 164.09 of the Revised Code before September 30, 2000, or 258
pursuant to sections 151.01 and 151.08 of the Revised Code, for 259
the purpose of financing or assisting in the financing of the cost 260
of public infrastructure capital improvement projects of local 261
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 262
Article VIII, Ohio Constitution, and this chapter, shall be paid 263
into the state capital improvements fund, which is hereby created 264
in the state treasury. Investment earnings on moneys in the fund 265

shall be credited to the fund. 266

(B) Beginning July 1, 2016, each program year the amount of 267
obligations authorized by the general assembly in accordance with 268
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 269
excluding the proceeds of refunding or renewal obligations, shall 270
be allocated by the director of the Ohio public works commission 271
as follows: 272

(1) First, ten per cent of the amount of obligations 273
authorized shall be allocated to provide financial assistance to 274
villages and to townships with populations in the unincorporated 275
areas of the township of less than five thousand persons, for 276
capital improvements in accordance with section 164.051 and 277
division (D) of section 164.06 of the Revised Code. As used in 278
division (B)(1) of this section, "capital improvements" includes 279
resurfacing and improving roads. 280

(2) Following the allocation required by division (B)(1) of 281
this section, the director may allocate two per cent of the 282
authorized obligations to provide financial assistance to local 283
subdivisions for capital improvement projects which in the 284
judgment of the director of the Ohio public works commission are 285
necessary for the immediate preservation of the health, safety, 286
and welfare of the citizens of the local subdivision requesting 287
assistance. Starting July 1, 2021, the director may allocate up to 288
six per cent of authorized obligations as provided in this 289
division. 290

(3) For program years twelve and fourteen that obligations 291
are authorized and available for allocation under this chapter, 292
two million dollars each program year shall be allocated to the 293
small county capital improvement program for use in providing 294
financial assistance under division (F) of section 164.02 of the 295
Revised Code. 296

(4) The director shall determine the amount of the remaining 297
obligations authorized to be issued and sold that each county 298
would receive if such amounts were allocated on a per capita basis 299
each year. If a county's per capita share for the year would be 300
less than three hundred thousand dollars, the director shall 301
allocate to the district in which that county is located an amount 302
equal to the difference between three hundred thousand dollars and 303
the county's per capita share. 304

(5) After making the allocation required by division (B)(4) 305
of this section, the director shall allocate the remaining amount 306
to each district on a per capita basis. 307

(C)(1) There is hereby created in the state treasury the 308
state capital improvements revolving loan fund, into which shall 309
be deposited all repayments of loans made to local subdivisions 310
for capital improvements pursuant to this chapter. Investment 311
earnings on moneys in the fund shall be credited to the fund. 312

(2) There may also be deposited in the state capital 313
improvements revolving loan fund moneys obtained from federal or 314
private grants, or from other sources, which are to be used for 315
any of the purposes authorized by this chapter. Such moneys shall 316
be allocated each year in accordance with division (B)(5) of this 317
section. 318

(3) Moneys deposited into the state capital improvements 319
revolving loan fund shall be used to make loans for the purpose of 320
financing or assisting in the financing of the cost of capital 321
improvement projects of local subdivisions. 322

(4) Investment earnings credited to the state capital 323
improvements revolving loan fund that exceed the amounts required 324
to meet estimated federal arbitrage rebate requirements shall be 325
used to pay costs incurred by the public works commission in 326
administering this section. Investment earnings credited to the 327

state capital improvements revolving loan fund that exceed the 328
amounts required to pay for the administrative costs and estimated 329
rebate requirements shall be allocated to each district on a per 330
capita basis. 331

(5) Each program year, loan repayments received and on 332
deposit in the state capital improvements revolving loan fund 333
shall be allocated as follows: 334

(a) Each district public works integrating committee shall be 335
allocated an amount equal to the sum of all loan repayments made 336
to the state capital improvements revolving loan fund by local 337
subdivisions that are part of the district. Moneys not used in a 338
program year may be used in the next program year in the same 339
manner and for the same purpose as originally allocated. 340

(b) Loan repayments made pursuant to projects approved under 341
division (B)(1) of this section shall be used to make loans in 342
accordance with section 164.051 and division (D) of section 164.06 343
of the Revised Code. Allocations for this purpose made pursuant to 344
division (C)(5) of this section shall be in addition to the 345
allocation provided in division (B)(1) of this section. 346

(c) Loan repayments made pursuant to projects approved under 347
division (B)(2) of this section shall be used to make loans in 348
accordance with division (B)(2) of this section. Allocations for 349
this purpose made pursuant to division (C)(5) of this section 350
shall be in addition to the allocation provided in division (B)(2) 351
of this section. 352

(d) Loans made from the state capital improvements revolving 353
loan fund shall not be limited in their usage by divisions (E), 354
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 355

(D) Investment earnings credited to the state capital 356
improvements fund that exceed the amounts required to meet 357
estimated federal arbitrage rebate requirements shall be used to 358

pay costs incurred by the public works commission in administering 359
sections 164.01 to 164.12 of the Revised Code. 360

(E) The director of the Ohio public works commission shall 361
notify the director of budget and management of the amounts 362
allocated pursuant to this section and such information shall be 363
entered into the state accounting system. The director of budget 364
and management shall establish appropriation line items as needed 365
to track these allocations. 366

(F) If the amount of a district's allocation in a program 367
year exceeds the amount of financial assistance approved for the 368
district by the commission for that year, the remaining portion of 369
the district's allocation shall be added to the district's 370
allocation pursuant to division (B) of this section for the next 371
succeeding year for use in the same manner and for the same 372
purposes as it was originally allocated, except that any portion 373
of a district's allocation which was available for use on new or 374
expanded infrastructure pursuant to division (H) of section 164.05 375
of the Revised Code shall be available in succeeding years only 376
for the repair and replacement of existing infrastructure. 377

(G) When an allocation based on population is made by the 378
director pursuant to division (B) of this section, the director 379
shall use the most recent decennial census statistics, and shall 380
not make any reallocations based upon a change in a district's 381
population. 382

Sec. 306.051. (A) As used in this section, "social services" 383
includes all of the following: 384

(1) Services for senior citizens; 385

(2) Services for persons with developmental disabilities; 386

(3) Services funded in whole or in part with federal funds 387
provided for social services programs, including the community 388

development block grant program established under Title I of the 389
"Housing and Community Development Act of 1974," 42 U.S.C. 5301 et 390
seq.; 391

(4) Other services that have the purpose of assisting the 392
overall social well being of individuals, families, and 393
communities. 394

(B) Subject to division (C) of this section and regardless of 395
whether a county transit system is operated by a county transit 396
board or board of county commissioners, funds that are 397
appropriated by a board of county commissioners and expended for 398
social services in the county served by the board may be used as 399
the local match needed to obtain state or federal funds available 400
for the county transit system. 401

(C) Funds raised by a county tax levy may be used as local 402
matching funds under division (B) of this section only to the 403
extent that such use of the funds is consistent with the purpose 404
for which the tax was levied. Funds may be used as local matching 405
funds under division (B) of this section only to the extent that 406
such use of the funds does not jeopardize the state's or county's 407
eligibility to receive federal funds for one or more purposes. 408
Prior to the use of funds raised by a county tax levy being used 409
for purposes of division (B) of this section, the county transit 410
system shall enter into an agreement with the local government 411
department, agency, board, or commission responsible for 412
administering those funds. The agreement shall establish the terms 413
and conditions of the use of the funds by the county transit 414
system as local matching funds. 415

Sec. 307.86. Anything to be purchased, leased, leased with an 416
option or agreement to purchase, or constructed, including, but 417
not limited to, any product, structure, construction, 418
reconstruction, improvement, maintenance, repair, or service, 419

except the services of an accountant, architect, attorney at law, 420
physician, professional engineer, construction project manager, 421
consultant, surveyor, or appraiser, by or on behalf of the county 422
or contracting authority, as defined in section 307.92 of the 423
Revised Code, at a cost in excess of fifty thousand dollars, 424
except as otherwise provided in division (D) of section 713.23 and 425
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 426
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 427
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 428
obtained through competitive bidding. However, competitive bidding 429
is not required when any of the following applies: 430

(A) The board of county commissioners, by a unanimous vote of 431
its members, makes a determination that a real and present 432
emergency exists, and that determination and the reasons for it 433
are entered in the minutes of the proceedings of the board, when 434
either of the following applies: 435

(1) The estimated cost is less than one hundred thousand 436
dollars. 437

(2) There is actual physical disaster to structures, radio 438
communications equipment, or computers. 439

For purposes of this division, "unanimous vote" means all 440
three members of a board of county commissioners when all three 441
members are present, or two members of the board if only two 442
members, constituting a quorum, are present. 443

Whenever a contract of purchase, lease, or construction is 444
exempted from competitive bidding under division (A)(1) of this 445
section because the estimated cost is less than one hundred 446
thousand dollars, but the estimated cost is fifty thousand dollars 447
or more, the county or contracting authority shall solicit 448
informal estimates from no fewer than three persons who could 449
perform the contract, before awarding the contract. With regard to 450

each such contract, the county or contracting authority shall 451
maintain a record of such estimates, including the name of each 452
person from whom an estimate is solicited. The county or 453
contracting authority shall maintain the record for the longer of 454
at least one year after the contract is awarded or the amount of 455
time the federal government requires. 456

(B)(1) The purchase consists of supplies or a replacement or 457
supplemental part or parts for a product or equipment owned or 458
leased by the county, and the only source of supply for the 459
supplies, part, or parts is limited to a single supplier. 460

(2) The purchase consists of services related to information 461
technology, such as programming services, that are proprietary or 462
limited to a single source. 463

(C) The purchase is from the federal government, the state, 464
another county or contracting authority of another county, or a 465
board of education, educational service center, township, or 466
municipal corporation. 467

(D) The purchase is made by a county department of job and 468
family services under section 329.04 of the Revised Code and 469
consists of family services duties or workforce development 470
activities or is made by a county board of developmental 471
disabilities under section 5126.05 of the Revised Code and 472
consists of program services, such as direct and ancillary client 473
services, child care, case management services, residential 474
services, and family resource services. 475

(E) The purchase consists of criminal justice services, 476
social services programs, family services, or workforce 477
development activities by the board of county commissioners from 478
nonprofit corporations or associations under programs funded by 479
the federal government or by state grants. 480

(F) The purchase consists of any form of an insurance policy 481

or contract authorized to be issued under Title XXXIX of the 482
Revised Code or any form of health care plan authorized to be 483
issued under Chapter 1751. of the Revised Code, or any combination 484
of such policies, contracts, plans, or services that the 485
contracting authority is authorized to purchase, and the 486
contracting authority does all of the following: 487

(1) Determines that compliance with the requirements of this 488
section would increase, rather than decrease, the cost of the 489
purchase; 490

(2) Requests issuers of the policies, contracts, plans, or 491
services to submit proposals to the contracting authority, in a 492
form prescribed by the contracting authority, setting forth the 493
coverage and cost of the policies, contracts, plans, or services 494
as the contracting authority desires to purchase; 495

(3) Negotiates with the issuers for the purpose of purchasing 496
the policies, contracts, plans, or services at the best and lowest 497
price reasonably possible. 498

(G) The purchase consists of computer hardware, software, or 499
consulting services that are necessary to implement a computerized 500
case management automation project administered by the Ohio 501
prosecuting attorneys association and funded by a grant from the 502
federal government. 503

(H) Child care services are purchased for provision to county 504
employees. 505

(I)(1) Property, including land, buildings, and other real 506
property, is leased for offices, storage, parking, or other 507
purposes, and all of the following apply: 508

(a) The contracting authority is authorized by the Revised 509
Code to lease the property. 510

(b) The contracting authority develops requests for proposals 511

for leasing the property, specifying the criteria that will be 512
considered prior to leasing the property, including the desired 513
size and geographic location of the property. 514

(c) The contracting authority receives responses from 515
prospective lessors with property meeting the criteria specified 516
in the requests for proposals by giving notice in a manner 517
substantially similar to the procedures established for giving 518
notice under section 307.87 of the Revised Code. 519

(d) The contracting authority negotiates with the prospective 520
lessors to obtain a lease at the best and lowest price reasonably 521
possible considering the fair market value of the property and any 522
relocation and operational costs that may be incurred during the 523
period the lease is in effect. 524

(2) The contracting authority may use the services of a real 525
estate appraiser to obtain advice, consultations, or other 526
recommendations regarding the lease of property under this 527
division. 528

(J) The purchase is made pursuant to section 5139.34 or 529
sections 5139.41 to 5139.46 of the Revised Code and is of programs 530
or services that provide case management, treatment, or prevention 531
services to any felony or misdemeanor delinquent, unruly youth, 532
or status offender under the supervision of the juvenile court, 533
including, but not limited to, community residential care, day 534
treatment, services to children in their home, or electronic 535
monitoring. 536

(K) The purchase is made by a public children services agency 537
pursuant to section 307.92 or 5153.16 of the Revised Code and 538
consists of family services, programs, or ancillary services that 539
provide case management, prevention, or treatment services for 540
children at risk of being or alleged to be abused, neglected, or 541
dependent children. 542

(L) The purchase is to obtain the services of emergency 543
medical service organizations under a contract made by the board 544
of county commissioners pursuant to section 307.05 of the Revised 545
Code with a joint emergency medical services district. 546

(M) The county contracting authority determines that the use 547
of competitive sealed proposals would be advantageous to the 548
county and the contracting authority complies with section 307.862 549
of the Revised Code. 550

(N) The purchase consists of used supplies and is made at a 551
public auction. 552

Any issuer of policies, contracts, plans, or services listed 553
in division (F) of this section and any prospective lessor under 554
division (I) of this section may have the issuer's or prospective 555
lessor's name and address, or the name and address of an agent, 556
placed on a special notification list to be kept by the 557
contracting authority, by sending the contracting authority that 558
name and address. The contracting authority shall send notice to 559
all persons listed on the special notification list. Notices shall 560
state the deadline and place for submitting proposals. The 561
contracting authority shall mail the notices at least six weeks 562
prior to the deadline set by the contracting authority for 563
submitting proposals. Every five years the contracting authority 564
may review this list and remove any person from the list after 565
mailing the person notification of that action. 566

Any contracting authority that negotiates a contract under 567
division (F) of this section shall request proposals and negotiate 568
with issuers in accordance with that division at least every three 569
years from the date of the signing of such a contract, unless the 570
parties agree upon terms for extensions or renewals of the 571
contract. Such extension or renewal periods shall not exceed six 572
years from the date the initial contract is signed. 573

Any real estate appraiser employed pursuant to division (I) 574
of this section shall disclose any fees or compensation received 575
from any source in connection with that employment. 576

As used in division (N) of this section, "supplies" means any 577
personal property including equipment, materials, and other 578
tangible assets. 579

Sec. 505.267. (A) As used in this section: 580

(1) "Lease-purchase agreement" has the same meaning as a 581
lease with an option to purchase. 582

(2) "Public obligation" has the same meaning as in section 583
133.01 of the Revised Code. 584

(B) For any purpose for which a board of township trustees, a 585
joint police district board, a township fire district, a joint 586
fire district, a joint ambulance district, or a fire and ambulance 587
district is authorized to acquire real or personal property, that 588
board may enter into a lease-purchase agreement in accordance with 589
this section to acquire the property. The board's resolution 590
authorizing the lease-purchase agreement may provide for the 591
issuance of certificates of participation or other evidences of 592
fractionalized interests in the lease-purchase agreement, for the 593
purpose of financing, or refinancing or refunding, any public 594
obligation that financed or refinanced the acquisition of the 595
property. Sections 9.94, 133.03, and 133.30 of the Revised Code 596
shall apply to any such fractionalized interests. 597

The lease-purchase agreement shall provide for a series of 598
terms in which no term extends beyond the end of the fiscal year 599
of the township or district in which that term commences. In 600
total, the terms provided for in the agreement shall be for not 601
more than the useful life of the real or personal property that is 602
the subject of the agreement. A property's useful life shall be 603

determined either by the maximum number of installment payments 604
permitted under the statute that authorizes the board to acquire 605
the property or, if there is no such provision, by the maximum 606
number of years to maturity provided for the issuance of bonds in 607
division (B) of section 133.20 of the Revised Code for that 608
property. If the useful life cannot be determined under either of 609
those statutes, it shall be estimated as provided in division (C) 610
of section 133.20 of the Revised Code. 611

The lease-purchase agreement shall provide that, at the end 612
of the final term in the agreement, if all obligations of the 613
township or district have been satisfied, the title to the leased 614
property shall vest in the township or district executing the 615
lease-purchase agreement, if that title has not vested in the 616
township or district before or during the lease terms; except that 617
the lease-purchase agreement may require the township or district 618
to pay an additional lump sum payment as a condition of obtaining 619
that title. 620

(C) A board of trustees that enters into a lease-purchase 621
agreement under this section may do any of the following with the 622
property that is the subject of the agreement: 623

(1) If the property is personal property, assign the board's 624
rights to that property; 625

(2) Grant the lessor a security interest in the property; 626

(3) If the property is real property, grant leases, 627
easements, or licenses for underlying land or facilities under the 628
board's control for terms not exceeding five years beyond the 629
final term of the lease-purchase agreement. 630

(D) The authority granted in this section is in addition to, 631
and not in derogation of, any other financing authority provided 632
by law. 633

Sec. 505.71. The boards of township trustees of one or more 634
townships and the legislative authorities of any one or more 635
municipal corporations within or adjoining those townships, or the 636
boards of township trustees of two or more townships, or the 637
legislative authorities of two or more municipal corporations, 638
may, by adoption of a joint resolution by a majority of the 639
members of each board of township trustees and by a majority of 640
the members of the legislative authority of each municipal 641
corporation, create a joint ambulance district comprising the 642
municipal corporations and all or any portions of the townships as 643
are mutually agreed upon, except that no portion of a township or 644
municipal corporation being served by a joint emergency medical 645
services district shall be part of a joint ambulance district. A 646
district so created shall be given a name different from the name 647
of any participating township or municipal corporation. 648

The governing body of a district shall be a board of 649
trustees, which shall include one representative appointed by each 650
board of township trustees and one representative appointed by the 651
legislative authority of each municipal corporation in the 652
district. Members of the board of trustees may be compensated at a 653
rate not to exceed seventy-five dollars per meeting, not to exceed 654
fifteen meetings per year, and may be reimbursed for all necessary 655
expenses incurred. The board shall employ a clerk. Before entering 656
upon official duties, the clerk shall execute a bond, in the 657
amount and with surety to be approved by the board, payable to the 658
state, and conditioned for the faithful performance of all 659
official duties required of the clerk. The bond shall be deposited 660
with the presiding officer of the board, and copies of it, 661
certified by the presiding officer, shall be filed with the county 662
auditor of each county with a subdivision included in the 663
district. 664

To provide the services and equipment it considers necessary 665

for the district, the board may levy taxes, subject to Chapter 666
5705. of the Revised Code, and issue bonds and other evidences of 667
indebtedness, subject to Chapter 133. of the Revised Code, after 668
submitting the question of that issuance to the electors of the 669
district in the manner provided by Chapter 133. of the Revised 670
Code. The district may purchase, lease, lease with an option to 671
purchase, construct, maintain, and use all materials, equipment, 672
vehicles, buildings, and land necessary to perform its duties. 673

Any municipal corporation or township may join an existing 674
district by the adoption of a resolution requesting membership and 675
upon approval of the board of the district. Any municipal 676
corporation or township may withdraw from a district by the 677
adoption of a resolution ordering withdrawal. On or after the 678
first day of January of the year following the adoption of the 679
resolution of withdrawal, the municipal corporation or township 680
withdrawing ceases to be a part of the district, and the power of 681
the district to levy a tax upon taxable property in the 682
withdrawing township or municipal corporation terminates, except 683
that the district shall continue to levy and collect taxes for the 684
payment of indebtedness within the territory of the district as it 685
was comprised at the time the indebtedness was incurred. 686

Upon the withdrawal of any township or municipal corporation 687
from a district, the county auditor shall ascertain, apportion, 688
and order a division of the funds on hand, moneys and taxes in the 689
process of collection, except for taxes levied for the payment of 690
indebtedness, credits, and real and personal property, either in 691
money or in kind, on the basis of the valuation of the respective 692
tax duplicates of the withdrawing municipal corporation or 693
township and the remaining territory of the district. 694

When the number of townships and municipal corporations 695
constituting a district is reduced to one, the district ceases to 696
exist by operation of law, and the funds, credits, and property 697

remaining after apportionments to withdrawing municipal 698
corporations or townships shall be assumed by the one remaining 699
township or municipal corporation. When a district ceases to exist 700
and an indebtedness remains unpaid, the board of county 701
commissioners shall continue to levy and collect taxes for the 702
payment of that indebtedness within the territory of the district 703
as it was comprised at the time the indebtedness was incurred. 704

Sec. 723.52. Before letting or making any contract for the 705
construction, reconstruction, widening, resurfacing, or repair of 706
a street or other public way, the director of public service in a 707
city, or the legislative authority in a village, shall make an 708
estimate of the cost of such work using the force account project 709
assessment form developed by the auditor of state under section 710
117.16 of the Revised Code. In municipal corporations having an 711
engineer, or an officer having a different title but the duties 712
and functions of an engineer, the estimate shall be made by the 713
engineer or other officer. Where the total estimated cost of any 714
such work is ~~thirty~~ one hundred fifty thousand dollars or less, 715
the proper officers may proceed by force account. 716

Where the total estimated cost of any such work exceeds 717
~~thirty~~ one hundred fifty thousand dollars, the proper officers of 718
the municipal corporation shall be required to invite and receive 719
competitive bids for furnishing all the labor, materials, and 720
equipment and doing the work, after newspaper advertisement as 721
provided by law. The officers shall consider and may reject such 722
bids. If the bids are rejected, the officers may order the work 723
done by force account or direct labor. When such bids are 724
received, considered, and rejected, and the work done by force 725
account or direct labor, such work shall be performed in 726
compliance with the plans and specifications upon which the bids 727
were based. It shall be unlawful to divide a street or connecting 728
streets into separate sections for the purpose of defeating this 729

section and section 723.53 of the Revised Code. 730

"Street," as used in such sections, includes portions of 731
connecting streets on which the same or similar construction, 732
reconstruction, widening, resurfacing, or repair is planned or 733
projected. 734

Sec. 723.53. Where the proper officers of any municipal 735
corporation construct, reconstruct, widen, resurface, or repair a 736
street or other public way by force account or direct labor, and 737
the estimated cost of the work as defined in section 723.52 of the 738
Revised Code exceeds ~~thirty~~ one hundred fifty thousand dollars, 739
such municipal authorities shall cause to be kept by the engineer 740
of the municipal corporation, or other officer or employee of the 741
municipal corporation in charge of such work, a complete and 742
accurate account, in detail, of the cost of doing the work. The 743
account shall include labor, materials, freight, fuel, hauling, 744
overhead expense, workers' compensation premiums, and all other 745
items of cost and expense, including a reasonable allowance for 746
the use of all tools and equipment used on or in connection with 747
such work and for the depreciation on the tools and equipment. The 748
engineer or other officer or employee shall keep such account, and 749
within ninety days after the completion of any such work shall 750
prepare a detailed and itemized statement of such cost and file 751
the statement with the officer or board vested with authority to 752
direct the doing of the work in question. Such officer or board 753
shall thereupon examine the statement, correct it if necessary, 754
and file it in the office of the officer or board. Such statement 755
shall be kept on file for not less than two years and shall be 756
open to public inspection. 757

This section and section 723.52 of the Revised Code do not 758
apply to any municipal corporations having a charter form of 759
government. 760

Sec. 1349.61. (A)(1) Subject to division (C) of this section, 761
no person or entity shall sell a gift card to a purchaser 762
containing an expiration date that is less than two years after 763
the date the gift card is issued. 764

(2) No person or entity, within two years after a gift card 765
is issued, shall charge service charges or fees relative to that 766
gift card, including dormancy fees, latency fees, or 767
administrative fees, that have the effect of reducing the total 768
amount for which the holder of the gift card may redeem the gift 769
card. 770

(B) A gift card sold without an expiration date is valid 771
until redeemed or replaced with a new gift card. 772

(C) Division (A) of this section does not apply to any of the 773
following gift cards: 774

(1) A gift card that is distributed by the issuer to a 775
consumer pursuant to an awards, loyalty, or promotional program 776
without any money or anything of value being given in exchange for 777
the gift card by the consumer; 778

(2) A gift card that is sold below face value at a volume 779
discount to employers or to nonprofit and charitable organizations 780
for fundraising purposes, if the expiration date on that gift card 781
is not more than thirty days after the date of sale; 782

(3) A gift card that is sold by a nonprofit or charitable 783
organization for fundraising purposes; 784

(4) A gift card that an employer gives to an employee if use 785
of the gift card is limited to the employer's business 786
establishment, which may include a group of merchants that are 787
affiliated with that business establishment; 788

(5) A gift certificate issued in accordance with section 789
1533.131 of the Revised Code that may be used to obtain hunting 790

and fishing licenses, fur taker, special deer, and special wild 791
turkey permits, and wetlands habitat stamps; 792

(6) A gift card that is usable with multiple, unaffiliated 793
sellers of goods or services; 794

(7) A gift card that an employer issues to an employee in 795
recognition of services performed by the employee. 796

(D) Whoever violates division (A)(2) of this section is 797
liable to the holder for any amount that the redemption value of 798
the gift card was reduced, any court costs incurred, and 799
reasonable attorney's fees. 800

(E) As used in this section: 801

(1) "Gift card" means a certificate, electronic card, or 802
other medium issued by a merchant that evidences the giving of 803
consideration in exchange for the right to redeem the certificate, 804
electronic card, or other medium for goods, food, services, 805
credit, or money of at least an equal value, including any 806
electronic card issued by a merchant with a monetary value where 807
the issuer has received payment for the full monetary value for 808
the future purchase or delivery of goods or services and any 809
certificate issued by a merchant where the issuer has received 810
payment for the full monetary face value of the certificate for 811
the future purchase or delivery of goods and services. "Gift card" 812
does not include a prepaid calling card used to make telephone 813
calls. 814

(2) "Employee" ~~has the same meaning as in section 4121.01 of~~ 815
~~the Revised Code~~ means every person who may be required or 816
directed by any employer, in consideration of direct or indirect 817
gain or profit, to engage in any employment, or to go, or work, or 818
be at any time in any place of employment. 819

(3) "Employer" means every person, firm, corporation, agent, 820
manager, representative, or other person having control or custody 821

of any employment, place of employment, or employee. 822

Sec. 3327.07. (A) The governing authority of a chartered 823
nonpublic school that transports a student enrolled in the school 824
to and from school and to and from school-sponsored activities, 825
including extracurricular activities, may charge the parent or 826
guardian of the student a fee for the transportation, if the 827
governing authority purchased the vehicle that transports the 828
student using no state or federal funds. The fee shall not exceed 829
the per student cost of the transportation, as determined by the 830
governing authority. 831

(B) The parent or guardian of a student who is enrolled in a 832
chartered nonpublic school and is eligible for transportation by a 833
school district under section 3327.01 of the Revised Code may 834
decline that transportation and accept transportation from the 835
chartered nonpublic school. The governing authority of a chartered 836
nonpublic school may charge a fee under division (A) of this 837
section regardless of whether a student is eligible for 838
transportation under section 3327.01 of the Revised Code. 839

(C) The offering by the governing authority of a chartered 840
nonpublic school of transportation to and from the school does not 841
relieve any school district board of education from any duty 842
imposed by sections 3327.01 and 3327.02 of the Revised Code with 843
respect to the chartered nonpublic school's students. 844

Sec. 4111.03. (A) An employer shall pay an employee for 845
overtime at a wage rate of one and one-half times the employee's 846
wage rate for hours worked in excess of forty hours in one 847
workweek, in the manner and methods provided in and subject to the 848
exemptions of section 7 and section 13 of the "Fair Labor 849
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 850
amended. 851

Any employee employed in agriculture shall not be covered by 852
the overtime provision of this section. 853

A motor carrier may elect to apply the overtime provision of 854
this section to an individual who is excluded from the provision 855
under division (D)(3)(i) of this section. 856

(B) If a county employee elects to take compensatory time off 857
in lieu of overtime pay, for any overtime worked, compensatory 858
time may be granted by the employee's administrative superior, on 859
a time and one-half basis, at a time mutually convenient to the 860
employee and the administrative superior within one hundred eighty 861
days after the overtime is worked. 862

(C) A county appointing authority with the exception of the 863
county department of job and family services may, by rule or 864
resolution as is appropriate, indicate the authority's intention 865
not to be bound by division (B) of this section, and to adopt a 866
different policy for the calculation and payment of overtime than 867
that established by that division. Upon adoption, the alternative 868
overtime policy prevails. Prior to the adoption of an alternative 869
overtime policy, a county appointing authority with the exception 870
of the county department of job and family services shall give a 871
written notice of the alternative policy to each employee at least 872
ten days prior to its effective date. 873

(D) As used in this section: 874

(1) "Employ" means to suffer or to permit to work. 875

(2) "Employer" means the state of Ohio, its 876
instrumentalities, and its political subdivisions and their 877
instrumentalities, any individual, partnership, association, 878
corporation, business trust, or any person or group of persons, 879
acting in the interest of an employer in relation to an employee, 880
but does not include either of the following: 881

(a) An employer whose annual gross volume of sales made for 882

business done is less than one hundred fifty thousand dollars, 883
exclusive of excise taxes at the retail level which are separately 884
stated; 885

(b) A franchisor with respect to the franchisor's 886
relationship with a franchisee or an employee of a franchisee, 887
unless the franchisor agrees to assume that role in writing or a 888
court of competent jurisdiction determines that the franchisor 889
exercises a type or degree of control over the franchisee or the 890
franchisee's employees that is not customarily exercised by a 891
franchisor for the purpose of protecting the franchisor's 892
trademark, brand, or both. For purposes of this division, 893
"franchisor" and "franchisee" have the same meanings as in 16 894
C.F.R. 436.1. 895

(3) "Employee" means any individual employed by an employer 896
but does not include: 897

(a) Any individual employed by the United States; 898

(b) Any individual employed as a baby-sitter in the 899
employer's home, or a live-in companion to a sick, convalescing, 900
or elderly person whose principal duties do not include 901
housekeeping; 902

(c) Any individual engaged in the delivery of newspapers to 903
the consumer; 904

(d) Any individual employed as an outside salesperson 905
compensated by commissions or employed in a bona fide executive, 906
administrative, or professional capacity as such terms are defined 907
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 908
U.S.C.A. 201, as amended; 909

(e) Any individual who works or provides personal services of 910
a charitable nature in a hospital or health institution for which 911
compensation is not sought or contemplated; 912

(f) A member of a police or fire protection agency or student 913
employed on a part-time or seasonal basis by a political 914
subdivision of this state; 915

(g) Any individual in the employ of a camp or recreational 916
area for children under eighteen years of age and owned and 917
operated by a nonprofit organization or group of organizations 918
described in Section 501(c)(3) of the "Internal Revenue Code of 919
1954," and exempt from income tax under Section 501(a) of that 920
code; 921

(h) Any individual employed directly by the house of 922
representatives or directly by the senate; 923

(i) An individual who operates a vehicle or vessel in the 924
performance of services for or on behalf of a motor carrier 925
transporting property and to whom all of the following factors 926
apply: 927

(i) The individual owns the vehicle or vessel that is used in 928
performing the services for or on behalf of the carrier, or the 929
individual leases the vehicle or vessel under a bona fide lease 930
agreement that is not a temporary replacement lease agreement. For 931
purposes of this division, a bona fide lease agreement does not 932
include an agreement between the individual and the motor carrier 933
transporting property for which, or on whose behalf, the 934
individual provides services. 935

(ii) The individual is responsible for supplying the 936
necessary personal services to operate the vehicle or vessel used 937
to provide the service. 938

(iii) The compensation paid to the individual is based on 939
factors related to work performed, including on a mileage-based 940
rate or a percentage of any schedule of rates, and not solely on 941
the basis of the hours or time expended. 942

(iv) The individual substantially controls the means and 943

manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 944
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(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee. 946
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(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees. 951
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(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier. 958
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(4) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 960
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Sec. 4111.14. (A) Pursuant to the general assembly's authority to establish a minimum wage under Section 34 of Article II, Ohio Constitution, this section is in implementation of Section 34a of Article II, Ohio Constitution. In implementing Section 34a of Article II, Ohio Constitution, the general assembly hereby finds that the purpose of Section 34a of Article II, Ohio Constitution, is to: 962
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(1) Ensure that Ohio employees, as defined in division (B)(1) of this section, are paid the wage rate required by Section 34a of Article II, Ohio Constitution; 969
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(2) Ensure that covered Ohio employers maintain certain records that are directly related to the enforcement of the wage 972
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rate requirements in Section 34a of Article II, Ohio Constitution; 974

(3) Ensure that Ohio employees who are paid the wage rate 975
required by Section 34a of Article II, Ohio Constitution, may 976
enforce their right to receive that wage rate in the manner set 977
forth in Section 34a of Article II, Ohio Constitution; and 978

(4) Protect the privacy of Ohio employees' pay and personal 979
information specified in Section 34a of Article II, Ohio 980
Constitution, by restricting an employee's access, and access by a 981
person acting on behalf of that employee, to the employee's own 982
pay and personal information. 983

(B) In accordance with Section 34a of Article II, Ohio 984
Constitution, the terms "employer," "employee," "employ," 985
"person," and "independent contractor" have the same meanings as 986
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 987
U.S.C. 203, as amended. In construing the meaning of these terms, 988
due consideration and great weight shall be given to the United 989
States department of labor's and federal courts' interpretations 990
of those terms under the Fair Labor Standards Act and its 991
regulations. As used in division (B) of this section: 992

(1) "Employee" means individuals employed in Ohio, but does 993
not mean individuals who are excluded from the definition of 994
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 995
from the minimum wage requirements in 29 U.S.C. 213 and from the 996
definition of "employee" in this chapter. 997

(2) "Employ" and "employee" do not include any person acting 998
as a volunteer. In construing who is a volunteer, "volunteer" 999
shall have the same meaning as in sections 553.101 to 553.106 of 1000
Title 29 of the Code of Federal Regulations, as amended, and due 1001
consideration and great weight shall be given to the United States 1002
department of labor's and federal courts' interpretations of the 1003
term "volunteer" under the Fair Labor Standards Act and its 1004

regulations. 1005

(3) "Employer" does not include a franchisor with respect to 1006
the franchisor's relationship with a franchisee or an employee of 1007
a franchisee, unless the franchisor agrees to assume that role in 1008
writing or a court of competent jurisdiction determines that the 1009
franchisor exercises a type or degree of control over the 1010
franchisee or the franchisee's employees that is not customarily 1011
exercised by a franchisor for the purpose of protecting the 1012
franchisor's trademark, brand, or both. For purposes of this 1013
division, "franchisor" and "franchisee" have the same meanings as 1014
in 16 C.F.R. 436.1. 1015

(4) Subject to division (B)(5) of this section, "employee" 1016
does not include an individual who operates a vehicle or vessel in 1017
the performance of services for or on behalf of a motor carrier 1018
transporting property and to whom all of the following factors 1019
apply: 1020

(a) The individual owns the vehicle or vessel that is used in 1021
performing the services for or on behalf of the carrier, or the 1022
individual leases the vehicle or vessel under a bona fide lease 1023
agreement that is not a temporary replacement lease agreement. For 1024
purposes of this division, a bona fide lease agreement does not 1025
include an agreement between the individual and the motor carrier 1026
transporting property for which, or on whose behalf, the 1027
individual provides services. 1028

(b) The individual is responsible for supplying the necessary 1029
personal services to operate the vehicle or vessel used to provide 1030
the service. 1031

(c) The compensation paid to the individual is based on 1032
factors related to work performed, including on a mileage-based 1033
rate or a percentage of any schedule of rates, and not solely on 1034
the basis of the hours or time expended. 1035

(d) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 1036
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(e) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee. 1039
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(f) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees. 1044
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(g) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier. 1051
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(5) A motor carrier may elect to consider an individual described in division (B)(4) of this section as an employee for purposes of this section. 1053
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(6) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 1056
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(C) In accordance with Section 34a of Article II, Ohio Constitution, the state may issue licenses to employers authorizing payment of a wage below that required by Section 34a of Article II, Ohio Constitution, to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment. In issuing such licenses, the state shall abide by the rules adopted pursuant to section 4111.06 of the Revised Code. 1058
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(D)(1) In accordance with Section 34a of Article II, Ohio 1066

Constitution, individuals employed in or about the property of an 1067
employer or an individual's residence on a casual basis are not 1068
included within the coverage of Section 34a of Article II, Ohio 1069
Constitution. As used in division (D) of this section: 1070

(a) "Casual basis" means employment that is irregular or 1071
intermittent and that is not performed by an individual whose 1072
vocation is to be employed in or about the property of the 1073
employer or individual's residence. In construing who is employed 1074
on a "casual basis," due consideration and great weight shall be 1075
given to the United States department of labor's and federal 1076
courts' interpretations of the term "casual basis" under the Fair 1077
Labor Standards Act and its regulations. 1078

(b) "An individual employed in or about the property of an 1079
employer or individual's residence" means an individual employed 1080
on a casual basis or an individual employed in or about a 1081
residence on a casual basis, respectively. 1082

(2) In accordance with Section 34a of Article II, Ohio 1083
Constitution, employees of a solely family-owned and operated 1084
business who are family members of an owner are not included 1085
within the coverage of Section 34a of Article II, Ohio 1086
Constitution. As used in division (D)(2) of this section, "family 1087
member" means a parent, spouse, child, stepchild, sibling, 1088
grandparent, grandchild, or other member of an owner's immediate 1089
family. 1090

(E) In accordance with Section 34a of Article II, Ohio 1091
Constitution, an employer shall at the time of hire provide an 1092
employee with the employer's name, address, telephone number, and 1093
other contact information and update such information when it 1094
changes. As used in division (E) of this section: 1095

(1) "Other contact information" may include, where 1096
applicable, the address of the employer's internet site on the 1097

world wide web, the employer's electronic mail address, fax 1098
number, or the name, address, and telephone number of the 1099
employer's statutory agent. "Other contact information" does not 1100
include the name, address, telephone number, fax number, internet 1101
site address, or electronic mail address of any employee, 1102
shareholder, officer, director, supervisor, manager, or other 1103
individual employed by or associated with an employer. 1104

(2) "When it changes" means that the employer shall provide 1105
its employees with the change in its name, address, telephone 1106
number, or other contact information within sixty business days 1107
after the change occurs. The employer shall provide the changed 1108
information by using any of its usual methods of communicating 1109
with its employees, including, but not limited to, listing the 1110
change on the employer's internet site on the world wide web, 1111
internal computer network, or a bulletin board where it commonly 1112
posts employee communications or by insertion or inclusion with 1113
employees' paychecks or pay stubs. 1114

(F) In accordance with Section 34a of Article II, Ohio 1115
Constitution, an employer shall maintain a record of the name, 1116
address, occupation, pay rate, hours worked for each day worked, 1117
and each amount paid an employee for a period of not less than 1118
three years following the last date the employee was employed by 1119
that employer. As used in division (F) of this section: 1120

(1) "Address" means an employee's home address as maintained 1121
in the employer's personnel file or personnel database for that 1122
employee. 1123

(2)(a) With respect to employees who are not exempt from the 1124
overtime pay requirements of the Fair Labor Standards Act or this 1125
chapter, "pay rate" means an employee's base rate of pay. 1126

(b) With respect to employees who are exempt from the 1127
overtime pay requirements of the Fair Labor Standards Act or this 1128

chapter, "pay rate" means an employee's annual base salary or 1129
other rate of pay by which the particular employee qualifies for 1130
that exemption under the Fair Labor Standards Act or this chapter, 1131
but does not include bonuses, stock options, incentives, deferred 1132
compensation, or any other similar form of compensation. 1133

(3) "Record" means the name, address, occupation, pay rate, 1134
hours worked for each day worked, and each amount paid an employee 1135
in one or more documents, databases, or other paper or electronic 1136
forms of record-keeping maintained by an employer. No one 1137
particular method or form of maintaining such a record or records 1138
is required under this division. An employer is not required to 1139
create or maintain a single record containing only the employee's 1140
name, address, occupation, pay rate, hours worked for each day 1141
worked, and each amount paid an employee. An employer shall 1142
maintain a record or records from which the employee or person 1143
acting on behalf of that employee could reasonably review the 1144
information requested by the employee or person. 1145

An employer is not required to maintain the records specified 1146
in division (F)(3) of this section for any period before January 1147
1, 2007. On and after January 1, 2007, the employer shall maintain 1148
the records required by division (F)(3) of this section for three 1149
years from the date the hours were worked by the employee and for 1150
three years after the date the employee's employment ends. 1151

(4)(a) Except for individuals specified in division (F)(4)(b) 1152
of this section, "hours worked for each day worked" means the 1153
total amount of time worked by an employee in whatever increments 1154
the employer uses for its payroll purposes during a day worked by 1155
the employee. An employer is not required to keep a record of the 1156
time of day an employee begins and ends work on any given day. As 1157
used in division (F)(4) of this section, "day" means a fixed 1158
period of twenty-four consecutive hours during which an employee 1159
performs work for an employer. 1160

(b) An employer is not required to keep records of "hours worked for each day worked" for individuals for whom the employer is not required to keep those records under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in section 4111.03 of the Revised Code.

(5) "Each amount paid an employee" means the total gross wages paid to an employee for each pay period. As used in division (F)(5) of this section, "pay period" means the period of time designated by an employer to pay an employee the employee's gross wages in accordance with the employer's payroll practices under section 4113.15 of the Revised Code.

(G) In accordance with Section 34a of Article II, Ohio Constitution, an employer must provide such information without charge to an employee or person acting on behalf of an employee upon request. As used in division (G) of this section:

(1) "Such information" means the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the specific employee who has requested that specific employee's own information and does not include the name, address, occupation, pay rate, hours worked for each day worked, or each amount paid of any other employee of the employer. "Such information" does not include hours worked for each day worked by individuals for whom an employer is not required to keep that information under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in section 4111.03 of the Revised Code.

(2) "Acting on behalf of an employee" means a person acting on behalf of an employee as any of the following:

(a) The certified or legally recognized collective bargaining representative for that employee under the applicable federal law

or Chapter 4117. of the Revised Code;	1192
(b) The employee's attorney;	1193
(c) The employee's parent, guardian, or legal custodian.	1194
A person "acting on behalf of an employee" must be	1195
specifically authorized by an employee in order to make a request	1196
for that employee's own name, address, occupation, pay rate, hours	1197
worked for each day worked, and each amount paid to that employee.	1198
(3) "Provide" means that an employer shall provide the	1199
requested information within thirty business days after the date	1200
the employer receives the request, unless either of the following	1201
occurs:	1202
(a) The employer and the employee or person acting on behalf	1203
of the employee agree to some alternative time period for	1204
providing the information.	1205
(b) The thirty-day period would cause a hardship on the	1206
employer under the circumstances, in which case the employer must	1207
provide the requested information as soon as practicable.	1208
(4) A "request" made by an employee or a person acting on	1209
behalf of an employee means a request by an employee or a person	1210
acting on behalf of an employee for the employee's own	1211
information. The employer may require that the employee provide	1212
the employer with a written request that has been signed by the	1213
employee and notarized and that reasonably specifies the	1214
particular information being requested. The employer may require	1215
that the person acting on behalf of an employee provide the	1216
employer with a written request that has been signed by the	1217
employee whose information is being requested and notarized and	1218
that reasonably specifies the particular information being	1219
requested.	1220
(H) In accordance with Section 34a of Article II, Ohio	1221

Constitution, an employee, person acting on behalf of one or more 1222
employees, and any other interested party may file a complaint 1223
with the state for a violation of any provision of Section 34a of 1224
Article II, Ohio Constitution, or any law or regulation 1225
implementing its provisions. Such complaint shall be promptly 1226
investigated and resolved by the state. The employee's name shall 1227
be kept confidential unless disclosure is necessary to resolution 1228
of a complaint and the employee consents to disclosure. As used in 1229
division (H) of this section: 1230

(1) "Complaint" means a complaint of an alleged violation 1231
pertaining to harm suffered by the employee filing the complaint, 1232
by a person acting on behalf of one or more employees, or by an 1233
interested party. 1234

(2) "Acting on behalf of one or more employees" has the same 1235
meaning as "acting on behalf of an employee" in division (G)(2) of 1236
this section. Each employee must provide a separate written and 1237
notarized authorization before the person acting on that 1238
employee's or those employees' behalf may request the name, 1239
address, occupation, pay rate, hours worked for each day worked, 1240
and each amount paid for the particular employee. 1241

(3) "Interested party" means a party who alleges to be 1242
injured by the alleged violation and who has standing to file a 1243
complaint under common law principles of standing. 1244

(4) "Resolved by the state" means that the complaint has been 1245
resolved to the satisfaction of the state. 1246

(5) "Shall be kept confidential" means that the state shall 1247
keep the name of the employee confidential as required by division 1248
(H) of this section. 1249

(I) In accordance with Section 34a of Article II, Ohio 1250
Constitution, the state may on its own initiative investigate an 1251
employer's compliance with Section 34a of Article II, Ohio 1252

Constitution, and any law or regulation implementing Section 34a 1253
of Article II, Ohio Constitution. The employer shall make 1254
available to the state any records related to such investigation 1255
and other information required for enforcement of Section 34a of 1256
Article II, Ohio Constitution or any law or regulation 1257
implementing Section 34a of Article II, Ohio Constitution. The 1258
state shall investigate an employer's compliance with this section 1259
in accordance with the procedures described in section 4111.04 of 1260
the Revised Code. All records and information related to 1261
investigations by the state are confidential and are not a public 1262
record subject to section 149.43 of the Revised Code. This 1263
division does not prevent the state from releasing to or 1264
exchanging with other state and federal wage and hour regulatory 1265
authorities information related to investigations. 1266

(J) In accordance with Section 34a of Article II, Ohio 1267
Constitution, damages shall be calculated as an additional two 1268
times the amount of the back wages and in the case of a violation 1269
of an anti-retaliation provision an amount set by the state or 1270
court sufficient to compensate the employee and deter future 1271
violations, but not less than one hundred fifty dollars for each 1272
day that the violation continued. The "not less than one hundred 1273
fifty dollar" penalty specified in division (J) of this section 1274
shall be imposed only for violations of the anti-retaliation 1275
provision in Section 34a of Article II, Ohio Constitution. 1276

(K) In accordance with Section 34a of Article II, Ohio 1277
Constitution, an action for equitable and monetary relief may be 1278
brought against an employer by the attorney general and/or an 1279
employee or person acting on behalf of an employee or all 1280
similarly situated employees in any court of competent 1281
jurisdiction, including the court of common pleas of an employee's 1282
county of residence, for any violation of Section 34a of Article 1283
II, Ohio Constitution, or any law or regulation implementing its 1284

provisions within three years of the violation or of when the 1285
violation ceased if it was of a continuing nature, or within one 1286
year after notification to the employee of final disposition by 1287
the state of a complaint for the same violation, whichever is 1288
later. 1289

(1) As used in division (K) of this section, "notification" 1290
means the date on which the notice was sent to the employee by the 1291
state. 1292

(2) No employee shall join as a party plaintiff in any civil 1293
action that is brought under division (K) of this section by an 1294
employee, person acting on behalf of an employee, or person acting 1295
on behalf of all similarly situated employees unless that employee 1296
first gives written consent to become such a party plaintiff and 1297
that consent is filed with the court in which the action is 1298
brought. 1299

(3) A civil action regarding an alleged violation of this 1300
section shall be maintained only under division (K) of this 1301
section. This division does not preclude the joinder in a single 1302
civil action of an action under this division and an action under 1303
section 4111.10 of the Revised Code. 1304

(4) Any agreement between an employee and employer to work 1305
for less than the wage rate specified in Section 34a of Article 1306
II, Ohio Constitution, is no defense to an action under this 1307
section. 1308

(L) In accordance with Section 34a of Article II, Ohio 1309
Constitution, there shall be no exhaustion requirement, no 1310
procedural, pleading, or burden of proof requirements beyond those 1311
that apply generally to civil suits in order to maintain such 1312
action and no liability for costs or attorney's fees on an 1313
employee except upon a finding that such action was frivolous in 1314
accordance with the same standards that apply generally in civil 1315

suits. Nothing in division (L) of this section affects the right 1316
of an employer and employee to agree to submit a dispute under 1317
this section to alternative dispute resolution, including, but not 1318
limited to, arbitration, in lieu of maintaining the civil suit 1319
specified in division (K) of this section. Nothing in this 1320
division limits the state's ability to investigate or enforce this 1321
section. 1322

(M) An employer who provides such information specified in 1323
Section 34a of Article II, Ohio Constitution, shall be immune from 1324
any civil liability for injury, death, or loss to person or 1325
property that otherwise might be incurred or imposed as a result 1326
of providing that information to an employee or person acting on 1327
behalf of an employee in response to a request by the employee or 1328
person, and the employer shall not be subject to the provisions of 1329
Chapters 1347. and 1349. of the Revised Code to the extent that 1330
such provisions would otherwise apply. As used in division (M) of 1331
this section, "such information," "acting on behalf of an 1332
employee," and "request" have the same meanings as in division (G) 1333
of this section. 1334

(N) As used in this section, "the state" means the director 1335
of commerce. 1336

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 1337
the Revised Code: 1338

(1) "Place of employment" means every place, whether indoors 1339
or out, or underground, and the premises appurtenant thereto, 1340
where either temporarily or permanently any industry, trade, or 1341
business is carried on, or where any process or operation, 1342
directly or indirectly related to any industry, trade, or 1343
business, is carried on and where any person is directly or 1344
indirectly employed by another for direct or indirect gain or 1345
profit, but does not include any place where persons are employed 1346

in private domestic service or agricultural pursuits which do not 1347
involve the use of mechanical power. 1348

(2) "Employment" means any trade, occupation, or process of 1349
manufacture or any method of carrying on such trade, occupation, 1350
or process of manufacture in which any person may be engaged, 1351
except in such private domestic service or agricultural pursuits 1352
as do not involve the use of mechanical power. 1353

(3) "Employer" means every person, firm, corporation, agent, 1354
manager, representative, or other person having control or custody 1355
of any employment, place of employment, or employee. "Employer" 1356
does not include a franchisor with respect to the franchisor's 1357
relationship with a franchisee or an employee of a franchisee, 1358
unless the franchisor agrees to assume that role in writing or a 1359
court of competent jurisdiction determines that the franchisor 1360
exercises a type or degree of control over the franchisee or the 1361
franchisee's employees that is not customarily exercised by a 1362
franchisor for the purpose of protecting the franchisor's 1363
trademark, brand, or both. For purposes of this division, 1364
"franchisor" and "franchisee" have the same meanings as in 16 1365
C.F.R. 436.1. 1366

(4)(a) "Employee" means ~~every~~ a person who may be required or 1367
directed by any employer, in consideration of direct or indirect 1368
gain or profit, to engage in any employment, or to go, or work, or 1369
be at any time in any place of employment, including a person 1370
described in division (A)(4)(b) of this section if a motor carrier 1371
elects to consider the individual to be an employee. 1372

(b) "Employee" does not include a person who operates a 1373
vehicle or vessel in the performance of services for or on behalf 1374
of a motor carrier transporting property and to whom all of the 1375
following factors apply: 1376

(i) The person owns the vehicle or vessel that is used in 1377

performing the services for or on behalf of the carrier, or the 1378
person leases the vehicle or vessel under a bona fide lease 1379
agreement that is not a temporary replacement lease agreement. For 1380
purposes of this division, a bona fide lease agreement does not 1381
include an agreement between the person and the motor carrier 1382
transporting property for which, or on whose behalf, the person 1383
provides services. 1384

(ii) The person is responsible for supplying the necessary 1385
personal services to operate the vehicle or vessel used to provide 1386
the service. 1387

(iii) The compensation paid to the person is based on factors 1388
related to work performed, including on a mileage-based rate or a 1389
percentage of any schedule of rates, and not solely on the basis 1390
of the hours or time expended. 1391

(iv) The person substantially controls the means and manner 1392
of performing the services, in conformance with regulatory 1393
requirements and specifications of the shipper. 1394

(v) The person enters into a written contract with the 1395
carrier for whom the person is performing the services that 1396
describes the relationship between the person and the carrier to 1397
be that of an independent contractor and not that of an employee. 1398

(vi) The person is responsible for substantially all of the 1399
principal operating costs of the vehicle or vessel and equipment 1400
used to provide the services, including maintenance, fuel, 1401
repairs, supplies, vehicle or vessel insurance, and personal 1402
expenses, except that the person may be paid by the carrier the 1403
carrier's fuel surcharge and incidental costs, including tolls, 1404
permits, and lumper fees. 1405

(vii) The person is responsible for any economic loss or 1406
economic gain from the arrangement with the carrier. 1407

(5) "Frequentener" means every person, other than an employee, 1408

who may go in or be in a place of employment under circumstances 1409
which render the person other than a trespasser. 1410

(6) "Deputy" means any person employed by the industrial 1411
commission or the bureau of workers' compensation, designated as a 1412
deputy by the commission or the administrator of workers' 1413
compensation, who possesses special, technical, scientific, 1414
managerial, professional, or personal abilities or qualities in 1415
matters within the jurisdiction of the commission or the bureau, 1416
and who may be engaged in the performance of duties under the 1417
direction of the commission or the bureau calling for the exercise 1418
of such abilities or qualities. 1419

(7) "Order" means any decision, rule, regulation, direction, 1420
requirement, or standard, or any other determination or decision 1421
that the bureau is empowered to and does make. 1422

(8) "General order" means an order that applies generally 1423
throughout the state to all persons, employments, or places of 1424
employment, or all persons, employments, or places of employment 1425
of a class under the jurisdiction of the bureau. All other orders 1426
shall be considered special orders. 1427

(9) "Local order" means any ordinance, order, rule, or 1428
determination of the legislative authority of any municipal 1429
corporation, or any trustees, or board or officers of any 1430
municipal corporation upon any matter over which the bureau has 1431
jurisdiction. 1432

(10) "Welfare" means comfort, decency, and moral well-being. 1433

(11) "Safe" or "safety," as applied to any employment or a 1434
place of employment, means such freedom from danger to the life, 1435
health, safety, or welfare of employees or frequenters as the 1436
nature of the employment will reasonably permit, including 1437
requirements as to the hours of labor with relation to the health 1438
and welfare of employees. 1439

(12) "Employee organization" means any labor or bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(13) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

(B) As used in the Revised Code:

(1) "Industrial commission" means the chairperson of the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the chairperson as the chief executive officer of the three-member industrial commission pursuant to divisions (A), (B), (C), and (D) of section 4121.03 of the Revised Code.

(2) "Industrial commission" means the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the three-member industrial commission pursuant to division (E) of section 4121.03 of the Revised Code.

(3) "Industrial commission" means the industrial commission as a state agency when the context refers to the authority vested in the industrial commission as a state agency.

Sec. 4123.01. As used in this chapter:

(A)(1) "Employee" means:

(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers

of boards of education, under any appointment or contract of hire, 1470
express or implied, oral or written, including any elected 1471
official of the state, or of any county, municipal corporation, or 1472
township, or members of boards of education. 1473

As used in division (A)(1)(a) of this section, the term 1474
"employee" includes the following persons when responding to an 1475
inherently dangerous situation that calls for an immediate 1476
response on the part of the person, regardless of whether the 1477
person is within the limits of the jurisdiction of the person's 1478
regular employment or voluntary service when responding, on the 1479
condition that the person responds to the situation as the person 1480
otherwise would if the person were on duty in the person's 1481
jurisdiction: 1482

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 1483
of this section, "peace officer" has the same meaning as in 1484
section 2935.01 of the Revised Code. 1485

(ii) Off-duty firefighters, whether paid or volunteer, of a 1486
lawfully constituted fire department. 1487

(iii) Off-duty first responders, emergency medical 1488
technicians-basic, emergency medical technicians-intermediate, or 1489
emergency medical technicians-paramedic, whether paid or 1490
volunteer, of an ambulance service organization or emergency 1491
medical service organization pursuant to Chapter 4765. of the 1492
Revised Code. 1493

(b) Every person in the service of any person, firm, or 1494
private corporation, including any public service corporation, 1495
that (i) employs one or more persons regularly in the same 1496
business or in or about the same establishment under any contract 1497
of hire, express or implied, oral or written, including aliens and 1498
minors, household workers who earn one hundred sixty dollars or 1499
more in cash in any calendar quarter from a single household and 1500

casual workers who earn one hundred sixty dollars or more in cash 1501
in any calendar quarter from a single employer, or (ii) is bound 1502
by any such contract of hire or by any other written contract, to 1503
pay into the state insurance fund the premiums provided by this 1504
chapter. 1505

(c) Every person who performs labor or provides services 1506
pursuant to a construction contract, as defined in section 4123.79 1507
of the Revised Code, if at least ten of the following criteria 1508
apply: 1509

(i) The person is required to comply with instructions from 1510
the other contracting party regarding the manner or method of 1511
performing services; 1512

(ii) The person is required by the other contracting party to 1513
have particular training; 1514

(iii) The person's services are integrated into the regular 1515
functioning of the other contracting party; 1516

(iv) The person is required to perform the work personally; 1517

(v) The person is hired, supervised, or paid by the other 1518
contracting party; 1519

(vi) A continuing relationship exists between the person and 1520
the other contracting party that contemplates continuing or 1521
recurring work even if the work is not full time; 1522

(vii) The person's hours of work are established by the other 1523
contracting party; 1524

(viii) The person is required to devote full time to the 1525
business of the other contracting party; 1526

(ix) The person is required to perform the work on the 1527
premises of the other contracting party; 1528

(x) The person is required to follow the order of work set by 1529
the other contracting party; 1530

(xi) The person is required to make oral or written reports	1531
of progress to the other contracting party;	1532
(xii) The person is paid for services on a regular basis such	1533
as hourly, weekly, or monthly;	1534
(xiii) The person's expenses are paid for by the other	1535
contracting party;	1536
(xiv) The person's tools and materials are furnished by the	1537
other contracting party;	1538
(xv) The person is provided with the facilities used to	1539
perform services;	1540
(xvi) The person does not realize a profit or suffer a loss	1541
as a result of the services provided;	1542
(xvii) The person is not performing services for a number of	1543
employers at the same time;	1544
(xviii) The person does not make the same services available	1545
to the general public;	1546
(xix) The other contracting party has a right to discharge	1547
the person;	1548
(xx) The person has the right to end the relationship with	1549
the other contracting party without incurring liability pursuant	1550
to an employment contract or agreement.	1551
Every person in the service of any independent contractor or	1552
subcontractor who has failed to pay into the state insurance fund	1553
the amount of premium determined and fixed by the administrator of	1554
workers' compensation for the person's employment or occupation or	1555
who is a self-insuring employer and who has failed to pay	1556
compensation and benefits directly to the employer's injured and	1557
to the dependents of the employer's killed employees as required	1558
by section 4123.35 of the Revised Code, shall be considered as the	1559
employee of the person who has entered into a contract, whether	1560

written or verbal, with such independent contractor unless such 1561
employees or their legal representatives or beneficiaries elect, 1562
after injury or death, to regard such independent contractor as 1563
the employer. 1564

(d) Every person who operates a vehicle or vessel in the 1565
performance of services for or on behalf of a motor carrier 1566
transporting property, unless all of the following factors apply 1567
to the person: 1568

(i) The person owns the vehicle or vessel that is used in 1569
performing the services for or on behalf of the carrier, or the 1570
person leases the vehicle or vessel under a bona fide lease 1571
agreement that is not a temporary replacement lease agreement. For 1572
purposes of this division, a bona fide lease agreement does not 1573
include an agreement between the person and the motor carrier 1574
transporting property for which, or on whose behalf, the person 1575
provides services. 1576

(ii) The person is responsible for supplying the necessary 1577
personal services to operate the vehicle or vessel used to provide 1578
the service. 1579

(iii) The compensation paid to the person is based on factors 1580
related to work performed, including on a mileage-based rate or a 1581
percentage of any schedule of rates, and not solely on the basis 1582
of the hours or time expended. 1583

(iv) The person substantially controls the means and manner 1584
of performing the services, in conformance with regulatory 1585
requirements and specifications of the shipper. 1586

(v) The person enters into a written contract with the 1587
carrier for whom the person is performing the services that 1588
describes the relationship between the person and the carrier to 1589
be that of an independent contractor and not that of an employee. 1590

(vi) The person is responsible for substantially all of the 1591

principal operating costs of the vehicle or vessel and equipment 1592
used to provide the services, including maintenance, fuel, 1593
repairs, supplies, vehicle or vessel insurance, and personal 1594
expenses, except that the person may be paid by the carrier the 1595
carrier's fuel surcharge and incidental costs, including tolls, 1596
permits, and lumper fees. 1597

(vii) The person is responsible for any economic loss or 1598
economic gain from the arrangement with the carrier. 1599

(2) "Employee" does not mean any of the following: 1600

(a) A duly ordained, commissioned, or licensed minister or 1601
assistant or associate minister of a church in the exercise of 1602
ministry; 1603

(b) Any officer of a family farm corporation; 1604

(c) An individual incorporated as a corporation; 1605

(d) An officer of a nonprofit corporation, as defined in 1606
section 1702.01 of the Revised Code, who volunteers the person's 1607
services as an officer; 1608

(e) An individual who otherwise is an employee of an employer 1609
but who signs the waiver and affidavit specified in section 1610
4123.15 of the Revised Code on the condition that the 1611
administrator has granted a waiver and exception to the 1612
individual's employer under section 4123.15 of the Revised Code; 1613

(f)(i) A qualifying employee described in division (A)(14)(a) 1614
of section 5703.94 of the Revised Code when the qualifying 1615
employee is performing disaster work in this state during a 1616
disaster response period pursuant to a qualifying solicitation 1617
received by the employee's employer; 1618

(ii) A qualifying employee described in division (A)(14)(b) 1619
of section 5703.94 of the Revised Code when the qualifying 1620
employee is performing disaster work in this state during a 1621

disaster response period on critical infrastructure owned or used 1622
by the employee's employer; 1623

(iii) As used in division (A)(2)(f) of this section, 1624
"critical infrastructure," "disaster response period," "disaster 1625
work," and "qualifying employee" have the same meanings as in 1626
section 5703.94 of the Revised Code. 1627

Any employer may elect to include as an "employee" within 1628
this chapter, any person excluded from the definition of 1629
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 1630
or (e) of this section in accordance with rules adopted by the 1631
administrator, with the advice and consent of the bureau of 1632
workers' compensation board of directors. If an employer is a 1633
partnership, sole proprietorship, individual incorporated as a 1634
corporation, or family farm corporation, such employer may elect 1635
to include as an "employee" within this chapter, any member of 1636
such partnership, the owner of the sole proprietorship, the 1637
individual incorporated as a corporation, or the officers of the 1638
family farm corporation. Nothing in this section shall prohibit a 1639
partner, sole proprietor, or any person excluded from the 1640
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 1641
or (e) of this section from electing to be included as an 1642
"employee" under this chapter in accordance with rules adopted by 1643
the administrator, with the advice and consent of the board. 1644

In the event of an election, the employer or person electing 1645
coverage shall serve upon the bureau of workers' compensation 1646
written notice naming the person to be covered and include the 1647
person's remuneration for premium purposes in all future payroll 1648
reports. No partner, sole proprietor, or person excluded from the 1649
definition of "employee" pursuant to division (A)(1)(d) or 1650
(A)(2)(a), (b), (c), or (e) of this section, shall receive 1651
benefits or compensation under this chapter until the bureau 1652
receives written notice of the election permitted by this section. 1653

For informational purposes only, the bureau shall prescribe 1654
such language as it considers appropriate, on such of its forms as 1655
it considers appropriate, to advise employers of their right to 1656
elect to include as an "employee" within this chapter a sole 1657
proprietor, any member of a partnership, or a person excluded from 1658
the definition of "employee" under division (A)(1)(d) or 1659
(A)(2)(a), (b), (c), or (e) of this section, that they should 1660
check any health and disability insurance policy, or other form of 1661
health and disability plan or contract, presently covering them, 1662
or the purchase of which they may be considering, to determine 1663
whether such policy, plan, or contract excludes benefits for 1664
illness or injury that they might have elected to have covered by 1665
workers' compensation. 1666

(B)(1) "Employer" means: 1667

(a) The state, including state hospitals, each county, 1668
municipal corporation, township, school district, and hospital 1669
owned by a political subdivision or subdivisions other than the 1670
state; 1671

(b) Every person, firm, professional employer organization, 1672
and private corporation, including any public service corporation, 1673
that (i) has in service one or more employees or shared employees 1674
regularly in the same business or in or about the same 1675
establishment under any contract of hire, express or implied, oral 1676
or written, or (ii) is bound by any such contract of hire or by 1677
any other written contract, to pay into the insurance fund the 1678
premiums provided by this chapter. 1679

All such employers are subject to this chapter. Any member of 1680
a firm or association, who regularly performs manual labor in or 1681
about a mine, factory, or other establishment, including a 1682
household establishment, shall be considered an employee in 1683
determining whether such person, firm, or private corporation, or 1684
public service corporation, has in its service, one or more 1685

employees and the employer shall report the income derived from 1686
such labor to the bureau as part of the payroll of such employer, 1687
and such member shall thereupon be entitled to all the benefits of 1688
an employee. 1689

(2) "Employer" does not include a franchisor with respect to 1690
the franchisor's relationship with a franchisee or an employee of 1691
a franchisee, unless the franchisor agrees to assume that role in 1692
writing or a court of competent jurisdiction determines that the 1693
franchisor exercises a type or degree of control over the 1694
franchisee or the franchisee's employees that is not customarily 1695
exercised by a franchisor for the purpose of protecting the 1696
franchisor's trademark, brand, or both. For purposes of this 1697
division, "franchisor" and "franchisee" have the same meanings as 1698
in 16 C.F.R. 436.1. 1699

(C) "Injury" includes any injury, whether caused by external 1700
accidental means or accidental in character and result, received 1701
in the course of, and arising out of, the injured employee's 1702
employment. "Injury" does not include: 1703

(1) Psychiatric conditions except where the claimant's 1704
psychiatric conditions have arisen from an injury or occupational 1705
disease sustained by that claimant or where the claimant's 1706
psychiatric conditions have arisen from sexual conduct in which 1707
the claimant was forced by threat of physical harm to engage or 1708
participate; 1709

(2) Injury or disability caused primarily by the natural 1710
deterioration of tissue, an organ, or part of the body; 1711

(3) Injury or disability incurred in voluntary participation 1712
in an employer-sponsored recreation or fitness activity if the 1713
employee signs a waiver of the employee's right to compensation or 1714
benefits under this chapter prior to engaging in the recreation or 1715
fitness activity; 1716

(4) A condition that pre-existed an injury unless that 1717
pre-existing condition is substantially aggravated by the injury. 1718
Such a substantial aggravation must be documented by objective 1719
diagnostic findings, objective clinical findings, or objective 1720
test results. Subjective complaints may be evidence of such a 1721
substantial aggravation. However, subjective complaints without 1722
objective diagnostic findings, objective clinical findings, or 1723
objective test results are insufficient to substantiate a 1724
substantial aggravation. 1725

(D) "Child" includes a posthumous child and a child legally 1726
adopted prior to the injury. 1727

(E) "Family farm corporation" means a corporation founded for 1728
the purpose of farming agricultural land in which the majority of 1729
the voting stock is held by and the majority of the stockholders 1730
are persons or the spouse of persons related to each other within 1731
the fourth degree of kinship, according to the rules of the civil 1732
law, and at least one of the related persons is residing on or 1733
actively operating the farm, and none of whose stockholders are a 1734
corporation. A family farm corporation does not cease to qualify 1735
under this division where, by reason of any devise, bequest, or 1736
the operation of the laws of descent or distribution, the 1737
ownership of shares of voting stock is transferred to another 1738
person, as long as that person is within the degree of kinship 1739
stipulated in this division. 1740

(F) "Occupational disease" means a disease contracted in the 1741
course of employment, which by its causes and the characteristics 1742
of its manifestation or the condition of the employment results in 1743
a hazard which distinguishes the employment in character from 1744
employment generally, and the employment creates a risk of 1745
contracting the disease in greater degree and in a different 1746
manner from the public in general. 1747

(G) "Self-insuring employer" means an employer who is granted 1748

the privilege of paying compensation and benefits directly under 1749
section 4123.35 of the Revised Code, including a board of county 1750
commissioners for the sole purpose of constructing a sports 1751
facility as defined in section 307.696 of the Revised Code, 1752
provided that the electors of the county in which the sports 1753
facility is to be built have approved construction of a sports 1754
facility by ballot election no later than November 6, 1997. 1755

(H) "Private employer" means an employer as defined in 1756
division (B)(1)(b) of this section. 1757

(I) "Professional employer organization" has the same meaning 1758
as in section 4125.01 of the Revised Code. 1759

(J) "Public employer" means an employer as defined in 1760
division (B)(1)(a) of this section. 1761

(K) "Sexual conduct" means vaginal intercourse between a male 1762
and female; anal intercourse, fellatio, and cunnilingus between 1763
persons regardless of gender; and, without privilege to do so, the 1764
insertion, however slight, of any part of the body or any 1765
instrument, apparatus, or other object into the vaginal or anal 1766
cavity of another. Penetration, however slight, is sufficient to 1767
complete vaginal or anal intercourse. 1768

(L) "Other-states' insurer" means an insurance company that 1769
is authorized to provide workers' compensation insurance coverage 1770
in any of the states that permit employers to obtain insurance for 1771
workers' compensation claims through insurance companies. 1772

(M) "Other-states' coverage" means both of the following: 1773

(1) Insurance coverage secured by an eligible employer for 1774
workers' compensation claims of employees who are in employment 1775
relationships localized in a state other than this state or those 1776
employees' dependents; 1777

(2) Insurance coverage secured by an eligible employer for 1778

workers' compensation claims that arise in a state other than this 1779
state where an employer elects to obtain coverage through either 1780
the administrator or an other-states' insurer. 1781

(N) "Limited other-states coverage" means insurance coverage 1782
provided by the administrator to an eligible employer for workers' 1783
compensation claims of employees who are in an employment 1784
relationship localized in this state but are temporarily working 1785
in a state other than this state, or those employees' dependents. 1786

(O) "Motor carrier" has the same meaning as in section 1787
4923.01 of the Revised Code. 1788

Sec. 4141.01. As used in this chapter, unless the context 1789
otherwise requires: 1790

(A)(1) "Employer" means the state, its instrumentalities, its 1791
political subdivisions and their instrumentalities, Indian tribes, 1792
and any individual or type of organization including any 1793
partnership, limited liability company, association, trust, 1794
estate, joint-stock company, insurance company, or corporation, 1795
whether domestic or foreign, or the receiver, trustee in 1796
bankruptcy, trustee, or the successor thereof, or the legal 1797
representative of a deceased person who subsequent to December 31, 1798
1971, or in the case of political subdivisions or their 1799
instrumentalities, subsequent to December 31, 1973: 1800

(a) Had in employment at least one individual, or in the case 1801
of a nonprofit organization, subsequent to December 31, 1973, had 1802
not less than four individuals in employment for some portion of a 1803
day in each of twenty different calendar weeks, in either the 1804
current or the preceding calendar year whether or not the same 1805
individual was in employment in each such day; or 1806

(b) Except for a nonprofit organization, had paid for service 1807
in employment wages of fifteen hundred dollars or more in any 1808

calendar quarter in either the current or preceding calendar year; 1809
or 1810

(c) Had paid, subsequent to December 31, 1977, for employment 1811
in domestic service in a local college club, or local chapter of a 1812
college fraternity or sorority, cash remuneration of one thousand 1813
dollars or more in any calendar quarter in the current calendar 1814
year or the preceding calendar year, or had paid subsequent to 1815
December 31, 1977, for employment in domestic service in a private 1816
home cash remuneration of one thousand dollars in any calendar 1817
quarter in the current calendar year or the preceding calendar 1818
year: 1819

(i) For the purposes of divisions (A)(1)(a) and (b) of this 1820
section, there shall not be taken into account any wages paid to, 1821
or employment of, an individual performing domestic service as 1822
described in this division. 1823

(ii) An employer under this division shall not be an employer 1824
with respect to wages paid for any services other than domestic 1825
service unless the employer is also found to be an employer under 1826
division (A)(1)(a), (b), or (d) of this section. 1827

(d) As a farm operator or a crew leader subsequent to 1828
December 31, 1977, had in employment individuals in agricultural 1829
labor; and 1830

(i) During any calendar quarter in the current calendar year 1831
or the preceding calendar year, paid cash remuneration of twenty 1832
thousand dollars or more for the agricultural labor; or 1833

(ii) Had at least ten individuals in employment in 1834
agricultural labor, not including agricultural workers who are 1835
aliens admitted to the United States to perform agricultural labor 1836
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 1837
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1838
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 1839

of the twenty different calendar weeks, in either the current or 1840
preceding calendar year whether or not the same individual was in 1841
employment in each day; or 1842

(e) Is not otherwise an employer as defined under division 1843
(A)(1)(a) or (b) of this section; and 1844

(i) For which, within either the current or preceding 1845
calendar year, service, except for domestic service in a private 1846
home not covered under division (A)(1)(c) of this section, is or 1847
was performed with respect to which such employer is liable for 1848
any federal tax against which credit may be taken for 1849
contributions required to be paid into a state unemployment fund; 1850

(ii) Which, as a condition for approval of this chapter for 1851
full tax credit against the tax imposed by the "Federal 1852
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 1853
required, pursuant to such act to be an employer under this 1854
chapter; or 1855

(iii) Who became an employer by election under division 1856
(A)(4) or (5) of this section and for the duration of such 1857
election; or 1858

(f) In the case of the state, its instrumentalities, its 1859
political subdivisions, and their instrumentalities, and Indian 1860
tribes, had in employment, as defined in divisions (B)(2)(a) and 1861
(B)(2)(1) of this section, at least one individual; 1862

(g) For the purposes of division (A)(1)(a) of this section, 1863
if any week includes both the thirty-first day of December and the 1864
first day of January, the days of that week before the first day 1865
of January shall be considered one calendar week and the days 1866
beginning the first day of January another week. 1867

(2) Each individual employed to perform or to assist in 1868
performing the work of any agent or employee of an employer is 1869
employed by such employer for all the purposes of this chapter, 1870

whether such individual was hired or paid directly by such 1871
employer or by such agent or employee, provided the employer had 1872
actual or constructive knowledge of the work. All individuals 1873
performing services for an employer of any person in this state 1874
who maintains two or more establishments within this state are 1875
employed by a single employer for the purposes of this chapter. 1876

(3) An employer subject to this chapter within any calendar 1877
year is subject to this chapter during the whole of such year and 1878
during the next succeeding calendar year. 1879

(4) An employer not otherwise subject to this chapter who 1880
files with the director of job and family services a written 1881
election to become an employer subject to this chapter for not 1882
less than two calendar years shall, with the written approval of 1883
such election by the director, become an employer subject to this 1884
chapter to the same extent as all other employers as of the date 1885
stated in such approval, and shall cease to be subject to this 1886
chapter as of the first day of January of any calendar year 1887
subsequent to such two calendar years only if at least thirty days 1888
prior to such first day of January the employer has filed with the 1889
director a written notice to that effect. 1890

(5) Any employer for whom services that do not constitute 1891
employment are performed may file with the director a written 1892
election that all such services performed by individuals in the 1893
employer's employ in one or more distinct establishments or places 1894
of business shall be deemed to constitute employment for all the 1895
purposes of this chapter, for not less than two calendar years. 1896
Upon written approval of the election by the director, such 1897
services shall be deemed to constitute employment subject to this 1898
chapter from and after the date stated in such approval. Such 1899
services shall cease to be employment subject to this chapter as 1900
of the first day of January of any calendar year subsequent to 1901
such two calendar years only if at least thirty days prior to such 1902

first day of January such employer has filed with the director a 1903
written notice to that effect. 1904

(6) "Employer" does not include a franchisor with respect to 1905
the franchisor's relationship with a franchisee or an employee of 1906
a franchisee, unless the franchisor agrees to assume that role in 1907
writing or a court of competent jurisdiction determines that the 1908
franchisor exercises a type or degree of control over the 1909
franchisee or the franchisee's employees that is not customarily 1910
exercised by a franchisor for the purpose of protecting the 1911
franchisor's trademark, brand, or both. For purposes of this 1912
division, "franchisor" and "franchisee" have the same meanings as 1913
in 16 C.F.R. 436.1. 1914

(B)(1) "Employment" means service performed by an individual 1915
for remuneration under any contract of hire, written or oral, 1916
express or implied, including service performed in interstate 1917
commerce and service performed by an officer of a corporation, 1918
without regard to whether such service is executive, managerial, 1919
or manual in nature, and without regard to whether such officer is 1920
a stockholder or a member of the board of directors of the 1921
corporation, unless it is shown to the satisfaction of the 1922
director that such individual has been and will continue to be 1923
free from direction or control over the performance of such 1924
service, both under a contract of service and in fact. The 1925
director shall adopt rules to define "direction or control." 1926

(2) "Employment" includes: 1927

(a) Service performed after December 31, 1977, by an 1928
individual in the employ of the state or any of its 1929
instrumentalities, or any political subdivision thereof or any of 1930
its instrumentalities or any instrumentality of more than one of 1931
the foregoing or any instrumentality of any of the foregoing and 1932
one or more other states or political subdivisions and without 1933
regard to divisions (A)(1)(a) and (b) of this section, provided 1934

that such service is excluded from employment as defined in the 1935
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 1936
3306(c)(7) and is not excluded under division (B)(3) of this 1937
section; or the services of employees covered by voluntary 1938
election, as provided under divisions (A)(4) and (5) of this 1939
section; 1940

(b) Service performed after December 31, 1971, by an 1941
individual in the employ of a religious, charitable, educational, 1942
or other organization which is excluded from the term "employment" 1943
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 1944
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 1945
3306(c)(8) of that act and is not excluded under division (B)(3) 1946
of this section; 1947

(c) Domestic service performed after December 31, 1977, for 1948
an employer, as provided in division (A)(1)(c) of this section; 1949

(d) Agricultural labor performed after December 31, 1977, for 1950
a farm operator or a crew leader, as provided in division 1951
(A)(1)(d) of this section; 1952

(e) Service Subject to division (B)(2)(m) of this section, 1953
service not covered under division (B)(1) of this section which is 1954
performed after December 31, 1971: 1955

(i) As an agent-driver or commission-driver engaged in 1956
distributing meat products, vegetable products, fruit products, 1957
bakery products, beverages other than milk, laundry, or 1958
dry-cleaning services, for the individual's employer or principal; 1959

(ii) As a traveling or city salesperson, other than as an 1960
agent-driver or commission-driver, engaged on a full-time basis in 1961
the solicitation on behalf of and in the transmission to the 1962
salesperson's employer or principal except for sideline sales 1963
activities on behalf of some other person of orders from 1964
wholesalers, retailers, contractors, or operators of hotels, 1965

restaurants, or other similar establishments for merchandise for 1966
resale, or supplies for use in their business operations, provided 1967
that for the purposes of division (B)(2)(e)(ii) of this section, 1968
the services shall be deemed employment if the contract of service 1969
contemplates that substantially all of the services are to be 1970
performed personally by the individual and that the individual 1971
does not have a substantial investment in facilities used in 1972
connection with the performance of the services other than in 1973
facilities for transportation, and the services are not in the 1974
nature of a single transaction that is not a part of a continuing 1975
relationship with the person for whom the services are performed. 1976

(f) An individual's entire service performed within or both 1977
within and without the state if: 1978

(i) The service is localized in this state. 1979

(ii) The service is not localized in any state, but some of 1980
the service is performed in this state and either the base of 1981
operations, or if there is no base of operations then the place 1982
from which such service is directed or controlled, is in this 1983
state or the base of operations or place from which such service 1984
is directed or controlled is not in any state in which some part 1985
of the service is performed but the individual's residence is in 1986
this state. 1987

(g) Service not covered under division (B)(2)(f)(ii) of this 1988
section and performed entirely without this state, with respect to 1989
no part of which contributions are required and paid under an 1990
unemployment compensation law of any other state, the Virgin 1991
Islands, Canada, or of the United States, if the individual 1992
performing such service is a resident of this state and the 1993
director approves the election of the employer for whom such 1994
services are performed; or, if the individual is not a resident of 1995
this state but the place from which the service is directed or 1996
controlled is in this state, the entire services of such 1997

individual shall be deemed to be employment subject to this 1998
chapter, provided service is deemed to be localized within this 1999
state if the service is performed entirely within this state or if 2000
the service is performed both within and without this state but 2001
the service performed without this state is incidental to the 2002
individual's service within the state, for example, is temporary 2003
or transitory in nature or consists of isolated transactions; 2004

(h) Service of an individual who is a citizen of the United 2005
States, performed outside the United States except in Canada after 2006
December 31, 1971, or the Virgin Islands, after December 31, 1971, 2007
and before the first day of January of the year following that in 2008
which the United States secretary of labor approves the Virgin 2009
Islands law for the first time, in the employ of an American 2010
employer, other than service which is "employment" under divisions 2011
(B)(2)(f) and (g) of this section or similar provisions of another 2012
state's law, if: 2013

(i) The employer's principal place of business in the United 2014
States is located in this state; 2015

(ii) The employer has no place of business in the United 2016
States, but the employer is an individual who is a resident of 2017
this state; or the employer is a corporation which is organized 2018
under the laws of this state, or the employer is a partnership or 2019
a trust and the number of partners or trustees who are residents 2020
of this state is greater than the number who are residents of any 2021
other state; or 2022

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 2023
of this section is met but the employer has elected coverage in 2024
this state or the employer having failed to elect coverage in any 2025
state, the individual has filed a claim for benefits, based on 2026
such service, under this chapter. 2027

(i) For the purposes of division (B)(2)(h) of this section, 2028

the term "American employer" means an employer who is an 2029
individual who is a resident of the United States; or a 2030
partnership, if two-thirds or more of the partners are residents 2031
of the United States; or a trust, if all of the trustees are 2032
residents of the United States; or a corporation organized under 2033
the laws of the United States or of any state, provided the term 2034
"United States" includes the states, the District of Columbia, the 2035
Commonwealth of Puerto Rico, and the Virgin Islands. 2036

(j) Notwithstanding any other provisions of divisions (B)(1) 2037
and (2) of this section, service, except for domestic service in a 2038
private home not covered under division (A)(1)(c) of this section, 2039
with respect to which a tax is required to be paid under any 2040
federal law imposing a tax against which credit may be taken for 2041
contributions required to be paid into a state unemployment fund, 2042
or service, except for domestic service in a private home not 2043
covered under division (A)(1)(c) of this section, which, as a 2044
condition for full tax credit against the tax imposed by the 2045
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 2046
3311, is required to be covered under this chapter. 2047

(k) Construction services performed by any individual under a 2048
construction contract, as defined in section 4141.39 of the 2049
Revised Code, if the director determines that the employer for 2050
whom services are performed has the right to direct or control the 2051
performance of the services and that the individuals who perform 2052
the services receive remuneration for the services performed. The 2053
director shall presume that the employer for whom services are 2054
performed has the right to direct or control the performance of 2055
the services if ten or more of the following criteria apply: 2056

(i) The employer directs or controls the manner or method by 2057
which instructions are given to the individual performing 2058
services; 2059

(ii) The employer requires particular training for the 2060

individual performing services;	2061
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	2062 2063
(iv) The employer requires that services be provided by a particular individual;	2064 2065
(v) The employer hires, supervises, or pays the wages of the individual performing services;	2066 2067
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	2068 2069 2070
(vii) The employer requires the individual to perform services during established hours;	2071 2072
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	2073 2074 2075
(ix) The employer requires the individual to perform services on the employer's premises;	2076 2077
(x) The employer requires the individual performing services to follow the order of work established by the employer;	2078 2079
(xi) The employer requires the individual performing services to make oral or written reports of progress;	2080 2081
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	2082 2083
(xiii) The employer pays expenses for the individual performing services;	2084 2085
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	2086 2087
(xv) The individual performing services has not invested in the facilities used to perform services;	2088 2089

(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;

(xvii) The individual performing services is not performing services for more than two employers simultaneously;

(xviii) The individual performing services does not make the services available to the general public;

(xix) The employer has a right to discharge the individual performing services;

(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.

(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.

(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:

(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not

include an agreement between the individual and the motor carrier 2121
transporting property for which, or on whose behalf, the 2122
individual provides services. 2123

(ii) The individual is responsible for supplying the 2124
necessary personal services to operate the vehicle or vessel used 2125
to provide the service. 2126

(iii) The compensation paid to the individual is based on 2127
factors related to work performed, including on a mileage-based 2128
rate or a percentage of any schedule of rates, and not solely on 2129
the basis of the hours or time expended. 2130

(iv) The individual substantially controls the means and 2131
manner of performing the services, in conformance with regulatory 2132
requirements and specifications of the shipper. 2133

(v) The individual enters into a written contract with the 2134
carrier for whom the individual is performing the services that 2135
describes the relationship between the individual and the carrier 2136
to be that of an independent contractor and not that of an 2137
employee. 2138

(vi) The individual is responsible for substantially all of 2139
the principal operating costs of the vehicle or vessel and 2140
equipment used to provide the services, including maintenance, 2141
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2142
expenses, except that the individual may be paid by the carrier 2143
the carrier's fuel surcharge and incidental costs, including 2144
tolls, permits, and lumper fees. 2145

(vii) The individual is responsible for any economic loss or 2146
economic gain from the arrangement with the carrier. 2147

(viii) The individual is not performing services described in 2148
26 U.S.C. 3306(c)(7) or (8). 2149

(3) "Employment" does not include the following services if 2150

they are found not subject to the "Federal Unemployment Tax Act," 2151
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 2152
are not required to be included under division (B)(2)(j) of this 2153
section: 2154

(a) Service performed after December 31, 1977, in 2155
agricultural labor, except as provided in division (A)(1)(d) of 2156
this section; 2157

(b) Domestic service performed after December 31, 1977, in a 2158
private home, local college club, or local chapter of a college 2159
fraternity or sorority except as provided in division (A)(1)(c) of 2160
this section; 2161

(c) Service performed after December 31, 1977, for this state 2162
or a political subdivision as described in division (B)(2)(a) of 2163
this section when performed: 2164

(i) As a publicly elected official; 2165

(ii) As a member of a legislative body, or a member of the 2166
judiciary; 2167

(iii) As a military member of the Ohio national guard; 2168

(iv) As an employee, not in the classified service as defined 2169
in section 124.11 of the Revised Code, serving on a temporary 2170
basis in case of fire, storm, snow, earthquake, flood, or similar 2171
emergency; 2172

(v) In a position which, under or pursuant to law, is 2173
designated as a major nontenured policymaking or advisory 2174
position, not in the classified service of the state, or a 2175
policymaking or advisory position the performance of the duties of 2176
which ordinarily does not require more than eight hours per week. 2177

(d) In the employ of any governmental unit or instrumentality 2178
of the United States; 2179

(e) Service performed after December 31, 1971: 2180

(i) Service in the employ of an educational institution or 2181
institution of higher education, including those operated by the 2182
state or a political subdivision, if such service is performed by 2183
a student who is enrolled and is regularly attending classes at 2184
the educational institution or institution of higher education; or 2185

(ii) By an individual who is enrolled at a nonprofit or 2186
public educational institution which normally maintains a regular 2187
faculty and curriculum and normally has a regularly organized body 2188
of students in attendance at the place where its educational 2189
activities are carried on as a student in a full-time program, 2190
taken for credit at the institution, which combines academic 2191
instruction with work experience, if the service is an integral 2192
part of the program, and the institution has so certified to the 2193
employer, provided that this subdivision shall not apply to 2194
service performed in a program established for or on behalf of an 2195
employer or group of employers. 2196

(f) Service performed by an individual in the employ of the 2197
individual's son, daughter, or spouse and service performed by a 2198
child under the age of eighteen in the employ of the child's 2199
father or mother; 2200

(g) Service performed for one or more principals by an 2201
individual who is compensated on a commission basis, who in the 2202
performance of the work is master of the individual's own time and 2203
efforts, and whose remuneration is wholly dependent on the amount 2204
of effort the individual chooses to expend, and which service is 2205
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 2206
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 2207
31, 1971: 2208

(i) By an individual for an employer as an insurance agent or 2209
as an insurance solicitor, if all this service is performed for 2210
remuneration solely by way of commission; 2211

(ii) As a home worker performing work, according to 2212
specifications furnished by the employer for whom the services are 2213
performed, on materials or goods furnished by such employer which 2214
are required to be returned to the employer or to a person 2215
designated for that purpose. 2216

(h) Service performed after December 31, 1971: 2217

(i) In the employ of a church or convention or association of 2218
churches, or in an organization which is operated primarily for 2219
religious purposes and which is operated, supervised, controlled, 2220
or principally supported by a church or convention or association 2221
of churches; 2222

(ii) By a duly ordained, commissioned, or licensed minister 2223
of a church in the exercise of the individual's ministry or by a 2224
member of a religious order in the exercise of duties required by 2225
such order; or 2226

(iii) In a facility conducted for the purpose of carrying out 2227
a program of rehabilitation for individuals whose earning capacity 2228
is impaired by age or physical or mental deficiency or injury, or 2229
providing remunerative work for individuals who because of their 2230
impaired physical or mental capacity cannot be readily absorbed in 2231
the competitive labor market, by an individual receiving such 2232
rehabilitation or remunerative work. 2233

(i) Service performed after June 30, 1939, with respect to 2234
which unemployment compensation is payable under the "Railroad 2235
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 2236

(j) Service performed by an individual in the employ of any 2237
organization exempt from income tax under section 501 of the 2238
"Internal Revenue Code of 1954," if the remuneration for such 2239
service does not exceed fifty dollars in any calendar quarter, or 2240
if such service is in connection with the collection of dues or 2241
premiums for a fraternal beneficial society, order, or association 2242

and is performed away from the home office or is ritualistic 2243
service in connection with any such society, order, or 2244
association; 2245

(k) Casual labor not in the course of an employer's trade or 2246
business; incidental service performed by an officer, appraiser, 2247
or member of a finance committee of a bank, building and loan 2248
association, savings and loan association, or savings association 2249
when the remuneration for such incidental service exclusive of the 2250
amount paid or allotted for directors' fees does not exceed sixty 2251
dollars per calendar quarter is casual labor; 2252

(l) Service performed in the employ of a voluntary employees' 2253
beneficial association providing for the payment of life, 2254
sickness, accident, or other benefits to the members of such 2255
association or their dependents or their designated beneficiaries, 2256
if admission to a membership in such association is limited to 2257
individuals who are officers or employees of a municipal or public 2258
corporation, of a political subdivision of the state, or of the 2259
United States and no part of the net earnings of such association 2260
inures, other than through such payments, to the benefit of any 2261
private shareholder or individual; 2262

(m) Service performed by an individual in the employ of a 2263
foreign government, including service as a consular or other 2264
officer or employee or of a nondiplomatic representative; 2265

(n) Service performed in the employ of an instrumentality 2266
wholly owned by a foreign government if the service is of a 2267
character similar to that performed in foreign countries by 2268
employees of the United States or of an instrumentality thereof 2269
and if the director finds that the secretary of state of the 2270
United States has certified to the secretary of the treasury of 2271
the United States that the foreign government, with respect to 2272
whose instrumentality exemption is claimed, grants an equivalent 2273
exemption with respect to similar service performed in the foreign 2274

country by employees of the United States and of instrumentalities	2275
thereof;	2276
(o) Service with respect to which unemployment compensation	2277
is payable under an unemployment compensation system established	2278
by an act of congress;	2279
(p) Service performed as a student nurse in the employ of a	2280
hospital or a nurses' training school by an individual who is	2281
enrolled and is regularly attending classes in a nurses' training	2282
school chartered or approved pursuant to state law, and service	2283
performed as an intern in the employ of a hospital by an	2284
individual who has completed a four years' course in a medical	2285
school chartered or approved pursuant to state law;	2286
(q) Service performed by an individual under the age of	2287
eighteen in the delivery or distribution of newspapers or shopping	2288
news, not including delivery or distribution to any point for	2289
subsequent delivery or distribution;	2290
(r) Service performed in the employ of the United States or	2291
an instrumentality of the United States immune under the	2292
Constitution of the United States from the contributions imposed	2293
by this chapter, except that to the extent that congress permits	2294
states to require any instrumentalities of the United States to	2295
make payments into an unemployment fund under a state unemployment	2296
compensation act, this chapter shall be applicable to such	2297
instrumentalities and to services performed for such	2298
instrumentalities in the same manner, to the same extent, and on	2299
the same terms as to all other employers, individuals, and	2300
services, provided that if this state is not certified for any	2301
year by the proper agency of the United States under section 3304	2302
of the "Internal Revenue Code of 1954," the payments required of	2303
such instrumentalities with respect to such year shall be refunded	2304
by the director from the fund in the same manner and within the	2305
same period as is provided in division (E) of section 4141.09 of	2306

the Revised Code with respect to contributions erroneously collected; 2307
2308

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 2309
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(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971: 2315
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(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section; 2320
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2322

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution; 2323
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(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization. 2325
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2327

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 2328
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(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded 2335
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2337

from employment when performed for a nonprofit organization, as 2338
defined in division (X) of this section, or for this state or its 2339
instrumentalities, or for a political subdivision or its 2340
instrumentalities or for Indian tribes; 2341

(w) Service that is performed by an individual working as an 2342
election official or election worker if the amount of remuneration 2343
received by the individual during the calendar year for services 2344
as an election official or election worker is less than one 2345
thousand dollars; 2346

(x) Service performed for an elementary or secondary school 2347
that is operated primarily for religious purposes, that is 2348
described in subsection 501(c)(3) and exempt from federal income 2349
taxation under subsection 501(a) of the Internal Revenue Code, 26 2350
U.S.C.A. 501; 2351

(y) Service performed by a person committed to a penal 2352
institution. 2353

(z) Service performed for an Indian tribe as described in 2354
division (B)(2)(1) of this section when performed in any of the 2355
following manners: 2356

(i) As a publicly elected official; 2357

(ii) As a member of an Indian tribal council; 2358

(iii) As a member of a legislative or judiciary body; 2359

(iv) In a position which, pursuant to Indian tribal law, is 2360
designated as a major nontenured policymaking or advisory 2361
position, or a policymaking or advisory position where the 2362
performance of the duties ordinarily does not require more than 2363
eight hours of time per week; 2364

(v) As an employee serving on a temporary basis in the case 2365
of a fire, storm, snow, earthquake, flood, or similar emergency. 2366

(aa) Service performed after December 31, 1971, for a 2367

nonprofit organization, this state or its instrumentalities, a 2368
political subdivision or its instrumentalities, or an Indian tribe 2369
as part of an unemployment work-relief or work-training program 2370
assisted or financed in whole or in part by any federal agency or 2371
an agency of a state or political subdivision, thereof, by an 2372
individual receiving the work-relief or work-training. 2373

(bb) Participation in a learn to earn program as defined in 2374
section 4141.293 of the Revised Code. 2375

(4) If the services performed during one half or more of any 2376
pay period by an employee for the person employing that employee 2377
constitute employment, all the services of such employee for such 2378
period shall be deemed to be employment; but if the services 2379
performed during more than one half of any such pay period by an 2380
employee for the person employing that employee do not constitute 2381
employment, then none of the services of such employee for such 2382
period shall be deemed to be employment. As used in division 2383
(B)(4) of this section, "pay period" means a period, of not more 2384
than thirty-one consecutive days, for which payment of 2385
remuneration is ordinarily made to the employee by the person 2386
employing that employee. Division (B)(4) of this section does not 2387
apply to services performed in a pay period by an employee for the 2388
person employing that employee, if any of such service is excepted 2389
by division (B)(3)(o) of this section. 2390

(C) "Benefits" means money payments payable to an individual 2391
who has established benefit rights, as provided in this chapter, 2392
for loss of remuneration due to the individual's unemployment. 2393

(D) "Benefit rights" means the weekly benefit amount and the 2394
maximum benefit amount that may become payable to an individual 2395
within the individual's benefit year as determined by the 2396
director. 2397

(E) "Claim for benefits" means a claim for waiting period or 2398

benefits for a designated week. 2399

(F) "Additional claim" means the first claim for benefits 2400
filed following any separation from employment during a benefit 2401
year; "continued claim" means any claim other than the first claim 2402
for benefits and other than an additional claim. 2403

(G) "Wages" means remuneration paid to an employee by each of 2404
the employee's employers with respect to employment; except that 2405
wages shall not include that part of remuneration paid during any 2406
calendar year to an individual by an employer or such employer's 2407
predecessor in interest in the same business or enterprise, which 2408
in any calendar year is in excess of nine thousand dollars on and 2409
after January 1, 1995; nine thousand five hundred dollars on and 2410
after January 1, 2018; and nine thousand dollars on and after 2411
January 1, 2020. Remuneration in excess of such amounts shall be 2412
deemed wages subject to contribution to the same extent that such 2413
remuneration is defined as wages under the "Federal Unemployment 2414
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 2415
amended. The remuneration paid an employee by an employer with 2416
respect to employment in another state, upon which contributions 2417
were required and paid by such employer under the unemployment 2418
compensation act of such other state, shall be included as a part 2419
of remuneration in computing the amount specified in this 2420
division. 2421

(H)(1) "Remuneration" means all compensation for personal 2422
services, including commissions and bonuses and the cash value of 2423
all compensation in any medium other than cash, except that in the 2424
case of agricultural or domestic service, "remuneration" includes 2425
only cash remuneration. Gratuities customarily received by an 2426
individual in the course of the individual's employment from 2427
persons other than the individual's employer and which are 2428
accounted for by such individual to the individual's employer are 2429
taxable wages. 2430

The reasonable cash value of compensation paid in any medium 2431
other than cash shall be estimated and determined in accordance 2432
with rules prescribed by the director, provided that 2433
"remuneration" does not include: 2434

(a) Payments as provided in divisions (b)(2) to (b)(20) of 2435
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 2436
26 U.S.C.A. 3301 to 3311, as amended; 2437

(b) The payment by an employer, without deduction from the 2438
remuneration of the individual in the employer's employ, of the 2439
tax imposed upon an individual in the employer's employ under 2440
section 3101 of the "Internal Revenue Code of 1954," with respect 2441
to services performed after October 1, 1941. 2442

(2) "Cash remuneration" means all remuneration paid in cash, 2443
including commissions and bonuses, but not including the cash 2444
value of all compensation in any medium other than cash. 2445

(I) "Interested party" means the director and any party to 2446
whom notice of a determination of an application for benefit 2447
rights or a claim for benefits is required to be given under 2448
section 4141.28 of the Revised Code. 2449

(J) "Annual payroll" means the total amount of wages subject 2450
to contributions during a twelve-month period ending with the last 2451
day of the second calendar quarter of any calendar year. 2452

(K) "Average annual payroll" means the average of the last 2453
three annual payrolls of an employer, provided that if, as of any 2454
computation date, the employer has had less than three annual 2455
payrolls in such three-year period, such average shall be based on 2456
the annual payrolls which the employer has had as of such date. 2457

(L)(1) "Contributions" means the money payments to the state 2458
unemployment compensation fund required of employers by section 2459
4141.25 of the Revised Code and of the state and any of its 2460
political subdivisions electing to pay contributions under section 2461

4141.242 of the Revised Code. Employers paying contributions shall 2462
be described as "contributory employers." 2463

(2) "Payments in lieu of contributions" means the money 2464
payments to the state unemployment compensation fund required of 2465
reimbursing employers under sections 4141.241 and 4141.242 of the 2466
Revised Code. 2467

(M) An individual is "totally unemployed" in any week during 2468
which the individual performs no services and with respect to such 2469
week no remuneration is payable to the individual. 2470

(N) An individual is "partially unemployed" in any week if, 2471
due to involuntary loss of work, the total remuneration payable to 2472
the individual for such week is less than the individual's weekly 2473
benefit amount. 2474

(O) "Week" means the calendar week ending at midnight 2475
Saturday unless an equivalent week of seven consecutive calendar 2476
days is prescribed by the director. 2477

(1) "Qualifying week" means any calendar week in an 2478
individual's base period with respect to which the individual 2479
earns or is paid remuneration in employment subject to this 2480
chapter. A calendar week with respect to which an individual earns 2481
remuneration but for which payment was not made within the base 2482
period, when necessary to qualify for benefit rights, may be 2483
considered to be a qualifying week. The number of qualifying weeks 2484
which may be established in a calendar quarter shall not exceed 2485
the number of calendar weeks in the quarter. 2486

(2) "Average weekly wage" means the amount obtained by 2487
dividing an individual's total remuneration for all qualifying 2488
weeks during the base period by the number of such qualifying 2489
weeks, provided that if the computation results in an amount that 2490
is not a multiple of one dollar, such amount shall be rounded to 2491
the next lower multiple of one dollar. 2492

(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights, shall be amended when the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. As provided in division (B) of section 4141.28 of the Revised Code, any benefits paid and charged to an employer's account, based upon a claimant's affidavit, shall be adjusted effective as of the beginning of the claimant's benefit year. No calendar quarter in a base period or alternate base period shall be used to establish a subsequent benefit year.

(3) The "base period" of a combined wage claim, as described

in division (H) of section 4141.43 of the Revised Code, shall be 2525
the base period prescribed by the law of the state in which the 2526
claim is allowed. 2527

(4) For purposes of determining the weeks that comprise a 2528
completed calendar quarter under this division, only those weeks 2529
ending at midnight Saturday within the calendar quarter shall be 2530
utilized. 2531

(R)(1) "Benefit year" with respect to an individual means the 2532
fifty-two week period beginning with the first day of that week 2533
with respect to which the individual first files a valid 2534
application for determination of benefit rights, and thereafter 2535
the fifty-two week period beginning with the first day of that 2536
week with respect to which the individual next files a valid 2537
application for determination of benefit rights after the 2538
termination of the individual's last preceding benefit year, 2539
except that the application shall not be considered valid unless 2540
the individual has had employment in six weeks that is subject to 2541
this chapter or the unemployment compensation act of another 2542
state, or the United States, and has, since the beginning of the 2543
individual's previous benefit year, in the employment earned three 2544
times the average weekly wage determined for the previous benefit 2545
year. The "benefit year" of a combined wage claim, as described in 2546
division (H) of section 4141.43 of the Revised Code, shall be the 2547
benefit year prescribed by the law of the state in which the claim 2548
is allowed. Any application for determination of benefit rights 2549
made in accordance with section 4141.28 of the Revised Code is 2550
valid if the individual filing such application is unemployed, has 2551
been employed by an employer or employers subject to this chapter 2552
in at least twenty qualifying weeks within the individual's base 2553
period, and has earned or been paid remuneration at an average 2554
weekly wage of not less than twenty-seven and one-half per cent of 2555
the statewide average weekly wage for such weeks. For purposes of 2556

determining whether an individual has had sufficient employment 2557
since the beginning of the individual's previous benefit year to 2558
file a valid application, "employment" means the performance of 2559
services for which remuneration is payable. 2560

(2) Effective for benefit years beginning on and after 2561
December 26, 2004, any application for determination of benefit 2562
rights made in accordance with section 4141.28 of the Revised Code 2563
is valid if the individual satisfies the criteria described in 2564
division (R)(1) of this section, and if the reason for the 2565
individual's separation from employment is not disqualifying 2566
pursuant to division (D)(2) of section 4141.29 or section 4141.291 2567
of the Revised Code. A disqualification imposed pursuant to 2568
division (D)(2) of section 4141.29 or section 4141.291 of the 2569
Revised Code must be removed as provided in those sections as a 2570
requirement of establishing a valid application for benefit years 2571
beginning on and after December 26, 2004. 2572

(3) The statewide average weekly wage shall be calculated by 2573
the director once a year based on the twelve-month period ending 2574
the thirtieth day of June, as set forth in division (B)(3) of 2575
section 4141.30 of the Revised Code, rounded down to the nearest 2576
dollar. Increases or decreases in the amount of remuneration 2577
required to have been earned or paid in order for individuals to 2578
have filed valid applications shall become effective on Sunday of 2579
the calendar week in which the first day of January occurs that 2580
follows the twelve-month period ending the thirtieth day of June 2581
upon which the calculation of the statewide average weekly wage 2582
was based. 2583

(4) As used in this division, an individual is "unemployed" 2584
if, with respect to the calendar week in which such application is 2585
filed, the individual is "partially unemployed" or "totally 2586
unemployed" as defined in this section or if, prior to filing the 2587
application, the individual was separated from the individual's 2588

most recent work for any reason which terminated the individual's 2589
employee-employer relationship, or was laid off indefinitely or 2590
for a definite period of seven or more days. 2591

(S) "Calendar quarter" means the period of three consecutive 2592
calendar months ending on the thirty-first day of March, the 2593
thirtieth day of June, the thirtieth day of September, and the 2594
thirty-first day of December, or the equivalent thereof as the 2595
director prescribes by rule. 2596

(T) "Computation date" means the first day of the third 2597
calendar quarter of any calendar year. 2598

(U) "Contribution period" means the calendar year beginning 2599
on the first day of January of any year. 2600

(V) "Agricultural labor," for the purpose of this division, 2601
means any service performed prior to January 1, 1972, which was 2602
agricultural labor as defined in this division prior to that date, 2603
and service performed after December 31, 1971: 2604

(1) On a farm, in the employ of any person, in connection 2605
with cultivating the soil, or in connection with raising or 2606
harvesting any agricultural or horticultural commodity, including 2607
the raising, shearing, feeding, caring for, training, and 2608
management of livestock, bees, poultry, and fur-bearing animals 2609
and wildlife; 2610

(2) In the employ of the owner or tenant or other operator of 2611
a farm in connection with the operation, management, conservation, 2612
improvement, or maintenance of such farm and its tools and 2613
equipment, or in salvaging timber or clearing land of brush and 2614
other debris left by hurricane, if the major part of such service 2615
is performed on a farm; 2616

(3) In connection with the production or harvesting of any 2617
commodity defined as an agricultural commodity in section 15 (g) 2618
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 2619

U.S.C. 1141j, as amended, or in connection with the ginning of 2620
cotton, or in connection with the operation or maintenance of 2621
ditches, canals, reservoirs, or waterways, not owned or operated 2622
for profit, used exclusively for supplying and storing water for 2623
farming purposes; 2624

(4) In the employ of the operator of a farm in handling, 2625
planting, drying, packing, packaging, processing, freezing, 2626
grading, storing, or delivering to storage or to market or to a 2627
carrier for transportation to market, in its unmanufactured state, 2628
any agricultural or horticultural commodity, but only if the 2629
operator produced more than one half of the commodity with respect 2630
to which such service is performed; 2631

(5) In the employ of a group of operators of farms, or a 2632
cooperative organization of which the operators are members, in 2633
the performance of service described in division (V)(4) of this 2634
section, but only if the operators produced more than one-half of 2635
the commodity with respect to which the service is performed; 2636

(6) Divisions (V)(4) and (5) of this section shall not be 2637
deemed to be applicable with respect to service performed: 2638

(a) In connection with commercial canning or commercial 2639
freezing or in connection with any agricultural or horticultural 2640
commodity after its delivery to a terminal market for distribution 2641
for consumption; or 2642

(b) On a farm operated for profit if the service is not in 2643
the course of the employer's trade or business. 2644

As used in division (V) of this section, "farm" includes 2645
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 2646
plantations, ranches, nurseries, ranges, greenhouses, or other 2647
similar structures used primarily for the raising of agricultural 2648
or horticultural commodities and orchards. 2649

(W) "Hospital" means an institution which has been registered 2650

or licensed by the Ohio department of health as a hospital. 2651

(X) "Nonprofit organization" means an organization, or group 2652
of organizations, described in section 501(c)(3) of the "Internal 2653
Revenue Code of 1954," and exempt from income tax under section 2654
501(a) of that code. 2655

(Y) "Institution of higher education" means a public or 2656
nonprofit educational institution, including an educational 2657
institution operated by an Indian tribe, which: 2658

(1) Admits as regular students only individuals having a 2659
certificate of graduation from a high school, or the recognized 2660
equivalent; 2661

(2) Is legally authorized in this state or by the Indian 2662
tribe to provide a program of education beyond high school; and 2663

(3) Provides an educational program for which it awards a 2664
bachelor's or higher degree, or provides a program which is 2665
acceptable for full credit toward such a degree, a program of 2666
post-graduate or post-doctoral studies, or a program of training 2667
to prepare students for gainful employment in a recognized 2668
occupation. 2669

For the purposes of this division, all colleges and 2670
universities in this state are institutions of higher education. 2671

(Z) For the purposes of this chapter, "states" includes the 2672
District of Columbia, the Commonwealth of Puerto Rico, and the 2673
Virgin Islands. 2674

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 2675
this section, an individual who is an alien admitted to the United 2676
States to perform service in agricultural labor pursuant to 2677
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 2678
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 2679

(BB)(1) "Crew leader" means an individual who furnishes 2680

individuals to perform agricultural labor for any other employer 2681
or farm operator, and: 2682

(a) Pays, either on the individual's own behalf or on behalf 2683
of the other employer or farm operator, the individuals so 2684
furnished by the individual for the service in agricultural labor 2685
performed by them; 2686

(b) Has not entered into a written agreement with the other 2687
employer or farm operator under which the agricultural worker is 2688
designated as in the employ of the other employer or farm 2689
operator. 2690

(2) For the purposes of this chapter, any individual who is a 2691
member of a crew furnished by a crew leader to perform service in 2692
agricultural labor for any other employer or farm operator shall 2693
be treated as an employee of the crew leader if: 2694

(a) The crew leader holds a valid certificate of registration 2695
under the "Farm Labor Contractor Registration Act of 1963," 90 2696
Stat. 2668, 7 U.S.C. 2041; or 2697

(b) Substantially all the members of the crew operate or 2698
maintain tractors, mechanized harvesting or crop-dusting 2699
equipment, or any other mechanized equipment, which is provided by 2700
the crew leader; and 2701

(c) If the individual is not in the employment of the other 2702
employer or farm operator within the meaning of division (B)(1) of 2703
this section. 2704

(3) For the purposes of this division, any individual who is 2705
furnished by a crew leader to perform service in agricultural 2706
labor for any other employer or farm operator and who is not 2707
treated as in the employment of the crew leader under division 2708
(BB)(2) of this section shall be treated as the employee of the 2709
other employer or farm operator and not of the crew leader. The 2710
other employer or farm operator shall be treated as having paid 2711

cash remuneration to the individual in an amount equal to the 2712
amount of cash remuneration paid to the individual by the crew 2713
leader, either on the crew leader's own behalf or on behalf of the 2714
other employer or farm operator, for the service in agricultural 2715
labor performed for the other employer or farm operator. 2716

(CC) "Educational institution" means an institution other 2717
than an institution of higher education as defined in division (Y) 2718
of this section, including an educational institution operated by 2719
an Indian tribe, which: 2720

(1) Offers participants, trainees, or students an organized 2721
course of study or training designed to transfer to them 2722
knowledge, skills, information, doctrines, attitudes, or abilities 2723
from, by, or under the guidance of an instructor or teacher; and 2724

(2) Is approved, chartered, or issued a permit to operate as 2725
a school by the state board of education, other government agency, 2726
or Indian tribe that is authorized within the state to approve, 2727
charter, or issue a permit for the operation of a school. 2728

For the purposes of this division, the courses of study or 2729
training which the institution offers may be academic, technical, 2730
trade, or preparation for gainful employment in a recognized 2731
occupation. 2732

(DD) "Cost savings day" means any unpaid day off from work in 2733
which employees continue to accrue employee benefits which have a 2734
determinable value including, but not limited to, vacation, 2735
pension contribution, sick time, and life and health insurance. 2736

(EE) "Motor carrier" has the same meaning as in section 2737
4923.01 of the Revised Code. 2738

Sec. 4301.62. (A) As used in this section: 2739

(1) "Chauffeured limousine" means a vehicle registered under 2740
section 4503.24 of the Revised Code. 2741

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.	2742 2743
(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:	2744 2745 2746
(1) Except as provided in division (C)(1)(e) of this section, in an agency store;	2747 2748
(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;	2749 2750 2751
(3) In any other public place;	2752
(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;	2753 2754 2755 2756 2757
(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	2758 2759 2760 2761
(C)(1) A person may have in the person's possession an opened container of any of the following:	2762 2763
(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;	2764 2765 2766 2767 2768 2769
(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a	2770 2771

tasting sample by an A-2 permit holder or S permit holder for 2772
consumption on the premises of a farmers market for which an F-10 2773
permit has been issued, or wine served for consumption on the 2774
premises by the holder of an F-4 or F-6 permit; 2775

(c) Beer or intoxicating liquor consumed on the premises of a 2776
convention facility as provided in section 4303.201 of the Revised 2777
Code; 2778

(d) Beer or intoxicating liquor to be consumed during 2779
tastings and samplings approved by rule of the liquor control 2780
commission; 2781

(e) Spirituous liquor to be consumed for purposes of a 2782
tasting sample, as defined in section 4301.171 of the Revised 2783
Code. 2784

(2) A person may have in the person's possession on an F 2785
liquor permit premises an opened container of beer or intoxicating 2786
liquor that was not purchased from the holder of the F permit if 2787
the premises for which the F permit is issued is a music festival 2788
and the holder of the F permit grants permission for that 2789
possession on the premises during the period for which the F 2790
permit is issued. As used in this division, "music festival" means 2791
a series of outdoor live musical performances, extending for a 2792
period of at least three consecutive days and located on an area 2793
of land of at least forty acres. 2794

(3)(a) A person may have in the person's possession on a D-2 2795
liquor permit premises an opened or unopened container of wine 2796
that was not purchased from the holder of the D-2 permit if the 2797
premises for which the D-2 permit is issued is an outdoor 2798
performing arts center, the person is attending an orchestral 2799
performance, and the holder of the D-2 permit grants permission 2800
for the possession and consumption of wine in certain 2801
predesignated areas of the premises during the period for which 2802

the D-2 permit is issued. 2803

(b) As used in division (C)(3)(a) of this section: 2804

(i) "Orchestral performance" means a concert comprised of a 2805
group of not fewer than forty musicians playing various musical 2806
instruments. 2807

(ii) "Outdoor performing arts center" means an outdoor 2808
performing arts center that is located on not less than one 2809
hundred fifty acres of land and that is open for performances from 2810
the first day of April to the last day of October of each year. 2811

(4) A person may have in the person's possession an opened or 2812
unopened container of beer or intoxicating liquor at an outdoor 2813
location at which the person is attending an orchestral 2814
performance as defined in division (C)(3)(b)(i) of this section if 2815
the person with supervision and control over the performance 2816
grants permission for the possession and consumption of beer or 2817
intoxicating liquor in certain predesignated areas of that outdoor 2818
location. 2819

(5) A person may have in the person's possession on an F-9 2820
liquor permit premises an opened or unopened container of beer or 2821
intoxicating liquor that was not purchased from the holder of the 2822
F-9 permit if the person is attending either of the following: 2823

(a) An orchestral performance and the F-9 permit holder 2824
grants permission for the possession and consumption of beer or 2825
intoxicating liquor in certain predesignated areas of the premises 2826
during the period for which the F-9 permit is issued; 2827

(b) An outdoor performing arts event or orchestral 2828
performance that is free of charge and the F-9 permit holder 2829
annually hosts not less than twenty-five other events or 2830
performances that are free of charge on the permit premises. 2831

As used in division (C)(5) of this section, "orchestral 2832

performance" has the same meaning as in division (C)(3)(b) of this section. 2833
2834

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply: 2835
2836
2837
2838

(i) The person is attending a racing event at the facility; and 2839
2840

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility. 2841
2842
2843

(b) As used in division (C)(6)(a) of this section: 2844

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations. 2845
2846

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: 2847
2848

(I) It is two and four-tenths miles or more in length. 2849

(II) It is located on two hundred acres or more of land. 2850

(III) The primary business of the owner of the facility is the hosting and promoting of racing events. 2851
2852

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. 2853
2854

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply: 2855
2856
2857
2858
2859
2860

(i) The permit holder's premises is located within the 2861

outdoor refreshment area. 2862

(ii) The permit held by the permit holder has an outdoor 2863
refreshment area designation. 2864

(b) Division (C)(7) of this section does not authorize a 2865
person to do either of the following: 2866

(i) Enter the premises of an establishment within an outdoor 2867
refreshment area while possessing an opened container of beer or 2868
intoxicating liquor acquired elsewhere; 2869

(ii) Possess an opened container of beer or intoxicating 2870
liquor while being in or on a motor vehicle within an outdoor 2871
refreshment area, ~~unless the motor vehicle is stationary and is~~ 2872
~~not being operated in a lane of vehicular travel or~~ unless the 2873
possession is otherwise authorized under division (D) or (E) of 2874
this section. 2875

(8)(a) A person may have in the person's possession on the 2876
property of a market, within a defined F-8 permit premises, an 2877
opened container of beer or intoxicating liquor that was purchased 2878
from a D permit premises that is located immediately adjacent to 2879
the market if both of the following apply: 2880

(i) The market grants permission for the possession and 2881
consumption of beer and intoxicating liquor within the defined F-8 2882
permit premises; 2883

(ii) The market is hosting an event pursuant to an F-8 permit 2884
and the market has notified the division of liquor control about 2885
the event in accordance with division (A)(3) of section 4303.208 2886
of the Revised Code. 2887

(b) As used in division (C)(8) of this section, "market" 2888
means a market, for which an F-8 permit is held, that has been in 2889
operation since 1860. 2890

(D) This section does not apply to a person who pays all or a 2891

portion of the fee imposed for the use of a chauffeured limousine 2892
pursuant to a prearranged contract, or the guest of the person, 2893
when all of the following apply: 2894

(1) The person or guest is a passenger in the limousine. 2895

(2) The person or guest is located in the limousine, but is 2896
not occupying a seat in the front compartment of the limousine 2897
where the operator of the limousine is located. 2898

(3) The limousine is located on any street, highway, or other 2899
public or private property open to the public for purposes of 2900
vehicular travel or parking. 2901

(E) An opened bottle of wine that was purchased from the 2902
holder of a permit that authorizes the sale of wine for 2903
consumption on the premises where sold is not an opened container 2904
for the purposes of this section if both of the following apply: 2905

(1) The opened bottle of wine is securely resealed by the 2906
permit holder or an employee of the permit holder before the 2907
bottle is removed from the premises. The bottle shall be secured 2908
in such a manner that it is visibly apparent if the bottle has 2909
been subsequently opened or tampered with. 2910

(2) The opened bottle of wine that is resealed in accordance 2911
with division (E)(1) of this section is stored in the trunk of a 2912
motor vehicle or, if the motor vehicle does not have a trunk, 2913
behind the last upright seat or in an area not normally occupied 2914
by the driver or passengers and not easily accessible by the 2915
driver. 2916

(F)(1) Except if an ordinance or resolution is enacted or 2917
adopted under division (F)(2) of this section, this section does 2918
not apply to a person who, pursuant to a prearranged contract, is 2919
a passenger riding on a commercial quadricycle when all of the 2920
following apply: 2921

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.	2922 2923
(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.	2924 2925 2926
(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.	2927 2928
(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.	2929 2930 2931
(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.	2932 2933 2934 2935
(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:	2936 2937 2938
(a) It has four wheels and is operated in a manner similar to a bicycle.	2939 2940
(b) It has at least five seats for passengers.	2941
(c) It is designed to be powered by the pedaling of the operator and the passengers.	2942 2943
(d) It is used for commercial purposes.	2944
(e) It is operated by the vehicle owner or an employee of the owner.	2945 2946
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	2947 2948 2949 2950 2951

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, under-speed vehicles as defined in division (XX) of this section, mini-trucks as defined in division (BBB) of this section, motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation,

well-drilling machinery, ditch-digging machinery, farm machinery, 2982
and trailers that are designed and used exclusively to transport a 2983
boat between a place of storage and a marina, or in and around a 2984
marina, when drawn or towed on a public road or highway for a 2985
distance of no more than ten miles and at a speed of twenty-five 2986
miles per hour or less. 2987

(C) "Agricultural tractor" and "traction engine" mean any 2988
self-propelling vehicle that is designed or used for drawing other 2989
vehicles or wheeled machinery, but has no provisions for carrying 2990
loads independently of such other vehicles, and that is used 2991
principally for agricultural purposes. 2992

(D) "Commercial tractor," except as defined in division (C) 2993
of this section, means any motor vehicle that has motive power and 2994
either is designed or used for drawing other motor vehicles, or is 2995
designed or used for drawing another motor vehicle while carrying 2996
a portion of the other motor vehicle or its load, or both. 2997

(E) "Passenger car" means any motor vehicle that is designed 2998
and used for carrying not more than nine persons and includes any 2999
motor vehicle that is designed and used for carrying not more than 3000
fifteen persons in a ridesharing arrangement. 3001

(F) "Collector's vehicle" means any motor vehicle or 3002
agricultural tractor or traction engine that is of special 3003
interest, that has a fair market value of one hundred dollars or 3004
more, whether operable or not, and that is owned, operated, 3005
collected, preserved, restored, maintained, or used essentially as 3006
a collector's item, leisure pursuit, or investment, but not as the 3007
owner's principal means of transportation. "Licensed collector's 3008
vehicle" means a collector's vehicle, other than an agricultural 3009
tractor or traction engine, that displays current, valid license 3010
tags issued under section 4503.45 of the Revised Code, or a 3011
similar type of motor vehicle that displays current, valid license 3012
tags issued under substantially equivalent provisions in the laws 3013

of other states. 3014

(G) "Historical motor vehicle" means any motor vehicle that 3015
is over twenty-five years old and is owned solely as a collector's 3016
item and for participation in club activities, exhibitions, tours, 3017
parades, and similar uses, but that in no event is used for 3018
general transportation. 3019

(H) "Noncommercial motor vehicle" means any motor vehicle, 3020
including a farm truck as defined in section 4503.04 of the 3021
Revised Code, that is designed by the manufacturer to carry a load 3022
of no more than one ton and is used exclusively for purposes other 3023
than engaging in business for profit. 3024

(I) "Bus" means any motor vehicle that has motor power and is 3025
designed and used for carrying more than nine passengers, except 3026
any motor vehicle that is designed and used for carrying not more 3027
than fifteen passengers in a ridesharing arrangement. 3028

(J) "Commercial car" or "truck" means any motor vehicle that 3029
has motor power and is designed and used for carrying merchandise 3030
or freight, or that is used as a commercial tractor. 3031

(K) "Bicycle" means every device, other than a device that is 3032
designed solely for use as a play vehicle by a child, that is 3033
propelled solely by human power upon which a person may ride, and 3034
that has two or more wheels, any of which is more than fourteen 3035
inches in diameter. 3036

(L) "Motorized bicycle" or "moped" means any vehicle that 3037
either has two tandem wheels or one wheel in the front and two 3038
wheels in the rear, that may be pedaled, and that is equipped with 3039
a helper motor of not more than fifty cubic centimeters piston 3040
displacement that produces no more than one brake horsepower and 3041
is capable of propelling the vehicle at a speed of no greater than 3042
twenty miles per hour on a level surface. "Motorized bicycle" or 3043
"moped" does not include an electric bicycle. 3044

(M) "Trailer" means any vehicle without motive power that is 3045
designed or used for carrying property or persons wholly on its 3046
own structure and for being drawn by a motor vehicle, and includes 3047
any such vehicle that is formed by or operated as a combination of 3048
a semitrailer and a vehicle of the dolly type such as that 3049
commonly known as a trailer dolly, a vehicle used to transport 3050
agricultural produce or agricultural production materials between 3051
a local place of storage or supply and the farm when drawn or 3052
towed on a public road or highway at a speed greater than 3053
twenty-five miles per hour, and a vehicle that is designed and 3054
used exclusively to transport a boat between a place of storage 3055
and a marina, or in and around a marina, when drawn or towed on a 3056
public road or highway for a distance of more than ten miles or at 3057
a speed of more than twenty-five miles per hour. "Trailer" does 3058
not include a manufactured home or travel trailer. 3059

(N) "Noncommercial trailer" means any trailer, except a 3060
travel trailer or trailer that is used to transport a boat as 3061
described in division (B) of this section, but, where applicable, 3062
includes a vehicle that is used to transport a boat as described 3063
in division (M) of this section, that has a gross weight of no 3064
more than ten thousand pounds, and that is used exclusively for 3065
purposes other than engaging in business for a profit, such as the 3066
transportation of personal items for personal or recreational 3067
purposes. 3068

(O) "Mobile home" means a building unit or assembly of closed 3069
construction that is fabricated in an off-site facility, is more 3070
than thirty-five body feet in length or, when erected on site, is 3071
three hundred twenty or more square feet, is built on a permanent 3072
chassis, is transportable in one or more sections, and does not 3073
qualify as a manufactured home as defined in division (C)(4) of 3074
section 3781.06 of the Revised Code or as an industrialized unit 3075
as defined in division (C)(3) of section 3781.06 of the Revised 3076

Code.	3077
(P) "Semitrailer" means any vehicle of the trailer type that	3078
does not have motive power and is so designed or used with another	3079
and separate motor vehicle that in operation a part of its own	3080
weight or that of its load, or both, rests upon and is carried by	3081
the other vehicle furnishing the motive power for propelling	3082
itself and the vehicle referred to in this division, and includes,	3083
for the purpose only of registration and taxation under those	3084
chapters, any vehicle of the dolly type, such as a trailer dolly,	3085
that is designed or used for the conversion of a semitrailer into	3086
a trailer.	3087
(Q) "Recreational vehicle" means a vehicular portable	3088
structure that meets all of the following conditions:	3089
(1) It is designed for the sole purpose of recreational	3090
travel.	3091
(2) It is not used for the purpose of engaging in business	3092
for profit.	3093
(3) It is not used for the purpose of engaging in intrastate	3094
commerce.	3095
(4) It is not used for the purpose of commerce as defined in	3096
49 C.F.R. 383.5, as amended.	3097
(5) It is not regulated by the public utilities commission	3098
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	3099
(6) It is classed as one of the following:	3100
(a) "Travel trailer" or "house vehicle" means a	3101
nonselved-propelled recreational vehicle that does not exceed an	3102
overall length of forty feet, exclusive of bumper and tongue or	3103
coupling. "Travel trailer" includes a tent-type fold-out camping	3104
trailer as defined in section 4517.01 of the Revised Code.	3105
(b) "Motor home" means a self-propelled recreational vehicle	3106

that has no fifth wheel and is constructed with permanently 3107
installed facilities for cold storage, cooking and consuming of 3108
food, and for sleeping. 3109

(c) "Truck camper" means a nonself-propelled recreational 3110
vehicle that does not have wheels for road use and is designed to 3111
be placed upon and attached to a motor vehicle. "Truck camper" 3112
does not include truck covers that consist of walls and a roof, 3113
but do not have floors and facilities enabling them to be used as 3114
a dwelling. 3115

(d) "Fifth wheel trailer" means a vehicle that is of such 3116
size and weight as to be movable without a special highway permit, 3117
that is constructed with a raised forward section that allows a 3118
bi-level floor plan, and that is designed to be towed by a vehicle 3119
equipped with a fifth-wheel hitch ordinarily installed in the bed 3120
of a truck. 3121

(e) "Park trailer" means a vehicle that is commonly known as 3122
a park model recreational vehicle, meets the American national 3123
standard institute standard A119.5 (1988) for park trailers, is 3124
built on a single chassis, has a gross trailer area of four 3125
hundred square feet or less when set up, is designed for seasonal 3126
or temporary living quarters, and may be connected to utilities 3127
necessary for the operation of installed features and appliances. 3128

(R) "Pneumatic tires" means tires of rubber and fabric or 3129
tires of similar material, that are inflated with air. 3130

(S) "Solid tires" means tires of rubber or similar elastic 3131
material that are not dependent upon confined air for support of 3132
the load. 3133

(T) "Solid tire vehicle" means any vehicle that is equipped 3134
with two or more solid tires. 3135

(U) "Farm machinery" means all machines and tools that are 3136
used in the production, harvesting, and care of farm products, and 3137

includes trailers that are used to transport agricultural produce 3138
or agricultural production materials between a local place of 3139
storage or supply and the farm, agricultural tractors, threshing 3140
machinery, hay-baling machinery, corn shellers, hammermills, and 3141
machinery used in the production of horticultural, agricultural, 3142
and vegetable products. 3143

(V) "Owner" includes any person or firm, other than a 3144
manufacturer or dealer, that has title to a motor vehicle, except 3145
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 3146
includes in addition manufacturers and dealers. 3147

(W) "Manufacturer" and "dealer" include all persons and firms 3148
that are regularly engaged in the business of manufacturing, 3149
selling, displaying, offering for sale, or dealing in motor 3150
vehicles, at an established place of business that is used 3151
exclusively for the purpose of manufacturing, selling, displaying, 3152
offering for sale, or dealing in motor vehicles. A place of 3153
business that is used for manufacturing, selling, displaying, 3154
offering for sale, or dealing in motor vehicles shall be deemed to 3155
be used exclusively for those purposes even though snowmobiles or 3156
all-purpose vehicles are sold or displayed for sale thereat, even 3157
though farm machinery is sold or displayed for sale thereat, or 3158
even though repair, accessory, gasoline and oil, storage, parts, 3159
service, or paint departments are maintained thereat, or, in any 3160
county having a population of less than seventy-five thousand at 3161
the last federal census, even though a department in a place of 3162
business is used to dismantle, salvage, or rebuild motor vehicles 3163
by means of used parts, if such departments are operated for the 3164
purpose of furthering and assisting in the business of 3165
manufacturing, selling, displaying, offering for sale, or dealing 3166
in motor vehicles. Places of business or departments in a place of 3167
business used to dismantle, salvage, or rebuild motor vehicles by 3168
means of using used parts are not considered as being maintained 3169

for the purpose of assisting or furthering the manufacturing, 3170
selling, displaying, and offering for sale or dealing in motor 3171
vehicles. 3172

(X) "Operator" includes any person who drives or operates a 3173
motor vehicle upon the public highways. 3174

(Y) "Chauffeur" means any operator who operates a motor 3175
vehicle, other than a taxicab, as an employee for hire; or any 3176
operator whether or not the owner of a motor vehicle, other than a 3177
taxicab, who operates such vehicle for transporting, for gain, 3178
compensation, or profit, either persons or property owned by 3179
another. Any operator of a motor vehicle who is voluntarily 3180
involved in a ridesharing arrangement is not considered an 3181
employee for hire or operating such vehicle for gain, 3182
compensation, or profit. 3183

(Z) "State" includes the territories and federal districts of 3184
the United States, and the provinces of Canada. 3185

(AA) "Public roads and highways" for vehicles includes all 3186
public thoroughfares, bridges, and culverts. 3187

(BB) "Manufacturer's number" means the manufacturer's 3188
original serial number that is affixed to or imprinted upon the 3189
chassis or other part of the motor vehicle. 3190

(CC) "Motor number" means the manufacturer's original number 3191
that is affixed to or imprinted upon the engine or motor of the 3192
vehicle. 3193

(DD) "Distributor" means any person who is authorized by a 3194
motor vehicle manufacturer to distribute new motor vehicles to 3195
licensed motor vehicle dealers at an established place of business 3196
that is used exclusively for the purpose of distributing new motor 3197
vehicles to licensed motor vehicle dealers, except when the 3198
distributor also is a new motor vehicle dealer, in which case the 3199
distributor may distribute at the location of the distributor's 3200

licensed dealership. 3201

(EE) "Ridesharing arrangement" means the transportation of 3202
persons in a motor vehicle where the transportation is incidental 3203
to another purpose of a volunteer driver and includes ridesharing 3204
arrangements known as carpools, vanpools, and buspools. 3205

(FF) "Apportionable vehicle" means any vehicle that is used 3206
or intended for use in two or more international registration plan 3207
member jurisdictions that allocate or proportionally register 3208
vehicles, that is used for the transportation of persons for hire 3209
or designed, used, or maintained primarily for the transportation 3210
of property, and that meets any of the following qualifications: 3211

(1) Is a power unit having a gross vehicle weight in excess 3212
of twenty-six thousand pounds; 3213

(2) Is a power unit having three or more axles, regardless of 3214
the gross vehicle weight; 3215

(3) Is a combination vehicle with a gross vehicle weight in 3216
excess of twenty-six thousand pounds. 3217

"Apportionable vehicle" does not include recreational 3218
vehicles, vehicles displaying restricted plates, city pick-up and 3219
delivery vehicles, or vehicles owned and operated by the United 3220
States, this state, or any political subdivisions thereof. 3221

(GG) "Chartered party" means a group of persons who contract 3222
as a group to acquire the exclusive use of a passenger-carrying 3223
motor vehicle at a fixed charge for the vehicle in accordance with 3224
the carrier's tariff, lawfully on file with the United States 3225
department of transportation, for the purpose of group travel to a 3226
specified destination or for a particular itinerary, either agreed 3227
upon in advance or modified by the chartered group after having 3228
left the place of origin. 3229

(HH) "International registration plan" means a reciprocal 3230

agreement of member jurisdictions that is endorsed by the American 3231
association of motor vehicle administrators, and that promotes and 3232
encourages the fullest possible use of the highway system by 3233
authorizing apportioned registration of fleets of vehicles and 3234
recognizing registration of vehicles apportioned in member 3235
jurisdictions. 3236

(II) "Restricted plate" means a license plate that has a 3237
restriction of time, geographic area, mileage, or commodity, and 3238
includes license plates issued to farm trucks under division (J) 3239
of section 4503.04 of the Revised Code. 3240

(JJ) "Gross vehicle weight," with regard to any commercial 3241
car, trailer, semitrailer, or bus that is taxed at the rates 3242
established under section 4503.042 or 4503.65 of the Revised Code, 3243
means the unladen weight of the vehicle fully equipped plus the 3244
maximum weight of the load to be carried on the vehicle. 3245

(KK) "Combined gross vehicle weight" with regard to any 3246
combination of a commercial car, trailer, and semitrailer, that is 3247
taxed at the rates established under section 4503.042 or 4503.65 3248
of the Revised Code, means the total unladen weight of the 3249
combination of vehicles fully equipped plus the maximum weight of 3250
the load to be carried on that combination of vehicles. 3251

(LL) "Chauffeured limousine" means a motor vehicle that is 3252
designed to carry nine or fewer passengers and is operated for 3253
hire pursuant to a prearranged contract for the transportation of 3254
passengers on public roads and highways along a route under the 3255
control of the person hiring the vehicle and not over a defined 3256
and regular route. "Prearranged contract" means an agreement, made 3257
in advance of boarding, to provide transportation from a specific 3258
location in a chauffeured limousine. "Chauffeured limousine" does 3259
not include any vehicle that is used exclusively in the business 3260
of funeral directing. 3261

(MM) "Manufactured home" has the same meaning as in division 3262
(C)(4) of section 3781.06 of the Revised Code. 3263

(NN) "Acquired situs," with respect to a manufactured home or 3264
a mobile home, means to become located in this state by the 3265
placement of the home on real property, but does not include the 3266
placement of a manufactured home or a mobile home in the inventory 3267
of a new motor vehicle dealer or the inventory of a manufacturer, 3268
remanufacturer, or distributor of manufactured or mobile homes. 3269

(OO) "Electronic" includes electrical, digital, magnetic, 3270
optical, electromagnetic, or any other form of technology that 3271
entails capabilities similar to these technologies. 3272

(PP) "Electronic record" means a record generated, 3273
communicated, received, or stored by electronic means for use in 3274
an information system or for transmission from one information 3275
system to another. 3276

(QQ) "Electronic signature" means a signature in electronic 3277
form attached to or logically associated with an electronic 3278
record. 3279

(RR) "Financial transaction device" has the same meaning as 3280
in division (A) of section 113.40 of the Revised Code. 3281

(SS) "Electronic motor vehicle dealer" means a motor vehicle 3282
dealer licensed under Chapter 4517. of the Revised Code whom the 3283
registrar of motor vehicles determines meets the criteria 3284
designated in section 4503.035 of the Revised Code for electronic 3285
motor vehicle dealers and designates as an electronic motor 3286
vehicle dealer under that section. 3287

(TT) "Electric personal assistive mobility device" means a 3288
self-balancing two non-tandem wheeled device that is designed to 3289
transport only one person, has an electric propulsion system of an 3290
average of seven hundred fifty watts, and when ridden on a paved 3291
level surface by an operator who weighs one hundred seventy pounds 3292

has a maximum speed of less than twenty miles per hour. 3293

(UU) "Limited driving privileges" means the privilege to 3294
operate a motor vehicle that a court grants under section 4510.021 3295
of the Revised Code to a person whose driver's or commercial 3296
driver's license or permit or nonresident operating privilege has 3297
been suspended. 3298

(VV) "Utility vehicle" means a self-propelled vehicle 3299
designed with a bed, principally for the purpose of transporting 3300
material or cargo in connection with construction, agricultural, 3301
forestry, grounds maintenance, lawn and garden, materials 3302
handling, or similar activities. 3303

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 3304
vehicle with an attainable speed in one mile on a paved level 3305
surface of more than twenty miles per hour but not more than 3306
twenty-five miles per hour and with a gross vehicle weight rating 3307
less than three thousand pounds. 3308

(XX) "Under-speed vehicle" means a three- or four-wheeled 3309
vehicle, including a vehicle commonly known as a golf cart, with 3310
an attainable speed on a paved level surface of not more than 3311
twenty miles per hour and with a gross vehicle weight rating less 3312
than three thousand pounds. 3313

(YY) "Motor-driven cycle or motor scooter" means any vehicle 3314
designed to travel on not more than three wheels in contact with 3315
the ground, with a seat for the driver and floor pad for the 3316
driver's feet, and is equipped with a motor with a piston 3317
displacement between fifty and one hundred cubic centimeters 3318
piston displacement that produces not more than five brake 3319
horsepower and is capable of propelling the vehicle at a speed 3320
greater than twenty miles per hour on a level surface. 3321

(ZZ) "Motorcycle" means a motor vehicle with motive power 3322
having a seat or saddle for the use of the operator, designed to 3323

travel on not more than three wheels in contact with the ground, 3324
and having no occupant compartment top or occupant compartment top 3325
that can be installed or removed by the user. 3326

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 3327
motive power having a seat or saddle for the use of the operator, 3328
designed to travel on not more than three wheels in contact with 3329
the ground, and having an occupant compartment top or an occupant 3330
compartment top that is installed. 3331

(BBB) "Mini-truck" means a vehicle that has four wheels, is 3332
propelled by an electric motor with a rated power of seven 3333
thousand five hundred watts or less or an internal combustion 3334
engine with a piston displacement capacity of six hundred sixty 3335
cubic centimeters or less, has a total dry weight of nine hundred 3336
to two thousand two hundred pounds, contains an enclosed cabin and 3337
a seat for the vehicle operator, resembles a pickup truck or van 3338
with a cargo area or bed located at the rear of the vehicle, and 3339
was not originally manufactured to meet federal motor vehicle 3340
safety standards. 3341

(CCC) "Autocycle" means a three-wheeled motorcycle that is 3342
manufactured to comply with federal safety requirements for 3343
motorcycles and that is equipped with safety belts, a steering 3344
wheel, and seating that does not require the operator to straddle 3345
or sit astride to ride the motorcycle. 3346

(DDD) "Plug-in electric motor vehicle" means a passenger car 3347
powered wholly or in part by a battery cell energy system that can 3348
be recharged via an external source of electricity. 3349

(EEE) "Hybrid motor vehicle" means a passenger car powered by 3350
an internal propulsion system consisting of both of the following: 3351

(1) A combustion engine; 3352

(2) A battery cell energy system that cannot be recharged via 3353
an external source of electricity but can be recharged by other 3354

vehicle mechanisms that capture and store electric energy. 3355

Sec. 4503.038. (A) Not later than ~~nine months~~ ninety days 3356
after ~~June 30, 2017~~ the effective date of this amendment, the 3357
registrar of motor vehicles shall adopt rules in accordance with 3358
Chapter 119. of the Revised Code establishing a service fee that 3359
applies for purposes of sections 4503.03, 4503.036, 4503.042, 3360
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 3361
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 3362
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 3363
shall be not more than five dollars and twenty-five cents and not 3364
less than three dollars and fifty cents. When establishing the 3365
fee, the registrar shall consider inflation and any other factors 3366
the registrar considers to be relevant to the determination. 3367

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 3368
~~2017~~ the effective date of this amendment, the registrar shall 3369
adopt rules in accordance with Chapter 119. of the Revised Code 3370
establishing prorated service fees that apply for purposes of 3371
multi-year registrations authorized under section 4503.103 of the 3372
Revised Code. When establishing the fee, the registrar shall 3373
consider inflation and any other factors the registrar considers 3374
to be relevant to the determination. 3375

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 3376
motorcycle, and all-purpose vehicle required to be registered 3377
under section 4519.02 of the Revised Code shall file an 3378
application for registration under section 4519.03 of the Revised 3379
Code. The owner of a motor vehicle, other than a snowmobile, 3380
off-highway motorcycle, or all-purpose vehicle, that is not 3381
designed and constructed by the manufacturer for operation on a 3382
street or highway may not register it under this chapter except 3383
upon certification of inspection pursuant to section 4513.02 of 3384
the Revised Code by the sheriff, or the chief of police of the 3385

municipal corporation or township, with jurisdiction over the 3386
political subdivision in which the owner of the motor vehicle 3387
resides. Except as provided in section 4503.103 of the Revised 3388
Code, every owner of every other motor vehicle not previously 3389
described in this section and every person mentioned as owner in 3390
the last certificate of title of a motor vehicle that is operated 3391
or driven upon the public roads or highways shall cause to be 3392
filed each year, by mail or otherwise, in the office of the 3393
registrar of motor vehicles or a deputy registrar, a written or 3394
electronic application or a preprinted registration renewal notice 3395
issued under section 4503.102 of the Revised Code, the form of 3396
which shall be prescribed by the registrar, for registration for 3397
the following registration year, which shall begin on the first 3398
day of January of every calendar year and end on the thirty-first 3399
day of December in the same year. Applications for registration 3400
and registration renewal notices shall be filed at the times 3401
established by the registrar pursuant to section 4503.101 of the 3402
Revised Code. A motor vehicle owner also may elect to apply for or 3403
renew a motor vehicle registration by electronic means using 3404
electronic signature in accordance with rules adopted by the 3405
registrar. Except as provided in division (J) of this section, 3406
applications for registration shall be made on blanks furnished by 3407
the registrar for that purpose, containing the following 3408
information: 3409

(1) A brief description of the motor vehicle to be 3410
registered, including the year, make, model, and vehicle 3411
identification number, and, in the case of commercial cars, the 3412
gross weight of the vehicle fully equipped computed in the manner 3413
prescribed in section 4503.08 of the Revised Code; 3414

(2) The name and residence address of the owner, and the 3415
township and municipal corporation in which the owner resides; 3416

(3) The district of registration, which shall be determined 3417

as follows: 3418

(a) In case the motor vehicle to be registered is used for 3419
hire or principally in connection with any established business or 3420
branch business, conducted at a particular place, the district of 3421
registration is the municipal corporation in which that place is 3422
located or, if not located in any municipal corporation, the 3423
county and township in which that place is located. 3424

(b) In case the vehicle is not so used, the district of 3425
registration is the municipal corporation or county in which the 3426
owner resides at the time of making the application. 3427

(4) Whether the motor vehicle is a new or used motor vehicle; 3428

(5) The date of purchase of the motor vehicle; 3429

(6) Whether the fees required to be paid for the registration 3430
or transfer of the motor vehicle, during the preceding 3431
registration year and during the preceding period of the current 3432
registration year, have been paid. Each application for 3433
registration shall be signed by the owner, either manually or by 3434
electronic signature, or pursuant to obtaining a limited power of 3435
attorney authorized by the registrar for registration, or other 3436
document authorizing such signature. If the owner elects to apply 3437
for or renew the motor vehicle registration with the registrar by 3438
electronic means, the owner's manual signature is not required. 3439

(7) The owner's social security number, driver's license 3440
number, or state identification number, or, where a motor vehicle 3441
to be registered is used for hire or principally in connection 3442
with any established business, the owner's federal taxpayer 3443
identification number. The bureau of motor vehicles shall retain 3444
in its records all social security numbers provided under this 3445
section, but the bureau shall not place social security numbers on 3446
motor vehicle certificates of registration. 3447

(B) Except as otherwise provided in this division, each time 3448

an applicant first registers a motor vehicle in the applicant's 3449
name, the applicant shall present for inspection a physical 3450
certificate of title or memorandum certificate showing title to 3451
the motor vehicle to be registered in the name of the applicant if 3452
a physical certificate of title or memorandum certificate has been 3453
issued by a clerk of a court of common pleas. If, under sections 3454
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 3455
instead has issued an electronic certificate of title for the 3456
applicant's motor vehicle, that certificate may be presented for 3457
inspection at the time of first registration in a manner 3458
prescribed by rules adopted by the registrar. An applicant is not 3459
required to present a certificate of title to an electronic motor 3460
vehicle dealer acting as a limited authority deputy registrar in 3461
accordance with rules adopted by the registrar. When a motor 3462
vehicle inspection and maintenance program is in effect under 3463
section 3704.14 of the Revised Code and rules adopted under it, 3464
each application for registration for a vehicle required to be 3465
inspected under that section and those rules shall be accompanied 3466
by an inspection certificate for the motor vehicle issued in 3467
accordance with that section. The application shall be refused if 3468
any of the following applies: 3469

(1) The application is not in proper form. 3470

(2) The application is prohibited from being accepted by 3471
division (D) of section 2935.27, division (A) of section 2937.221, 3472
division (A) of section 4503.13, division (B) of section 4510.22, 3473
or division (B)(1) of section 4521.10 of the Revised Code. 3474

(3) A certificate of title or memorandum certificate of title 3475
is required but does not accompany the application or, in the case 3476
of an electronic certificate of title, is required but is not 3477
presented in a manner prescribed by the registrar's rules. 3478

(4) All registration and transfer fees for the motor vehicle, 3479
for the preceding year or the preceding period of the current 3480

registration year, have not been paid. 3481

(5) The owner or lessee does not have an inspection 3482
certificate for the motor vehicle as provided in section 3704.14 3483
of the Revised Code, and rules adopted under it, if that section 3484
is applicable. 3485

This section does not require the payment of license or 3486
registration taxes on a motor vehicle for any preceding year, or 3487
for any preceding period of a year, if the motor vehicle was not 3488
taxable for that preceding year or period under sections 4503.02, 3489
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 3490
Revised Code. When a certificate of registration is issued upon 3491
the first registration of a motor vehicle by or on behalf of the 3492
owner, the official issuing the certificate shall indicate the 3493
issuance with a stamp on the certificate of title or memorandum 3494
certificate or, in the case of an electronic certificate of title, 3495
an electronic stamp or other notation as specified in rules 3496
adopted by the registrar, and with a stamp on the inspection 3497
certificate for the motor vehicle, if any. The official also shall 3498
indicate, by a stamp or by other means the registrar prescribes, 3499
on the registration certificate issued upon the first registration 3500
of a motor vehicle by or on behalf of the owner the odometer 3501
reading of the motor vehicle as shown in the odometer statement 3502
included in or attached to the certificate of title. Upon each 3503
subsequent registration of the motor vehicle by or on behalf of 3504
the same owner, the official also shall so indicate the odometer 3505
reading of the motor vehicle as shown on the immediately preceding 3506
certificate of registration. 3507

The registrar shall include in the permanent registration 3508
record of any vehicle required to be inspected under section 3509
3704.14 of the Revised Code the inspection certificate number from 3510
the inspection certificate that is presented at the time of 3511
registration of the vehicle as required under this division. 3512

(C)(1) Except as otherwise provided in division (C)(1) of 3513
this section, the registrar and each deputy registrar shall 3514
collect an additional fee of eleven dollars for each application 3515
for registration and registration renewal received. For vehicles 3516
specified in divisions (A)(1) to (21) of section 4503.042 of the 3517
Revised Code, the registrar and deputy registrar shall collect an 3518
additional fee of thirty dollars for each application for 3519
registration and registration renewal received. No additional fee 3520
shall be charged for vehicles registered under section 4503.65 of 3521
the Revised Code. The additional fee is for the purpose of 3522
defraying the department of public safety's costs associated with 3523
the administration and enforcement of the motor vehicle and 3524
traffic laws of Ohio. Each deputy registrar shall transmit the 3525
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 3526
this section in the time and manner provided in this section. The 3527
registrar shall deposit all moneys received under division (C)(1) 3528
of this section into the public safety - highway purposes fund 3529
established in section 4501.06 of the Revised Code. 3530

(2) In addition, a charge of twenty-five cents shall be made 3531
for each reflectorized safety license plate issued, and a single 3532
charge of twenty-five cents shall be made for each county 3533
identification sticker or each set of county identification 3534
stickers issued, as the case may be, to cover the cost of 3535
producing the license plates and stickers, including material, 3536
manufacturing, and administrative costs. Those fees shall be in 3537
addition to the license tax. If the total cost of producing the 3538
plates is less than twenty-five cents per plate, or if the total 3539
cost of producing the stickers is less than twenty-five cents per 3540
sticker or per set issued, any excess moneys accruing from the 3541
fees shall be distributed in the same manner as provided by 3542
section 4501.04 of the Revised Code for the distribution of 3543
license tax moneys. If the total cost of producing the plates 3544
exceeds twenty-five cents per plate, or if the total cost of 3545

producing the stickers exceeds twenty-five cents per sticker or 3546
per set issued, the difference shall be paid from the license tax 3547
moneys collected pursuant to section 4503.02 of the Revised Code. 3548

(3) The registrar and each deputy registrar shall collect an 3549
additional fee of one hundred seventy-five dollars for each 3550
application for registration or registration renewal received for 3551
any plug-in electric motor vehicle. The registrar shall transmit 3552
all money arising from the fee imposed by division (C)(3) of this 3553
section to the treasurer of state for distribution in accordance 3554
with division (E) of section 5735.051 of the Revised Code. 3555

(4) The registrar and each deputy registrar shall collect an 3556
additional fee of seventy-five dollars for each application for 3557
registration or registration renewal received for any hybrid motor 3558
vehicle. The registrar shall transmit all money arising from the 3559
fee imposed by division (C)(4) of this section to the treasurer of 3560
state for distribution in accordance with division (E) of section 3561
5735.051 of the Revised Code. 3562

(D) Each deputy registrar shall be allowed a fee equal to the 3563
amount established under section 4503.038 of the Revised Code for 3564
each application for registration and registration renewal notice 3565
the deputy registrar receives, which shall be for the purpose of 3566
compensating the deputy registrar for the deputy registrar's 3567
services, and such office and rental expenses, as may be necessary 3568
for the proper discharge of the deputy registrar's duties in the 3569
receiving of applications and renewal notices and the issuing of 3570
registrations. 3571

(E) Upon the certification of the registrar, the county 3572
sheriff or local police officials shall recover license plates 3573
erroneously or fraudulently issued. 3574

(F) Each deputy registrar, upon receipt of any application 3575
for registration or registration renewal notice, together with the 3576

license fee and any local motor vehicle license tax levied 3577
pursuant to Chapter 4504. of the Revised Code, shall transmit that 3578
fee and tax, if any, in the manner provided in this section, 3579
together with the original and duplicate copy of the application, 3580
to the registrar. The registrar, subject to the approval of the 3581
director of public safety, may deposit the funds collected by 3582
those deputies in a local bank or depository to the credit of the 3583
"state of Ohio, bureau of motor vehicles." Where a local bank or 3584
depository has been designated by the registrar, each deputy 3585
registrar shall deposit all moneys collected by the deputy 3586
registrar into that bank or depository not more than one business 3587
day after their collection and shall make reports to the registrar 3588
of the amounts so deposited, together with any other information, 3589
some of which may be prescribed by the treasurer of state, as the 3590
registrar may require and as prescribed by the registrar by rule. 3591
The registrar, within three days after receipt of notification of 3592
the deposit of funds by a deputy registrar in a local bank or 3593
depository, shall draw on that account in favor of the treasurer 3594
of state. The registrar, subject to the approval of the director 3595
and the treasurer of state, may make reasonable rules necessary 3596
for the prompt transmittal of fees and for safeguarding the 3597
interests of the state and of counties, townships, municipal 3598
corporations, and transportation improvement districts levying 3599
local motor vehicle license taxes. The registrar may pay service 3600
charges usually collected by banks and depositories for such 3601
service. If deputy registrars are located in communities where 3602
banking facilities are not available, they shall transmit the fees 3603
forthwith, by money order or otherwise, as the registrar, by rule 3604
approved by the director and the treasurer of state, may 3605
prescribe. The registrar may pay the usual and customary fees for 3606
such service. 3607

(G) This section does not prevent any person from making an 3608
application for a motor vehicle license directly to the registrar 3609

by mail, by electronic means, or in person at any of the 3610
registrar's offices, upon payment of a service fee equal to the 3611
amount established under section 4503.038 of the Revised Code for 3612
each application. 3613

(H) No person shall make a false statement as to the district 3614
of registration in an application required by division (A) of this 3615
section. Violation of this division is falsification under section 3616
2921.13 of the Revised Code and punishable as specified in that 3617
section. 3618

(I)(1) Where applicable, the requirements of division (B) of 3619
this section relating to the presentation of an inspection 3620
certificate issued under section 3704.14 of the Revised Code and 3621
rules adopted under it for a motor vehicle, the refusal of a 3622
license for failure to present an inspection certificate, and the 3623
stamping of the inspection certificate by the official issuing the 3624
certificate of registration apply to the registration of and 3625
issuance of license plates for a motor vehicle under sections 3626
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 3627
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 3628
4503.47, and 4503.51 of the Revised Code. 3629

(2)(a) The registrar shall adopt rules ensuring that each 3630
owner registering a motor vehicle in a county where a motor 3631
vehicle inspection and maintenance program is in effect under 3632
section 3704.14 of the Revised Code and rules adopted under it 3633
receives information about the requirements established in that 3634
section and those rules and about the need in those counties to 3635
present an inspection certificate with an application for 3636
registration or preregistration. 3637

(b) Upon request, the registrar shall provide the director of 3638
environmental protection, or any person that has been awarded a 3639
contract under section 3704.14 of the Revised Code, an on-line 3640
computer data link to registration information for all passenger 3641

cars, noncommercial motor vehicles, and commercial cars that are 3642
subject to that section. The registrar also shall provide to the 3643
director of environmental protection a magnetic data tape 3644
containing registration information regarding passenger cars, 3645
noncommercial motor vehicles, and commercial cars for which a 3646
multi-year registration is in effect under section 4503.103 of the 3647
Revised Code or rules adopted under it, including, without 3648
limitation, the date of issuance of the multi-year registration, 3649
the registration deadline established under rules adopted under 3650
section 4503.101 of the Revised Code that was applicable in the 3651
year in which the multi-year registration was issued, and the 3652
registration deadline for renewal of the multi-year registration. 3653

(J) Subject to division (K) of this section, application for 3654
registration under the international registration plan, as set 3655
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 3656
made to the registrar on forms furnished by the registrar. In 3657
accordance with international registration plan guidelines and 3658
pursuant to rules adopted by the registrar, the forms shall 3659
include the following: 3660

(1) A uniform mileage schedule; 3661

(2) The gross vehicle weight of the vehicle or combined gross 3662
vehicle weight of the combination vehicle as declared by the 3663
registrant; 3664

(3) Any other information the registrar requires by rule. 3665

(K) The registrar shall determine the feasibility of 3666
implementing an electronic commercial fleet licensing and 3667
management program that will enable the owners of commercial 3668
tractors, commercial trailers, and commercial semitrailers to 3669
conduct electronic transactions by July 1, 2010, or sooner. If the 3670
registrar determines that implementing such a program is feasible, 3671
the registrar shall adopt new rules under this division or amend 3672

existing rules adopted under this division as necessary in order 3673
to respond to advances in technology. 3674

If international registration plan guidelines and provisions 3675
allow member jurisdictions to permit applications for 3676
registrations under the international registration plan to be made 3677
via the internet, the rules the registrar adopts under this 3678
division shall permit such action. 3679

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 3680
adopt rules to permit any person or lessee, other than a person 3681
receiving an apportioned license plate under the international 3682
registration plan, who owns or leases one or more motor vehicles 3683
to file a written application for registration for no more than 3684
five succeeding registration years. The rules adopted by the 3685
registrar may designate the classes of motor vehicles that are 3686
eligible for such registration. At the time of application, all 3687
annual taxes and fees shall be paid for each year for which the 3688
person is registering. 3689

(2)(a) The registrar shall adopt rules to permit any person 3690
or lessee who owns or leases a trailer or semitrailer that is 3691
subject to the tax rates prescribed in section 4503.042 of the 3692
Revised Code for such trailers or semitrailers to file a written 3693
application for registration for any number of succeeding 3694
registration years, including a permanent registration. At the 3695
time of application, all annual taxes and fees shall be paid for 3696
each year for which the person is registering, provided that the 3697
annual taxes due, regardless of the number of years for which the 3698
person is registering, shall not exceed two hundred dollars. A 3699
person who registers a vehicle under division (A)(2) of this 3700
section shall pay for each year of registration the additional fee 3701
established under division (C)(1) of section 4503.10 of the 3702
Revised Code, provided that the additional fee due, regardless of 3703

the number of years for which the person is registering, shall not 3704
exceed eighty-eight dollars. The person also shall pay one single 3705
deputy registrar service fee in the amount specified in division 3706
(D) of section 4503.10 of the Revised Code or one single bureau of 3707
motor vehicles service fee in the amount specified in division (G) 3708
of that section, as applicable, regardless of the number of years 3709
for which the person is registering. 3710

(b) In addition, each person registering a trailer or 3711
semitrailer under division (A)(2)(a) of this section shall pay any 3712
applicable local motor vehicle license tax levied under Chapter 3713
4504. of the Revised Code for each year for which the person is 3714
registering, provided that not more than eight times any such 3715
annual local taxes shall be due upon registration. 3716

(c) The period of registration for a trailer or semitrailer 3717
registered under division (A)(2)(a) of this section is exclusive 3718
to the trailer or semitrailer for which that certificate of 3719
registration is issued and is not transferable to any other 3720
trailer or semitrailer if the registration is a permanent 3721
registration. 3722

(3) Except as provided in division (A)(4) of this section, 3723
the registrar shall adopt rules to permit any person who owns a 3724
motor vehicle to file an application for registration for not more 3725
than five succeeding registration years. At the time of 3726
application, the person shall pay the annual taxes and fees for 3727
each registration year, calculated in accordance with division (C) 3728
of section 4503.11 of the Revised Code. A person who is 3729
registering a vehicle under division (A)(3) of this section shall 3730
pay for each year of registration the additional fee established 3731
under division (C)(1), (3), or (4) of section 4503.10 of the 3732
Revised Code, as applicable. The person shall also pay the deputy 3733
registrar service fee or the bureau of motor vehicles service fee 3734
equal to the amount established under section 4503.038 of the 3735

Revised Code. 3736

(4) Division (A)(3) of this section does not apply to a 3737
person receiving an apportioned license plate under the 3738
international registration plan, or the owner of a commercial car 3739
used solely in intrastate commerce, or the owner of a bus as 3740
defined in section 4513.50 of the Revised Code. 3741

(B) No person applying for a multi-year registration under 3742
division (A) of this section is entitled to a refund of any taxes 3743
or fees paid. 3744

(C) The registrar shall not issue to any applicant who has 3745
been issued a final, nonappealable order under division (D) of 3746
this section a multi-year registration or renewal thereof under 3747
this division or rules adopted under it for any motor vehicle that 3748
is required to be inspected under section 3704.14 of the Revised 3749
Code the district of registration of which, as determined under 3750
section 4503.10 of the Revised Code, is or is located in the 3751
county named in the order. 3752

(D) Upon receipt from the director of environmental 3753
protection of a notice issued under rules adopted under section 3754
3704.14 of the Revised Code indicating that an owner of a motor 3755
vehicle that is required to be inspected under that section who 3756
obtained a multi-year registration for the vehicle under division 3757
(A) of this section or rules adopted under that division has not 3758
obtained a required inspection certificate for the vehicle, the 3759
registrar in accordance with Chapter 119. of the Revised Code 3760
shall issue an order to the owner impounding the certificate of 3761
registration and identification license plates for the vehicle. 3762
The order also shall prohibit the owner from obtaining or renewing 3763
a multi-year registration for any vehicle that is required to be 3764
inspected under that section, the district of registration of 3765
which is or is located in the same county as the county named in 3766
the order during the number of years after expiration of the 3767

current multi-year registration that equals the number of years 3768
for which the current multi-year registration was issued. 3769

An order issued under this division shall require the owner 3770
to surrender to the registrar the certificate of registration and 3771
license plates for the vehicle named in the order within five days 3772
after its issuance. If the owner fails to do so within that time, 3773
the registrar shall certify that fact to the county sheriff or 3774
local police officials who shall recover the certificate of 3775
registration and license plates for the vehicle. 3776

(E) Upon the occurrence of either of the following 3777
circumstances, the registrar in accordance with Chapter 119. of 3778
the Revised Code shall issue to the owner a modified order 3779
rescinding the provisions of the order issued under division (D) 3780
of this section impounding the certificate of registration and 3781
license plates for the vehicle named in that original order: 3782

(1) Receipt from the director of environmental protection of 3783
a subsequent notice under rules adopted under section 3704.14 of 3784
the Revised Code that the owner has obtained the inspection 3785
certificate for the vehicle as required under those rules; 3786

(2) Presentation to the registrar by the owner of the 3787
required inspection certificate for the vehicle. 3788

(F) The owner of a motor vehicle for which the certificate of 3789
registration and license plates have been impounded pursuant to an 3790
order issued under division (D) of this section, upon issuance of 3791
a modified order under division (E) of this section, may apply to 3792
the registrar for their return. A fee of two dollars and fifty 3793
cents shall be charged for the return of the certificate of 3794
registration and license plates for each vehicle named in the 3795
application. 3796

Sec. 4503.19. (A)(1) Upon the filing of an application for 3797

registration and the payment of the tax for registration, the 3798
registrar of motor vehicles or a deputy registrar shall determine 3799
whether the owner previously has been issued ~~a license plates~~ 3800
plate for the motor vehicle described in the application. If no 3801
license ~~plates~~ plate previously ~~have~~ has been issued to the owner 3802
for that motor vehicle, the registrar or deputy registrar shall 3803
assign to the motor vehicle a distinctive number and issue and 3804
deliver to the owner in the manner that the registrar may select a 3805
certificate of registration, in the form that the registrar shall 3806
prescribe. The registrar or deputy registrar also shall charge the 3807
owner any fees required under division (C) of section 4503.10 of 3808
the Revised Code. 3809

(2) The registrar or deputy registrar then shall deliver ~~the~~ 3810
~~following:~~ 3811

~~(a) Except as otherwise provided in this section and in~~ 3812
~~division (A)(2) of section 4503.191 of the Revised Code, two a~~ 3813
~~license plates, duplicates of each other, plate and a validation~~ 3814
~~sticker, or a validation sticker alone, to be attached to the~~ 3815
~~number ~~plates~~ plate as provided in section 4503.191 of the Revised~~ 3816
~~Code.~~ 3817

~~(b) For trailers, manufactured homes, mobile homes, and~~ 3818
~~semitrailers, one license plate only and one validation sticker,~~ 3819
~~or a validation sticker alone. The manufacturer thereof, the~~ 3820
~~dealer, or in transit companies therein, The owner shall display~~ 3821
~~the license plate and validation sticker only on the rear of ~~such~~~~ 3822
~~vehicles the vehicle. However,~~ 3823

~~(c) For a commercial tractor that does not receive an~~ 3824
~~apportioned license plate under the international registration~~ 3825
~~plan, two license plates and one validation sticker. The shall~~ 3826
~~display the license plate and validation sticker ~~shall be~~~~ 3827
~~displayed on the front of the commercial tractor.~~ 3828

~~(d) For an apportioned vehicle receiving an apportioned license plate under the international registration plan, one license plate only and one validation sticker, or a validation sticker alone. The license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles.~~

~~(e) For and a chauffeured limousine, ~~two license plates and validation stickers, or validation stickers alone, and shall display a livery sticker along with a validation sticker as provided in section 4503.24 of the Revised Code.~~~~

(3) The registrar or deputy registrar shall not issue a license ~~plates~~ plate for a school bus. A school bus shall ~~bear~~ display identifying numbers in the manner prescribed by section 4511.764 of the Revised Code.

(4) The certificate of registration and license ~~plates~~ plate and validation ~~stickers~~ sticker, or validation ~~stickers~~ sticker alone, shall be issued and delivered to the owner in person or by mail.

(5) In the event of the loss, mutilation, or destruction of any certificate of registration, or of any license ~~plates~~ plate or validation ~~stickers~~ sticker, or if the owner chooses to replace a license ~~plates~~ plate previously issued for a motor vehicle, or if the registration certificate and license ~~plates~~ plate have been impounded as provided by division (B)(1) of section 4507.02 and section 4507.16 of the Revised Code, the owner of a motor vehicle, or manufacturer or dealer, may obtain from the registrar, or from a deputy registrar if authorized by the registrar, a duplicate thereof or a new license ~~plates~~ plate bearing a different number, if the registrar considers it advisable, upon filing an application prescribed by the registrar, and upon paying a fee of one dollar for such certificate of registration. The registrar shall deposit the one dollar fee into the state treasury to the credit of the public safety - highway purposes fund created in

section 4501.06 of the Revised Code. The registrar or deputy 3861
registrar shall charge a fee of ~~seven dollars and fifty cents for~~ 3862
~~each set of two license plates or~~ six dollars and fifty cents for 3863
each single license plate or validation sticker issued, which the 3864
registrar shall deposit into the state treasury to the credit of 3865
the public safety - highway purposes fund. 3866

(6) Each applicant for a replacement certificate of 3867
registration, license plate, or validation sticker also shall pay 3868
the fees provided in divisions (C) and (D) of section 4503.10 of 3869
the Revised Code and any applicable fee under section 4503.192 of 3870
the Revised Code. 3871

Additionally, the registrar and each deputy registrar who 3872
either issues a license plate and a validation sticker for 3873
use on any vehicle other than a commercial tractor, semitrailer, 3874
or apportioned vehicle, or who issues a validation sticker alone 3875
for use on such a vehicle and the owner has changed the owner's 3876
county of residence since the owner last was issued a county 3877
identification ~~stickers~~ sticker, also shall issue and deliver to 3878
the owner ~~either one or two a county identification stickers,~~ as 3879
~~appropriate~~ sticker, which shall be attached to the license ~~plates~~ 3880
plate in a manner prescribed by the director of public safety. The 3881
county identification ~~stickers~~ sticker shall identify prominently 3882
by name the county in which the owner of the vehicle resides at 3883
the time of registration, except that the county identification 3884
sticker for a nonstandard license plate, as defined in section 3885
4503.77 of the Revised Code, shall identify prominently by name or 3886
number the county in which the owner of the vehicle resides at the 3887
time of registration. 3888

(B) A certificate of registration issued under this section 3889
shall have a portion that contains all the information contained 3890
in the main portion of the certificate except for the address of 3891
the person to whom the certificate is issued. Except as provided 3892

in this division, whenever a reference is made in the Revised Code 3893
to a motor vehicle certificate of registration that is issued 3894
under this section, the reference shall be deemed to refer to 3895
either the main portion of the certificate or the portion 3896
containing all information in the main portion except the address 3897
of the person to whom the certificate is issued. If a reference is 3898
made in the Revised Code to the seizure or surrender of a motor 3899
vehicle certificate of registration that is issued under this 3900
section, the reference shall be deemed to refer to both the main 3901
portion of the certificate and the portion containing all 3902
information in the main portion except the address of the person 3903
to whom the certificate is issued. 3904

(C) Whoever violates this section is guilty of a minor 3905
misdemeanor. 3906

Sec. 4503.193. The display of a single current license plate 3907
and validation sticker on a motor vehicle as required under 3908
section 4503.19 of the Revised Code sufficiently indicates that 3909
the vehicle is registered in this state. Any reference in the 3910
Revised Code to license plates, a set of license plates, 3911
registration plates, or validation stickers is deemed to be a 3912
reference to the single license plate and validation sticker 3913
required by that section. 3914

Sec. 4503.21. (A)(1) No person who is the owner or operator 3915
of a motor vehicle shall fail to display in plain view on the 3916
~~front and~~ rear of the motor vehicle a license plate that ~~bears~~ 3917
displays the distinctive number and registration mark assigned to 3918
the motor vehicle by the director of public safety, including any 3919
county identification sticker and any validation sticker issued 3920
under sections 4503.19 and 4503.191 of the Revised Code, ~~except as~~ 3921
~~follows:~~ 3922

~~(a) A manufacturer of motor vehicles or dealer therein, the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle or moped, motor driven cycle or motor scooter, autocycle, cab enclosed motorcycle, manufactured home, mobile home, trailer, or semitrailer shall display a license plate on the rear only.~~

~~(b) A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the license plate and validation sticker on the front of the commercial tractor.~~

~~(c) An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles.~~

(2) ~~All~~ The license ~~plates~~ plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs ~~their~~ its visibility.

(3) No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under section 4503.182 of the Revised Code, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

~~(B) A law enforcement officer shall only issue a ticket, citation, or summons, or cause the arrest or commence a~~

~~prosecution, for the failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense.~~

~~(C)(1) Except as provided in division (C)(2) of this section, whoever Whoever violates division (A) of this section is guilty of a minor misdemeanor.~~

~~(2) Whoever violates division (A) of this section by failing to display a license plate in plain view on the front of a motor vehicle as required under division (A) of this section while the motor vehicle is otherwise legally parked is guilty of a minor misdemeanor and may be fined not more than one hundred dollars.~~

~~A person who is subject to the penalty prescribed in division (C)(2) of this section is not subject to the charging of points under section 4510.036 of the Revised Code.~~

~~(3)(C) The offense established under division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.~~

Sec. 4503.23. No motor vehicle designed to carry passengers, owned or leased by the state, or any of its departments, bureaus, commissions, or institutions supported in whole or in part by funds provided by the state, shall be operated or driven by any person unless it has displayed, in a prominent position on ~~both the front and rear~~ of the vehicle, ~~identification plates which a~~ license plate that shall be the same size, shape, and treated for increased visibility in the same manner as those issued by the

registrar of motor vehicles for private vehicles. ~~Such~~ 3985
~~identification plates~~ The license plate shall be attached to the 3986
vehicle in the same manner as provided by statute for the 3987
illumination and attachment of a license plates plate on private 3988
vehicles. The registrar shall designate the colors of the license 3989
~~tags which~~ plate that shall be used on state-owned cars; ~~such the~~ 3990
colors shall be other than those used on privately owned motor 3991
vehicles, and shall apply only to license plates used on 3992
state-owned motor vehicles. ~~Said plates~~ The plate shall bear 3993
display a special serial number, and the words "Ohio State Car." 3994

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 3995
approval by the director of public safety, shall adopt rules 3996
conforming with applicable standards adopted by the federal motor 3997
carrier safety administration as regulations under Pub. L. No. 3998
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 3999
31317. The rules shall establish requirements for the 4000
qualification and testing of persons applying for a commercial 4001
driver's license, which are in addition to other requirements 4002
established by this chapter. Except as provided in division (B) of 4003
this section, the highway patrol or any other employee of the 4004
department of public safety the registrar authorizes shall 4005
supervise and conduct the testing of persons applying for a 4006
commercial driver's license. 4007

(B) The director may adopt rules, in accordance with Chapter 4008
119. of the Revised Code and applicable requirements of the 4009
federal motor carrier safety administration, authorizing the 4010
skills test specified in this section to be administered by any 4011
person, by an agency of this or another state, or by an agency, 4012
department, or instrumentality of local government. Each party 4013
authorized under this division to administer the skills test may 4014
charge a ~~maximum divisible~~ reasonable and competitively priced fee 4015
~~of eighty five dollars~~ for each skills test given as part of a 4016

commercial driver's license examination. The reasonable and 4017
competitively priced fee shall ~~consist of not more than twenty~~ 4018
~~dollars for~~ include the cost of the pre-trip inspection portion of 4019
the test, ~~not more than twenty dollars for~~ the off-road 4020
maneuvering portion of the test, and ~~not more than forty five~~ 4021
~~dollars for~~ the on-road portion of the test. Each such party may 4022
require an appointment fee in the same manner provided in division 4023
(E)(2) of this section, except that ~~the maximum amount~~ such a 4024
party may require ~~as~~ an appointment fee that is eighty-five 4025
dollars different from the fee specified in that division, 4026
provided that it is reasonable and competitively priced. The 4027
skills test administered by another party under this division 4028
shall be the same as otherwise would be administered by this 4029
state. The other party shall enter into an agreement with the 4030
director that, without limitation, does all of the following: 4031

(1) Allows the director or the director's representative and 4032
the federal motor carrier safety administration or its 4033
representative to conduct random examinations, inspections, and 4034
audits of the other party, whether covert or overt, without prior 4035
notice; 4036

(2) Requires the director or the director's representative to 4037
conduct on-site inspections of the other party at least annually; 4038

(3) Requires that all examiners of the other party meet the 4039
same qualification and training standards as examiners of the 4040
department of public safety, including criminal background checks, 4041
to the extent necessary to conduct skills tests in the manner 4042
required by 49 C.F.R. 383.110 through 383.135. In accordance with 4043
federal guidelines, any examiner employed on ~~the effective date of~~ 4044
~~this amendment~~ July 1, 2017, shall have a criminal background 4045
check conducted at least once, and any examiner hired after July 4046
1, 2015, shall have a criminal background check conducted after 4047
the examiner is initially hired. 4048

(4) Requires either that state employees take, at least 4049
annually and as though the employees were test applicants, the 4050
tests actually administered by the other party, that the director 4051
test a sample of drivers who were examined by the other party to 4052
compare the test results, or that state employees accompany a test 4053
applicant during an actual test; 4054

(5) Unless the other party is a governmental entity, requires 4055
the other party to initiate and maintain a bond in an amount 4056
determined by the director to sufficiently pay for the retesting 4057
of drivers in the event that the other party or its skills test 4058
examiners are involved in fraudulent activities related to skills 4059
testing; 4060

(6) Requires the other party to use only skills test 4061
examiners who have successfully completed a commercial driver's 4062
license examiner training course as prescribed by the director, 4063
and have been certified by the state as a commercial driver's 4064
license skills test examiner qualified to administer skills tests; 4065

(7) Requires the other party to use designated road test 4066
routes that have been approved by the director; 4067

(8) Requires the other party to submit a schedule of skills 4068
test appointments to the director not later than two business days 4069
prior to each skills test; 4070

(9) Requires the other party to maintain copies of the 4071
following records at its principal place of business: 4072

(a) The other party's commercial driver's license skills 4073
testing program certificate; 4074

(b) Each skills test examiner's certificate of authorization 4075
to administer skills tests for the classes and types of commercial 4076
motor vehicles listed in the certificate; 4077

(c) Each completed skills test scoring sheet for the current 4078

calendar year as well as the prior two calendar years; 4079

(d) A complete list of the test routes that have been 4080
approved by the director; 4081

(e) A complete and accurate copy of each examiner's training 4082
record. 4083

(10) If the other party also is a driver training school, 4084
prohibits its skills test examiners from administering skills 4085
tests to applicants that the examiner personally trained; 4086

(11) Requires each skills test examiner to administer a 4087
complete skills test to a minimum of thirty-two different 4088
individuals per calendar year; 4089

(12) Reserves to this state the right to take prompt and 4090
appropriate remedial action against the other party and its skills 4091
test examiners if the other party or its skills test examiners 4092
fail to comply with standards of this state or federal standards 4093
for the testing program or with any other terms of the contract. 4094

(C) The director shall enter into an agreement with the 4095
department of education authorizing the skills test specified in 4096
this section to be administered by the department at any location 4097
operated by the department for purposes of training and testing 4098
school bus drivers, provided that the agreement between the 4099
director and the department complies with the requirements of 4100
division (B) of this section. Skills tests administered by the 4101
department shall be limited to persons applying for a commercial 4102
driver's license with a school bus endorsement. 4103

(D)(1) The director shall adopt rules, in accordance with 4104
Chapter 119. of the Revised Code, authorizing waiver of the skills 4105
test specified in this section for any applicant for a commercial 4106
driver's license who meets all of the following requirements: 4107

(a) As authorized under 49 C.F.R. 383.3(c), the applicant 4108

operates a commercial motor vehicle for military purposes and is 4109
one of the following: 4110

- (i) Active duty military personnel; 4111
- (ii) A member of the military reserves; 4112
- (iii) A member of the national guard on active duty, 4113
including full-time national guard duty, part-time national guard 4114
training, and national guard military technicians; 4115
- (iv) Active duty U.S. coast guard personnel. 4116

(b) The applicant certifies that, during the two-year period 4117
immediately preceding application for a commercial driver's 4118
license, all of the following apply: 4119

- (i) The applicant has not had more than one license, 4120
excluding any military license. 4121
- (ii) The applicant has not had any license suspended, 4122
revoked, or canceled. 4123
- (iii) The applicant has not had any convictions for any type 4124
of motor vehicle for the offenses for which disqualification is 4125
prescribed in section 4506.16 of the Revised Code. 4126
- (iv) The applicant has not had more than one conviction for 4127
any type of motor vehicle for a serious traffic violation. 4128
- (v) The applicant has not had any violation of a state or 4129
local law relating to motor vehicle traffic control other than a 4130
parking violation arising in connection with any traffic accident 4131
and has no record of an accident in which the applicant was at 4132
fault. 4133

(c) In accordance with rules adopted by the director, the 4134
applicant certifies and also provides evidence of all of the 4135
following: 4136

- (i) That the applicant is or was regularly employed in a 4137

military position requiring operation of a commercial motor vehicle; 4138
4139

(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code; 4140
4141
4142

(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate. 4143
4144
4145
4146
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(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians. 4149
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(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test. 4151
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(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the skills test fee. If the applicant schedules an appointment to take 4157
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all portions of the skills test and fails to appear at the time 4169
and location specified for the appointment, the director shall not 4170
refund any portion of the appointment fee. If the applicant 4171
schedules an appointment to take all portions of the skills test 4172
and appears at the time and location specified for the 4173
appointment, but declines or is unable to take all portions of the 4174
skills test, the director shall not refund any portion of the 4175
appointment fee. If the applicant cancels a scheduled appointment 4176
forty-eight hours or more prior to the time of the appointment 4177
time, the applicant shall not forfeit the appointment fee. 4178

An applicant for a commercial driver's license who schedules 4179
an appointment to take one or more, but not all, portions of the 4180
skills test is required to pay an appointment fee equal to the 4181
costs of each test scheduled, as prescribed in division (E)(1) of 4182
this section, when scheduling such an appointment. If the 4183
applicant appears at the time and location specified for the 4184
appointment and takes all the portions of the skills test during 4185
that appointment that the applicant was scheduled to take, the 4186
appointment fee serves as the skills test fee. If the applicant 4187
schedules an appointment to take one or more, but not all, 4188
portions of the skills test and fails to appear at the time and 4189
location specified for the appointment, the director shall not 4190
refund any portion of the appointment fee. If the applicant 4191
schedules an appointment to take one or more, but not all, 4192
portions of the skills test and appears at the time and location 4193
specified for the appointment, but declines or is unable to take 4194
all portions of the skills test that the applicant was scheduled 4195
to take, the director shall not refund any portion of the 4196
appointment fee. If the applicant cancels a scheduled appointment 4197
forty-eight hours or more prior to the time of the appointment 4198
time, the applicant shall not forfeit the appointment fee. 4199

(3) The department of public safety shall deposit all fees it 4200

collects under division (E) of this section in the public safety - 4201
highway purposes fund established in section 4501.06 of the 4202
Revised Code. 4203

(F) A person who has successfully completed commercial 4204
driver's license training in this state but seeks a commercial 4205
driver's license in another state where the person is domiciled 4206
may schedule an appointment to take the skills test in this state 4207
and shall pay the appropriate appointment fee. Upon the person's 4208
completion of the skills test, this state shall electronically 4209
transmit the applicant's results to the state where the person is 4210
domiciled. If a person who is domiciled in this state takes a 4211
skills test in another state, this state shall accept the results 4212
of the skills test from the other state. If the person passed the 4213
other state's skills test and meets all of the other licensing 4214
requirements set forth in this chapter and rules adopted under 4215
this chapter, the registrar of motor vehicles or a deputy 4216
registrar shall issue a commercial driver's license to that 4217
person. 4218

(G) Unless otherwise specified, the director or the 4219
director's representative shall conduct the examinations, 4220
inspections, audits, and test monitoring set forth in divisions 4221
(B)(2),(3), and (4) of this section at least annually. If the 4222
other party or any of its skills test examiners fail to comply 4223
with state or federal standards for the skills testing program, 4224
the director or the director's representative shall take prompt 4225
and appropriate remedial action against the party and its skills 4226
test examiners. Remedial action may include termination of the 4227
agreement or revocation of a skills test examiner's certification. 4228

(H) As used in this section, "skills test" means a test of an 4229
applicant's ability to drive the type of commercial motor vehicle 4230
for which the applicant seeks a commercial driver's license by 4231
having the applicant drive such a motor vehicle while under the 4232

supervision of an authorized state driver's license examiner or 4233
tester. 4234

Sec. 4506.11. (A) Every commercial driver's license shall be 4235
marked "commercial driver's license" or "CDL" and shall be of such 4236
material and so designed as to prevent its reproduction or 4237
alteration without ready detection, ~~and, to this end, shall be~~ 4238
~~laminated with a transparent plastic material.~~ The commercial 4239
driver's license for licensees under twenty-one years of age shall 4240
have characteristics prescribed by the registrar of motor vehicles 4241
distinguishing it from that issued to a licensee who is twenty-one 4242
years of age or older. Every commercial driver's license shall 4243
display all of the following information: 4244

(1) The name and residence address of the licensee; 4245

(2) A color photograph of the licensee showing the licensee's 4246
uncovered face; 4247

(3) A physical description of the licensee, including sex, 4248
height, weight, and color of eyes and hair; 4249

(4) The licensee's date of birth; 4250

(5) The licensee's social security number if the person has 4251
requested that the number be displayed in accordance with section 4252
4501.31 of the Revised Code or if federal law requires the social 4253
security number to be displayed and any number or other identifier 4254
the director of public safety considers appropriate and 4255
establishes by rules adopted under Chapter 119. of the Revised 4256
Code and in compliance with federal law; 4257

(6) The licensee's signature; 4258

(7) The classes of commercial motor vehicles the licensee is 4259
authorized to drive and any endorsements or restrictions relating 4260
to the licensee's driving of those vehicles; 4261

(8) The name of this state; 4262

(9) The dates of issuance and of expiration of the license;	4263
(10) If the licensee has certified willingness to make an anatomical gift under section 2108.05 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;	4264 4265 4266 4267
(11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	4268 4269 4270 4271 4272 4273 4274
(12) On and after October 7, 2009, if the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;	4275 4276 4277 4278 4279 4280 4281 4282
(13) Any other information the registrar considers advisable and requires by rule.	4283 4284
(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.	4285 4286
(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older.	4287 4288 4289 4290 4291 4292
(D) Whoever violates division (C) of this section is guilty	4293

of a minor misdemeanor. 4294

Sec. 4506.17. (A) ~~Any person who holds a commercial driver's~~ 4295
~~license or commercial driver's license temporary instruction~~ 4296
~~permit, or who operates a commercial motor vehicle requiring a~~ 4297
~~commercial driver's license or permit within this state, shall be~~ 4298
Both of the following are deemed to have given consent to a test 4299
or tests of the person's whole blood, blood serum or plasma, 4300
breath, or urine for the purpose of determining the person's 4301
alcohol concentration or the presence of any controlled substance 4302
or a metabolite of a controlled substance: 4303

(1) A person while operating a commercial motor vehicle that 4304
requires a commercial driver's license or commercial driver's 4305
license temporary instruction permit; 4306

(2) A person who holds a commercial driver's license or 4307
commercial driver's license temporary instruction permit while 4308
operating a motor vehicle, including a commercial motor vehicle. 4309

(B) A test or tests as provided in division (A) of this 4310
section may be administered at the direction of a peace officer 4311
having reasonable ground to stop or detain the person and, after 4312
investigating the circumstances surrounding the operation of the 4313
~~commercial~~ motor vehicle, also having reasonable ground to believe 4314
the person was driving the ~~commercial~~ motor vehicle while having a 4315
measurable or detectable amount of alcohol or of a controlled 4316
substance or a metabolite of a controlled substance in the 4317
person's whole blood, blood serum or plasma, breath, or urine. Any 4318
such test shall be given within two hours of the time of the 4319
alleged violation. 4320

(C) A person requested by a peace officer to submit to a test 4321
under division (A) of this section shall be advised by the peace 4322
officer that a refusal to submit to the test will result in the 4323
person immediately being placed out-of-service for a period of 4324

twenty-four hours and being disqualified from operating a 4325
commercial motor vehicle for a period of not less than one year, 4326
and that the person is required to surrender the person's 4327
commercial driver's license or permit to the peace officer. 4328

(D) If a person refuses to submit to a test after being 4329
warned as provided in division (C) of this section or submits to a 4330
test that discloses the presence of an amount of alcohol or a 4331
controlled substance prohibited by divisions (A)(1) to (5) of 4332
section 4506.15 of the Revised Code or a metabolite of a 4333
controlled substance, the person immediately shall surrender the 4334
person's commercial driver's license or permit to the peace 4335
officer. The peace officer shall forward the license or permit, 4336
together with a sworn report, to the registrar of motor vehicles 4337
certifying that the test was requested pursuant to division (A) of 4338
this section and that the person either refused to submit to 4339
testing or submitted to a test that disclosed the presence of one 4340
of the prohibited concentrations of a substance listed in 4341
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 4342
a metabolite of a controlled substance. The form and contents of 4343
the report required by this section shall be established by the 4344
registrar by rule, but shall contain the advice to be read to the 4345
driver and a statement to be signed by the driver acknowledging 4346
that the driver has been read the advice and that the form was 4347
shown to the driver. 4348

(E) Upon receipt of a sworn report from a peace officer as 4349
provided in division (D) of this section, or upon receipt of 4350
notification that a person has been disqualified under a similar 4351
law of another state or foreign jurisdiction, the registrar shall 4352
disqualify the person named in the report from driving a 4353
commercial motor vehicle for the period described below: 4354

(1) Upon a first incident, one year; 4355

(2) Upon an incident of refusal or of a prohibited 4356

concentration of alcohol, a controlled substance, or a metabolite 4357
of a controlled substance after one or more previous incidents of 4358
either refusal or of a prohibited concentration of alcohol, a 4359
controlled substance, or a metabolite of a controlled substance, 4360
the person shall be disqualified for life or such lesser period as 4361
prescribed by rule by the registrar. 4362

(F) A test of a person's whole blood or a person's blood 4363
serum or plasma given under this section shall comply with the 4364
applicable provisions of division (D) of section 4511.19 of the 4365
Revised Code and any physician, registered nurse, emergency 4366
medical technician-intermediate, emergency medical 4367
technician-paramedic, or qualified technician, chemist, or 4368
phlebotomist who withdraws whole blood or blood serum or plasma 4369
from a person under this section, and any hospital, first-aid 4370
station, clinic, or other facility at which whole blood or blood 4371
serum or plasma is withdrawn from a person pursuant to this 4372
section, is immune from criminal liability, and from civil 4373
liability that is based upon a claim of assault and battery or 4374
based upon any other claim of malpractice, for any act performed 4375
in withdrawing whole blood or blood serum or plasma from the 4376
person. The immunity provided in this division also extends to an 4377
emergency medical service organization that employs an emergency 4378
medical technician-intermediate or emergency medical 4379
technician-paramedic who withdraws blood under this section. 4380

(G) When a person submits to a test under this section, the 4381
results of the test, at the person's request, shall be made 4382
available to the person, the person's attorney, or the person's 4383
agent, immediately upon completion of the chemical test analysis. 4384
The person also may have an additional test administered by a 4385
physician, a registered nurse, or a qualified technician, chemist, 4386
or phlebotomist of the person's own choosing as provided in 4387
division (D) of section 4511.19 of the Revised Code for tests 4388

administered under that section, and the failure to obtain such a 4389
test has the same effect as in that division. 4390

(H) No person shall refuse to immediately surrender the 4391
person's commercial driver's license or permit to a peace officer 4392
when required to do so by this section. 4393

(I) A peace officer issuing an out-of-service order or 4394
receiving a commercial driver's license or permit surrendered 4395
under this section may remove or arrange for the removal of any 4396
commercial motor vehicle affected by the issuance of that order or 4397
the surrender of that license. 4398

(J)(1) Except for civil actions arising out of the operation 4399
of a motor vehicle and civil actions in which the state is a 4400
plaintiff, no peace officer of any law enforcement agency within 4401
this state is liable in compensatory damages in any civil action 4402
that arises under the Revised Code or common law of this state for 4403
an injury, death, or loss to person or property caused in the 4404
performance of official duties under this section and rules 4405
adopted under this section, unless the officer's actions were 4406
manifestly outside the scope of the officer's employment or 4407
official responsibilities, or unless the officer acted with 4408
malicious purpose, in bad faith, or in a wanton or reckless 4409
manner. 4410

(2) Except for civil actions that arise out of the operation 4411
of a motor vehicle and civil actions in which the state is a 4412
plaintiff, no peace officer of any law enforcement agency within 4413
this state is liable in punitive or exemplary damages in any civil 4414
action that arises under the Revised Code or common law of this 4415
state for any injury, death, or loss to person or property caused 4416
in the performance of official duties under this section of the 4417
Revised Code and rules adopted under this section, unless the 4418
officer's actions were manifestly outside the scope of the 4419
officer's employment or official responsibilities, or unless the 4420

officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 4421
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(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs. 4423
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(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division. 4426
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(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension. 4438
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(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree. 4446
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(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 4448
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Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 4452
"motorized bicycle," "state," "owner," "operator," "chauffeur," 4453
and "highways" have the same meanings as in section 4501.01 of the 4454
Revised Code. 4455

"Driver's license" means a class D license issued to any 4456
person to operate a motor vehicle or motor-driven cycle, other 4457
than a commercial motor vehicle, and includes "probationary 4458
license," "restricted license," and any operator's or chauffeur's 4459
license issued before January 1, 1990. 4460

"Probationary license" means the license issued to any person 4461
between sixteen and eighteen years of age to operate a motor 4462
vehicle. 4463

"Restricted license" means the license issued to any person 4464
to operate a motor vehicle subject to conditions or restrictions 4465
imposed by the registrar of motor vehicles. 4466

"Commercial driver's license" means the license issued to a 4467
person under Chapter 4506. of the Revised Code to operate a 4468
commercial motor vehicle. 4469

"Commercial motor vehicle" has the same meaning as in section 4470
4506.01 of the Revised Code. 4471

"Motorcycle operator's temporary instruction permit, license, 4472
or endorsement" includes a temporary instruction permit, license, 4473
or endorsement for a motor-driven cycle or motor scooter unless 4474
otherwise specified. 4475

"Motorized bicycle license" means the license issued under 4476
section 4511.521 of the Revised Code to any person to operate a 4477
motorized bicycle including a "probationary motorized bicycle 4478
license." 4479

"Probationary motorized bicycle license" means the license 4480
issued under section 4511.521 of the Revised Code to any person 4481

between fourteen and sixteen years of age to operate a motorized 4482
bicycle. 4483

"Identification card" means a card issued under sections 4484
4507.50 and 4507.51 of the Revised Code. 4485

"Resident" means a person who, in accordance with standards 4486
prescribed in rules adopted by the registrar, resides in this 4487
state on a permanent basis. 4488

"Temporary resident" means a person who, in accordance with 4489
standards prescribed in rules adopted by the registrar, resides in 4490
this state on a temporary basis. 4491

(B) In the administration of this chapter and Chapter 4506. 4492
of the Revised Code, the registrar has the same authority as is 4493
conferred on the registrar by section 4501.02 of the Revised Code. 4494
Any act of an authorized deputy registrar of motor vehicles under 4495
direction of the registrar is deemed the act of the registrar. 4496

To carry out this chapter, the registrar shall appoint such 4497
deputy registrars in each county as are necessary. 4498

The registrar also shall provide at each place where an 4499
application for a driver's or commercial driver's license or 4500
identification card may be made the necessary equipment to take a 4501
color photograph of the applicant for such license or card as 4502
required under section 4506.11 or 4507.06 of the Revised Code, and 4503
to conduct the vision screenings required by section 4507.12 of 4504
the Revised Code, ~~and equipment to laminate licenses, motorized 4505~~
~~bicycle licenses, and identification cards as required by sections 4506~~
~~4507.13, 4507.52, and 4511.521 of the Revised Code. 4507~~

The registrar shall assign one or more deputy registrars to 4508
any driver's license examining station operated under the 4509
supervision of the director of public safety, whenever the 4510
registrar considers such assignment possible. Space shall be 4511
provided in the driver's license examining station for any such 4512

deputy registrar so assigned. The deputy registrars shall not 4513
exercise the powers conferred by such sections upon the registrar, 4514
unless they are specifically authorized to exercise such powers by 4515
such sections. 4516

(C) No agent for any insurance company, writing automobile 4517
insurance, shall be appointed deputy registrar, and any such 4518
appointment is void. No deputy registrar shall in any manner 4519
solicit any form of automobile insurance, nor in any manner 4520
advise, suggest, or influence any licensee or applicant for 4521
license for or against any kind or type of automobile insurance, 4522
insurance company, or agent, nor have the deputy registrar's 4523
office directly connected with the office of any automobile 4524
insurance agent, nor impart any information furnished by any 4525
applicant for a license or identification card to any person, 4526
except the registrar. This division shall not apply to any 4527
nonprofit corporation appointed deputy registrar. 4528

(D) The registrar shall immediately remove a deputy registrar 4529
who violates the requirements of this chapter. 4530

~~(E) The registrar shall periodically solicit bids and enter 4531
into a contract for the provision of laminating equipment and 4532
laminating materials to the registrar and all deputy registrars. 4533
The registrar shall not consider any bid that does not provide for 4534
the supplying of both laminating equipment and laminating 4535
materials. The laminating materials selected shall contain a 4536
security feature so that any tampering with the laminating 4537
material covering a license or identification card is readily 4538
apparent. In soliciting bids and entering into a contract for the 4539
provision of laminating equipment and laminating materials, the 4540
registrar shall observe all procedures required by law. 4541~~

Sec. 4507.06. (A)(1) Every application for a driver's 4542
license, motorcycle operator's license or endorsement, or 4543

motor-driven cycle or motor scooter license or endorsement, or 4544
duplicate of any such license or endorsement, shall be made upon 4545
the approved form furnished by the registrar of motor vehicles and 4546
shall be signed by the applicant. 4547

Every application shall state the following: 4548

(a) The applicant's name, date of birth, social security 4549
number if such has been assigned, sex, general description, 4550
including height, weight, color of hair, and eyes, residence 4551
address, including county of residence, duration of residence in 4552
this state, and country of citizenship; 4553

(b) Whether the applicant previously has been licensed as an 4554
operator, chauffeur, driver, commercial driver, or motorcycle 4555
operator and, if so, when, by what state, and whether such license 4556
is suspended or canceled at the present time and, if so, the date 4557
of and reason for the suspension or cancellation; 4558

(c) Whether the applicant is now or ever has been afflicted 4559
with epilepsy, or whether the applicant now is suffering from any 4560
physical or mental disability or disease and, if so, the nature 4561
and extent of the disability or disease, giving the names and 4562
addresses of physicians then or previously in attendance upon the 4563
applicant; 4564

(d) Whether an applicant for a duplicate driver's license, 4565
duplicate license containing a motorcycle operator endorsement, or 4566
duplicate license containing a motor-driven cycle or motor scooter 4567
endorsement has pending a citation for violation of any motor 4568
vehicle law or ordinance, a description of any such citation 4569
pending, and the date of the citation; 4570

(e) If an applicant has not certified the applicant's 4571
willingness to make an anatomical gift under section 2108.05 of 4572
the Revised Code, whether the applicant wishes to certify 4573

willingness to make such an anatomical gift, which shall be given 4574
no consideration in the issuance of a license or endorsement; 4575

(f) Whether the applicant has executed a valid durable power 4576
of attorney for health care pursuant to sections 1337.11 to 4577
1337.17 of the Revised Code or has executed a declaration 4578
governing the use or continuation, or the withholding or 4579
withdrawal, of life-sustaining treatment pursuant to sections 4580
2133.01 to 2133.15 of the Revised Code and, if the applicant has 4581
executed either type of instrument, whether the applicant wishes 4582
the applicant's license to indicate that the applicant has 4583
executed the instrument; 4584

(g) ~~On and after October 7, 2009, whether~~ Whether the 4585
applicant is a veteran, active duty, or reservist of the armed 4586
forces of the United States and, if the applicant is such, whether 4587
the applicant wishes the applicant's license to indicate that the 4588
applicant is a veteran, active duty, or reservist of the armed 4589
forces of the United States by a military designation on the 4590
license; 4591

(h) Whether the applicant has received an affidavit 4592
authorized under division (C)(3) of section 4513.263 of the 4593
Revised Code that states that the applicant has a permanent or 4594
reasonably expected to be permanent physical impairment that makes 4595
the use of an occupant restraining device impossible or 4596
impracticable, and whether the applicant wishes the applicant's 4597
license to indicate such a physical impairment. The applicant 4598
shall include a copy of the affidavit along with the application. 4599

(2) Every applicant for a driver's license shall be 4600
photographed in color at the time the application for the license 4601
is made. The application shall state any additional information 4602
that the registrar requires. 4603

(B) The registrar or a deputy registrar, in accordance with 4604

section 3503.11 of the Revised Code, shall register as an elector 4605
any person who applies for a license or endorsement under division 4606
(A) of this section, or for a renewal or duplicate of the license 4607
or endorsement, if the applicant is eligible and wishes to be 4608
registered as an elector. The decision of an applicant whether to 4609
register as an elector shall be given no consideration in the 4610
decision of whether to issue the applicant a license or 4611
endorsement, or a renewal or duplicate. 4612

(C) The registrar or a deputy registrar, in accordance with 4613
section 3503.11 of the Revised Code, shall offer the opportunity 4614
of completing a notice of change of residence or change of name to 4615
any applicant for a driver's license or endorsement under division 4616
(A) of this section, or for a renewal or duplicate of the license 4617
or endorsement, if the applicant is a registered elector who has 4618
changed the applicant's residence or name and has not filed such a 4619
notice. 4620

(D) In addition to any other information it contains, ~~on and~~ 4621
~~after October 7, 2009,~~ the approved form furnished by the 4622
registrar of motor vehicles for an application for a license or 4623
endorsement or an application for a duplicate of any such license 4624
or endorsement shall inform applicants that the applicant must 4625
present a copy of the applicant's DD-214 or an equivalent document 4626
in order to qualify to have the license or duplicate indicate that 4627
the applicant is a veteran, active duty, or reservist of the armed 4628
forces of the United States based on a request made pursuant to 4629
division (A)(1)(g) of this section. 4630

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 4631
issue a driver's license to every person licensed as an operator 4632
of motor vehicles other than commercial motor vehicles. No person 4633
licensed as a commercial motor vehicle driver under Chapter 4506. 4634
of the Revised Code need procure a driver's license, but no person 4635

shall drive any commercial motor vehicle unless licensed as a 4636
commercial motor vehicle driver. 4637

(2) Every driver's license shall display ~~on it the~~ all of the 4638
following information: 4639

(a) The distinguishing number assigned to the licensee ~~and~~ 4640
shall display the. If the registrar has received a copy of an 4641
affidavit indicating that the licensee has a permanent or 4642
reasonably expected to be permanent physical impairment in 4643
accordance with division (A)(1)(h) of section 4507.06 of the 4644
Revised Code, the driver's license number shall begin with the 4645
letters "PI." 4646

(b) The licensee's name and date of birth; ~~the~~ 4647

(c) The licensee's residence address and county of residence; 4648
a 4649

(d) A color photograph of the licensee; a 4650

(e) A brief description of the licensee for the purpose of 4651
identification; a 4652

(f) A facsimile of the signature of the licensee as it 4653
appears on the application for the license; a 4654

(g) A notation, in a manner prescribed by the registrar, 4655
indicating any condition described in division (D)(3) of section 4656
4507.08 of the Revised Code to which the licensee is subject; ~~if~~ 4657

(h) If the licensee has executed a durable power of attorney 4658
for health care or a declaration governing the use or 4659
continuation, or the withholding or withdrawal, of life-sustaining 4660
treatment and has specified that the licensee wishes the license 4661
to indicate that the licensee has executed either type of 4662
instrument, any symbol chosen by the registrar to indicate that 4663
the licensee has executed either type of instrument; ~~on and after~~ 4664
~~October 7, 2009, if~~ 4665

(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States; ~~and any~~

(j) Any additional information that the registrar requires by rule.

(3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be displayed on the license, the social security number shall be displayed on the license notwithstanding this section.

(4) The driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a licensee who is twenty-one years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

(5) The driver's license issued to a temporary resident shall contain the word "nonrenewable" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

(6) Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been

licensed to operate a motorcycle by this state or another 4697
jurisdiction recognized by this state. The "novice" designation 4698
shall be effective for one year after the date of issuance of the 4699
motorcycle operator's endorsement or license. 4700

(7) Each license issued under this section shall be of such 4701
material and so designed as to prevent its reproduction or 4702
alteration without ready detection ~~and, to this end, shall be~~ 4703
~~laminated with a transparent plastic material.~~ 4704

(B) Except in regard to a driver's license issued to a person 4705
who applies no more than thirty days before the applicant's 4706
twenty-first birthday, neither the registrar nor any deputy 4707
registrar shall issue a driver's license to anyone under 4708
twenty-one years of age that does not have the characteristics 4709
prescribed by the registrar distinguishing it from the driver's 4710
license issued to persons who are twenty-one years of age or 4711
older. 4712

(C) Whoever violates division (B) of this section is guilty 4713
of a minor misdemeanor. 4714

Sec. 4507.23. (A) Except as provided in division (I) of this 4715
section, each application for a temporary instruction permit and 4716
examination shall be accompanied by a fee of five dollars. 4717

(B) Except as provided in division (I) of this section, each 4718
application for a driver's license made by a person who previously 4719
held such a license and whose license has expired not more than 4720
two years prior to the date of application, and who is required 4721
under this chapter to give an actual demonstration of the person's 4722
ability to drive, shall be accompanied by a fee of three dollars 4723
in addition to any other fees. 4724

(C)(1) Except as provided in divisions (E) and (I) of this 4725
section, each application for a driver's license, or motorcycle 4726

operator's endorsement, or renewal of a driver's license shall be 4727
accompanied by a fee of six dollars. 4728

(2) Except as provided in division (I) of this section, each 4729
application for a duplicate driver's license shall be accompanied 4730
by a fee of seven dollars and fifty cents. The duplicate driver's 4731
licenses issued under this section shall be distributed by the 4732
deputy registrar in accordance with rules adopted by the registrar 4733
of motor vehicles. 4734

(D) Except as provided in division (I) of this section, each 4735
application for a motorized bicycle license or duplicate thereof 4736
shall be accompanied by a fee of two dollars and fifty cents. 4737

(E) Except as provided in division (I) of this section, each 4738
application for a driver's license or renewal of a driver's 4739
license that will be issued to a person who is less than 4740
twenty-one years of age shall be accompanied by whichever of the 4741
following fees is applicable: 4742

(1) If the person is sixteen years of age or older, but less 4743
than seventeen years of age, a fee of seven dollars and 4744
twenty-five cents; 4745

(2) If the person is seventeen years of age or older, but 4746
less than eighteen years of age, a fee of six dollars; 4747

(3) If the person is eighteen years of age or older, but less 4748
than nineteen years of age, a fee of four dollars and seventy-five 4749
cents; 4750

(4) If the person is nineteen years of age or older, but less 4751
than twenty years of age, a fee of three dollars and fifty cents; 4752

(5) If the person is twenty years of age or older, but less 4753
than twenty-one years of age, a fee of two dollars and twenty-five 4754
cents. 4755

(F) Neither the registrar nor any deputy registrar shall 4756

charge a fee in excess of one dollar and fifty cents for 4757
~~laminating the authentication of the documents required for~~ 4758
~~processing~~ a driver's license, motorized bicycle license, or 4759
temporary instruction permit identification cards as required by 4760
sections 4507.13 and 4511.521 of the Revised Code. A deputy 4761
registrar ~~laminating that authenticates the required documents for~~ 4762
a driver's license, motorized bicycle license, or temporary 4763
instruction permit identification cards shall retain the entire 4764
amount of the fee ~~charged for lamination, less the actual cost to~~ 4765
~~the registrar of the laminating materials used for that~~ 4766
~~lamination, as specified in the contract executed by the bureau~~ 4767
~~for the laminating materials and laminating equipment. The deputy~~ 4768
~~registrar shall forward the amount of the cost of the laminating~~ 4769
~~materials to the registrar for deposit as provided in this~~ 4770
section. 4771

(G) Except as provided in division (I) of this section, each 4772
transaction described in divisions (A), (B), (C), (D), and (E) of 4773
this section shall be accompanied by an additional fee of twelve 4774
dollars. The additional fee is for the purpose of defraying the 4775
department of public safety's costs associated with the 4776
administration and enforcement of the motor vehicle and traffic 4777
laws of Ohio. 4778

(H) At the time and in the manner provided by section 4503.10 4779
of the Revised Code, the deputy registrar shall transmit the fees 4780
collected under divisions (A), (B), (C), (D), and (E), those 4781
portions of the fees specified in and collected under division 4782
(F), and the additional fee under division (G) of this section to 4783
the registrar. The registrar shall deposit the fees into the 4784
public safety - highway purposes fund established in section 4785
4501.06 of the Revised Code. 4786

(I) A disabled veteran who has a service-connected disability 4787
rated at one hundred per cent by the veterans' administration may 4788

apply to the registrar or a deputy registrar for the issuance to 4789
that veteran, without the payment of any fee prescribed in this 4790
section, of any of the following items: 4791

(1) A temporary instruction permit and examination; 4792

(2) A new, renewal, or duplicate driver's or commercial 4793
driver's license; 4794

(3) A motorcycle operator's endorsement; 4795

(4) A motorized bicycle license or duplicate thereof; 4796

(5) ~~Lamination of a driver's license, motorized bicycle~~ 4797
~~license, or temporary instruction permit identification card~~ A 4798
document authentication fee as provided in division (F) of this 4799
section. 4800

An application made under division (I) of this section shall 4801
be accompanied by such documentary evidence of disability as the 4802
registrar may require by rule. 4803

(J)(1) The registrar of motor vehicles shall adopt rules that 4804
establish a prorated fee schedule that specifies the fee to be 4805
charged by the registrar or a deputy registrar for the issuance of 4806
a duplicate driver's license. The rules shall require the base fee 4807
to be equal to the fee for a duplicate driver's license that 4808
existed immediately prior to July 1, 2015. In order to determine 4809
the prorated amount for a duplicate license under the rules, the 4810
registrar shall reduce the base fee by an amount determined by the 4811
registrar that is correlated with the number of months between the 4812
date a person applies for the duplicate and the date of expiration 4813
of the license. The registrar shall allocate the money received 4814
from a prorated duplicate driver's license fee to the same funds 4815
and in the same proportion as the allocation of the base fee. 4816

(2) Notwithstanding any other provision of law, after the 4817
registrar has adopted rules under division (J)(1) of this section, 4818

an applicant for a duplicate driver's license shall be required to 4819
pay only the appropriate prorated fee established under those 4820
rules. 4821

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 4822
registrar, upon receipt of an application filed in compliance with 4823
section 4507.51 of the Revised Code by any person who is a 4824
resident or a temporary resident of this state and, except as 4825
otherwise provided in this section, is not licensed as an operator 4826
of a motor vehicle in this state or another licensing 4827
jurisdiction, and, except as provided in division (B) or (C) of 4828
this section, upon receipt of a fee of three dollars and fifty 4829
cents, shall issue an identification card to that person. 4830

Any person who is a resident or temporary resident of this 4831
state whose Ohio driver's or commercial driver's license has been 4832
suspended or canceled, upon application in compliance with section 4833
4507.51 of the Revised Code and, except as provided in division 4834
(B) or (C) of this section, payment of a fee of three dollars and 4835
fifty cents, may be issued a temporary identification card. The 4836
temporary identification card shall be identical to an 4837
identification card, except that it shall be printed on its face 4838
with a statement that the card is valid during the effective dates 4839
of the suspension or cancellation of the cardholder's license, or 4840
until the birthday of the cardholder in the fourth year after the 4841
date on which it is issued, whichever is shorter. The cardholder 4842
shall surrender the identification card to the registrar or any 4843
deputy registrar before the cardholder's driver's or commercial 4844
driver's license is restored or reissued. 4845

Except as provided in division (B) or (C) of this section, 4846
the deputy registrar shall be allowed a fee equal to the amount 4847
established under section 4503.038 of the Revised Code for each 4848
identification card issued under this section. The fee allowed to 4849

the deputy registrar shall be in addition to the fee for issuing 4850
an identification card. 4851

Neither the registrar nor any deputy registrar shall charge a 4852
fee in excess of one dollar and fifty cents for ~~laminating the~~ 4853
~~authentication of the documents required for processing an~~ 4854
identification card or temporary identification card. A deputy 4855
registrar ~~laminating such a card that authenticates the required~~ 4856
~~documents~~ shall retain the entire amount of the fee ~~charged for~~ 4857
~~lamination, less the actual cost to the registrar of the~~ 4858
~~laminating materials used for that lamination, as specified in the~~ 4859
~~contract executed by the bureau for the laminating materials and~~ 4860
~~laminating equipment. The deputy registrar shall forward the~~ 4861
~~amount of the cost of the laminating materials to the registrar~~ 4862
~~for deposit as provided in this section.~~ 4863

The fee collected for issuing an identification card under 4864
this section, except the fee allowed to the deputy registrar, 4865
shall be paid into the state treasury to the credit of the public 4866
safety - highway purposes fund created in section 4501.06 of the 4867
Revised Code. 4868

(B) A disabled veteran who has a service-connected disability 4869
rated at one hundred per cent by the veterans' administration may 4870
apply to the registrar or a deputy registrar for the issuance to 4871
that veteran of an identification card or a temporary 4872
identification card under this section without payment of any fee 4873
prescribed in division (A) of this section, ~~including any~~ 4874
~~lamination fee.~~ 4875

An application made under division (B) of this section shall 4876
be accompanied by such documentary evidence of disability as the 4877
registrar may require by rule. 4878

(C) A resident who is eligible for an identification card 4879
with an expiration date that is in accordance with division 4880

(A)(8)(b) of section 4507.52 of the Revised Code and who is 4881
currently unemployed may apply to the registrar or a deputy 4882
registrar for the issuance of an identification card under this 4883
section without payment of any fee as prescribed in division (A) 4884
of this section, ~~including any lamination fee.~~ 4885

An application made under division (C) of this section shall 4886
be accompanied by such documentary evidence of disability and 4887
unemployment as the registrar may require by rule. 4888

Sec. 4507.51. (A)(1) Every application for an identification 4889
card or duplicate shall be made on a form furnished by the 4890
registrar of motor vehicles, shall be signed by the applicant, and 4891
by the applicant's parent or guardian if the applicant is under 4892
eighteen years of age, and shall contain the following information 4893
pertaining to the applicant: name, date of birth, sex, general 4894
description including the applicant's height, weight, hair color, 4895
and eye color, address, and social security number. The 4896
application also shall include, for an applicant who has not 4897
already certified the applicant's willingness to make an 4898
anatomical gift under section 2108.05 of the Revised Code, whether 4899
the applicant wishes to certify willingness to make such an 4900
anatomical gift and shall include information about the 4901
requirements of sections 2108.01 to 2108.29 of the Revised Code 4902
that apply to persons who are less than eighteen years of age. The 4903
statement regarding willingness to make such a donation shall be 4904
given no consideration in the decision of whether to issue an 4905
identification card. Each applicant shall be photographed in color 4906
at the time of making application. 4907

(2)~~(a)~~ The application also shall state ~~whether the~~ 4908
following: 4909

(a) Whether the applicant has executed a valid durable power 4910
of attorney for health care pursuant to sections 1337.11 to 4911

1337.17 of the Revised Code or has executed a declaration 4912
governing the use or continuation, or the withholding or 4913
withdrawal, of life-sustaining treatment pursuant to sections 4914
2133.01 to 2133.15 of the Revised Code and, if the applicant has 4915
executed either type of instrument, whether the applicant wishes 4916
the identification card issued to indicate that the applicant has 4917
executed the instrument-; 4918

~~(b) On and after October 7, 2009, the application also shall~~ 4919
~~state whether~~ Whether the applicant is a veteran, active duty, or 4920
reservist of the armed forces of the United States and, if the 4921
applicant is such, whether the applicant wishes the identification 4922
card issued to indicate that the applicant is a veteran, active 4923
duty, or reservist of the armed forces of the United States by a 4924
military designation on the identification card; 4925

(c) Whether the applicant has received an affidavit 4926
authorized under division (C)(3) of section 4513.263 of the 4927
Revised Code that states that the applicant has a permanent or 4928
reasonably expected to be permanent physical impairment that makes 4929
the use of an occupant restraining device impossible or 4930
impracticable, and whether the applicant wishes the identification 4931
card issued to indicate such a physical impairment. The applicant 4932
shall include a copy of the affidavit along with the application. 4933

(3) The registrar or deputy registrar, in accordance with 4934
section 3503.11 of the Revised Code, shall register as an elector 4935
any person who applies for an identification card or duplicate if 4936
the applicant is eligible and wishes to be registered as an 4937
elector. The decision of an applicant whether to register as an 4938
elector shall be given no consideration in the decision of whether 4939
to issue the applicant an identification card or duplicate. 4940

(B) The application for an identification card or duplicate 4941
shall be filed in the office of the registrar or deputy registrar. 4942
Each applicant shall present documentary evidence as required by 4943

the registrar of the applicant's age and identity, and the 4944
applicant shall swear that all information given is true. An 4945
identification card issued by the department of rehabilitation and 4946
correction under section 5120.59 of the Revised Code or an 4947
identification card issued by the department of youth services 4948
under section 5139.511 of the Revised Code shall be sufficient 4949
documentary evidence under this division upon verification of the 4950
applicant's social security number by the registrar or a deputy 4951
registrar. Upon issuing an identification card under this section 4952
for a person who has been issued an identification card under 4953
section 5120.59 or section 5139.511 of the Revised Code, the 4954
registrar or deputy registrar shall destroy the identification 4955
card issued under section 5120.59 or section 5139.511 of the 4956
Revised Code. 4957

All applications for an identification card or duplicate 4958
shall be filed in duplicate, and if submitted to a deputy 4959
registrar, a copy shall be forwarded to the registrar. The 4960
registrar shall prescribe rules for the manner in which a deputy 4961
registrar is to file and maintain applications and other records. 4962
The registrar shall maintain a suitable, indexed record of all 4963
applications denied and cards issued or canceled. 4964

(C) In addition to any other information it contains, ~~on and~~ 4965
~~after the date that is fifteen months after April 7, 2009,~~ the 4966
form furnished by the registrar of motor vehicles for an 4967
application for an identification card or duplicate shall inform 4968
applicants that the applicant must present a copy of the 4969
applicant's DD-214 or an equivalent document in order to qualify 4970
to have the card or duplicate indicate that the applicant is an 4971
honorably discharged veteran of the armed forces of the United 4972
States based on a request made pursuant to division (A)(2)(b) of 4973
this section. 4974

Sec. 4507.52. (A)(1) Each identification card issued by the 4975
registrar of motor vehicles or a deputy registrar shall display a 4976
distinguishing number assigned to the cardholder, and shall 4977
display the following inscription: 4978

"STATE OF OHIO IDENTIFICATION CARD 4979

This card is not valid for the purpose of operating a motor 4980
vehicle. It is provided solely for the purpose of establishing the 4981
identity of the bearer described on the card, who currently is not 4982
licensed to operate a motor vehicle in the state of Ohio." 4983

(2) The identification card shall display substantially the 4984
same information as contained in the application and as described 4985
in division (A)(1) of section 4507.51 of the Revised Code, but 4986
shall not display the cardholder's social security number unless 4987
the cardholder specifically requests that the cardholder's social 4988
security number be displayed on the card. If federal law requires 4989
the cardholder's social security number to be displayed on the 4990
identification card, the social security number shall be displayed 4991
on the card notwithstanding this section. 4992

(3) The identification card also shall display the color 4993
photograph of the cardholder. 4994

(4) If the cardholder has executed a durable power of 4995
attorney for health care or a declaration governing the use or 4996
continuation, or the withholding or withdrawal, of life-sustaining 4997
treatment and has specified that the cardholder wishes the 4998
identification card to indicate that the cardholder has executed 4999
either type of instrument, the card also shall display any symbol 5000
chosen by the registrar to indicate that the cardholder has 5001
executed either type of instrument. 5002

(5) If the cardholder has specified that the cardholder 5003
wishes the identification card to indicate that the cardholder is 5004
a veteran, active duty, or reservist of the armed forces of the 5005

United States and has presented a copy of the cardholder's DD-214 5006
form or an equivalent document, the card also shall display any 5007
symbol chosen by the registrar to indicate that the cardholder is 5008
a veteran, active duty, or reservist of the armed forces of the 5009
United States. 5010

(6) The card shall be ~~sealed in transparent plastic or~~ 5011
~~similar material and shall be so~~ designed as to prevent its 5012
reproduction or alteration without ready detection. 5013

(7) The identification card for persons under twenty-one 5014
years of age shall have characteristics prescribed by the 5015
registrar distinguishing it from that issued to a person who is 5016
twenty-one years of age or older, except that an identification 5017
card issued to a person who applies no more than thirty days 5018
before the applicant's twenty-first birthday shall have the 5019
characteristics of an identification card issued to a person who 5020
is twenty-one years of age or older. 5021

(8)(a) Except as provided in division (A)(8)(b) of this 5022
section, every identification card issued to a resident of this 5023
state shall expire, unless canceled or surrendered earlier, on the 5024
birthday of the cardholder in the fourth year after the date on 5025
which it is issued. 5026

(b) The registrar or a deputy registrar shall issue an 5027
identification card to a resident of this state who is permanently 5028
or irreversibly disabled that shall expire, unless canceled or 5029
surrendered earlier, on the birthday of the cardholder in the 5030
eighth year after the date on which it is issued. The registrar 5031
shall issue a reminder notice to a cardholder, at the last known 5032
address of the cardholder, six months before the identification 5033
card is scheduled to expire. The registrar shall adopt rules 5034
governing the documentation a cardholder shall submit to certify 5035
that the cardholder is permanently or irreversibly disabled. 5036

As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

(c) Every identification card issued to a temporary resident shall expire in accordance with rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements.

(9) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

(10) If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

(11) If the registrar has received a copy of an affidavit indicating that the cardholder has a permanent or reasonably expected to be permanent physical impairment in accordance with division (A)(2)(c) of section 4507.51 of the Revised Code, the distinguishing number assigned to the cardholder shall begin with the letters "PI."

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

(4)(a) When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee equal to the amount established under section 4503.038 of the Revised Code for issuing a duplicate or replacement identification card.

(b) A disabled veteran who is a cardholder and has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section, ~~and without payment of any lamination fee if the disabled veteran would not be required to pay a lamination fee in connection with the issuance of an identification card or temporary identification card as provided in division (B) of section 4507.50 of the Revised Code.~~

(c) A resident who is permanently or irreversibly disabled and who is unemployed may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section, ~~and without payment of any lamination fee, if the resident would not be required to pay any fee in connection with the issuance of an identification card as provided in division (C) of section 4507.50 of the Revised Code.~~

(5) A duplicate or replacement identification card expires on 5098
the same date as the card it replaces. 5099

(C) The registrar shall cancel any card upon determining that 5100
the card was obtained unlawfully, issued in error, or was altered. 5101
The registrar also shall cancel any card that is surrendered to 5102
the registrar or to a deputy registrar after the holder has 5103
obtained a duplicate, replacement, or driver's or commercial 5104
driver's license. 5105

(D)(1) No agent of the state or its political subdivisions 5106
shall condition the granting of any benefit, service, right, or 5107
privilege upon the possession by any person of an identification 5108
card. Nothing in this section shall preclude any publicly operated 5109
or franchised transit system from using an identification card for 5110
the purpose of granting benefits or services of the system. 5111

(2) No person shall be required to apply for, carry, or 5112
possess an identification card. 5113

(E) Except in regard to an identification card issued to a 5114
person who applies no more than thirty days before the applicant's 5115
twenty-first birthday, neither the registrar nor any deputy 5116
registrar shall issue an identification card to a person under 5117
twenty-one years of age that does not have the characteristics 5118
prescribed by the registrar distinguishing it from the 5119
identification card issued to persons who are twenty-one years of 5120
age or older. 5121

(F) Whoever violates division (E) of this section is guilty 5122
of a minor misdemeanor. 5123

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5124
operation of, a motor vehicle in this state, unless proof of 5125
financial responsibility is maintained continuously throughout the 5126
registration period with respect to that vehicle, or, in the case 5127

of a driver who is not the owner, with respect to that driver's 5128
operation of that vehicle. 5129

(2) Whoever violates division (A)(1) of this section shall be 5130
subject to the following civil penalties: 5131

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5132
class (F) suspension of the person's driver's license, commercial 5133
driver's license, temporary instruction permit, probationary 5134
license, or nonresident operating privilege for the period of time 5135
specified in division (B)(6) of section 4510.02 of the Revised 5136
Code and impoundment of the person's license. 5137

(b) If, within five years of the violation, the person's 5138
operating privileges are again suspended and the person's license 5139
again is impounded for a violation of division (A)(1) of this 5140
section, a class C suspension of the person's driver's license, 5141
commercial driver's license, temporary instruction permit, 5142
probationary license, or nonresident operating privilege for the 5143
period of time specified in division (B)(3) of section 4510.02 of 5144
the Revised Code. The court may grant limited driving privileges 5145
to the person only if the person presents proof of financial 5146
responsibility and has complied with division (A)(5) of this 5147
section, and no court may grant limited driving privileges for the 5148
first fifteen days of the suspension. 5149

(c) If, within five years of the violation, the person's 5150
operating privileges are suspended and the person's license is 5151
impounded two or more times for a violation of division (A)(1) of 5152
this section, a class B suspension of the person's driver's 5153
license, commercial driver's license, temporary instruction 5154
permit, probationary license, or nonresident operating privilege 5155
for the period of time specified in division (B)(2) of section 5156
4510.02 of the Revised Code. The court may grant limited driving 5157
privileges to the person only if the person presents proof of 5158

financial responsibility and has complied with division (A)(5) of 5159
this section, except that no court may grant limited driving 5160
privileges for the first thirty days of the suspension. 5161

(d) In addition to the suspension of an owner's license under 5162
division (A)(2)(a), (b), or (c) of this section, the suspension of 5163
the rights of the owner to register the motor vehicle and the 5164
impoundment of the owner's certificate of registration and license 5165
plates until the owner complies with division (A)(5) of this 5166
section. 5167

(3) A person to whom this state has issued a certificate of 5168
registration for a motor vehicle or a license to operate a motor 5169
vehicle or who is determined to have operated any motor vehicle or 5170
permitted the operation in this state of a motor vehicle owned by 5171
the person shall be required to verify the existence of proof of 5172
financial responsibility covering the operation of the motor 5173
vehicle or the person's operation of the motor vehicle under ~~any~~ 5174
either of the following circumstances: 5175

(a) The person or a motor vehicle owned by the person is 5176
involved in a traffic accident that requires the filing of an 5177
accident report under section 4509.06 of the Revised Code. 5178

(b) The person receives a traffic ticket indicating that 5179
proof of the maintenance of financial responsibility was not 5180
produced upon the request of a peace officer or state highway 5181
patrol trooper made in accordance with division (D)(2) of this 5182
section. 5183

~~(c) Whenever, in accordance with rules adopted by the 5184
registrar, the person is randomly selected by the registrar and 5185
requested to provide such verification. 5186~~

(4) An order of the registrar that suspends and impounds a 5187
license or registration, or both, shall state the date on or 5188
before which the person is required to surrender the person's 5189

license or certificate of registration and license plates. The 5190
person is deemed to have surrendered the license or certificate of 5191
registration and license plates, in compliance with the order, if 5192
the person does either of the following: 5193

(a) On or before the date specified in the order, personally 5194
delivers the license or certificate of registration and license 5195
plates, or causes the delivery of the items, to the registrar; 5196

(b) Mails the license or certificate of registration and 5197
license plates to the registrar in an envelope or container 5198
bearing a postmark showing a date no later than the date specified 5199
in the order. 5200

(5) Except as provided in division ~~(A)(6)~~ or (L) of this 5201
section, the registrar shall not restore any operating privileges 5202
or registration rights suspended under this section, return any 5203
license, certificate of registration, or license plates impounded 5204
under this section, or reissue license plates under section 5205
4503.232 of the Revised Code, if the registrar destroyed the 5206
impounded license plates under that section, or reissue a license 5207
under section 4510.52 of the Revised Code, if the registrar 5208
destroyed the suspended license under that section, unless the 5209
rights are not subject to suspension or revocation under any other 5210
law and unless the person, in addition to complying with all other 5211
conditions required by law for reinstatement of the operating 5212
privileges or registration rights, complies with all of the 5213
following: 5214

(a) Pays to the registrar or an eligible deputy registrar a 5215
financial responsibility reinstatement fee of one hundred dollars 5216
for the first violation of division (A)(1) of this section, three 5217
hundred dollars for a second violation of that division, and six 5218
hundred dollars for a third or subsequent violation of that 5219
division; 5220

(b) If the person has not voluntarily surrendered the 5221
license, certificate, or license plates in compliance with the 5222
order, pays to the registrar or an eligible deputy registrar a 5223
financial responsibility nonvoluntary compliance fee in an amount, 5224
not to exceed fifty dollars, determined by the registrar; 5225

(c) Files and continuously maintains proof of financial 5226
responsibility under sections 4509.44 to 4509.65 of the Revised 5227
Code; 5228

(d) Pays a deputy registrar a service fee of ten dollars to 5229
compensate the deputy registrar for services performed under this 5230
section. The deputy registrar shall retain eight dollars of the 5231
service fee and shall transmit the reinstatement fee, any 5232
nonvoluntary compliance fee, and two dollars of the service fee to 5233
the registrar in the manner the registrar shall determine. 5234

~~(6) If the registrar issues an order under division (A)(2) of 5235
this section resulting from the failure of a person to respond to 5236
a financial responsibility random verification request under 5237
division (A)(3)(c) of this section and the person successfully 5238
maintains an affirmative defense to a violation of section 4510.16 5239
of the Revised Code or is determined by the registrar or a deputy 5240
registrar to have been in compliance with division (A)(1) of this 5241
section at the time of the initial financial responsibility random 5242
verification request, the registrar shall do both of the 5243
following: 5244~~

~~(a) Terminate the order of suspension or impoundment; 5245~~

~~(b) Restore the operating privileges and registration rights 5246
of the person without payment of the fees established in divisions 5247
(A)(5)(a) and (b) of this section and without a requirement to 5248
file proof of financial responsibility. 5249~~

(B)(1) Every party required to file an accident report under 5250
section 4509.06 of the Revised Code also shall include with the 5251

report a document described in division (G)(1)(a) of this section 5252
or shall present proof of financial responsibility through use of 5253
an electronic wireless communications device as permitted by 5254
division (G)(1)(b) of this section. 5255

If the registrar determines, within forty-five days after the 5256
report is filed, that an operator or owner has violated division 5257
(A)(1) of this section, the registrar shall do all of the 5258
following: 5259

(a) Order the impoundment, with respect to the motor vehicle 5260
involved, required under division (A)(2)(d) of this section, of 5261
the certificate of registration and license plates of any owner 5262
who has violated division (A)(1) of this section; 5263

(b) Order the suspension required under division (A)(2)(a), 5264
(b), or (c) of this section of the license of any operator or 5265
owner who has violated division (A)(1) of this section; 5266

(c) Record the name and address of the person whose 5267
certificate of registration and license plates have been impounded 5268
or are under an order of impoundment, or whose license has been 5269
suspended or is under an order of suspension; the serial number of 5270
the person's license; the serial numbers of the person's 5271
certificate of registration and license plates; and the person's 5272
social security account number, if assigned, or, where the motor 5273
vehicle is used for hire or principally in connection with any 5274
established business, the person's federal taxpayer identification 5275
number. The information shall be recorded in such a manner that it 5276
becomes a part of the person's permanent record, and assists the 5277
registrar in monitoring compliance with the orders of suspension 5278
or impoundment. 5279

(d) Send written notification to every person to whom the 5280
order pertains, at the person's last known address as shown on the 5281
records of the bureau. The person, within ten days after the date 5282

of the mailing of the notification, shall surrender to the 5283
registrar, in a manner set forth in division (A)(4) of this 5284
section, any certificate of registration and registration plates 5285
under an order of impoundment, or any license under an order of 5286
suspension. 5287

(2) The registrar shall issue any order under division (B)(1) 5288
of this section without a hearing. Any person adversely affected 5289
by the order, within ten days after the issuance of the order, may 5290
request an administrative hearing before the registrar, who shall 5291
provide the person with an opportunity for a hearing in accordance 5292
with this paragraph. A request for a hearing does not operate as a 5293
suspension of the order. The scope of the hearing shall be limited 5294
to whether the person in fact demonstrated to the registrar proof 5295
of financial responsibility in accordance with this section. The 5296
registrar shall determine the date, time, and place of any 5297
hearing, provided that the hearing shall be held, and an order 5298
issued or findings made, within thirty days after the registrar 5299
receives a request for a hearing. If requested by the person in 5300
writing, the registrar may designate as the place of hearing the 5301
county seat of the county in which the person resides or a place 5302
within fifty miles of the person's residence. The person shall pay 5303
the cost of the hearing before the registrar, if the registrar's 5304
order of suspension or impoundment is upheld. 5305

(C) Any order of suspension or impoundment issued under this 5306
section or division (B) of section 4509.37 of the Revised Code may 5307
be terminated at any time if the registrar determines upon a 5308
showing of proof of financial responsibility that the operator or 5309
owner of the motor vehicle was in compliance with division (A)(1) 5310
of this section at the time of the traffic offense, motor vehicle 5311
inspection, or accident that resulted in the order against the 5312
person. A determination may be made without a hearing. This 5313
division does not apply unless the person shows good cause for the 5314

person's failure to present satisfactory proof of financial 5315
responsibility to the registrar prior to the issuance of the 5316
order. 5317

(D)(1)(a) For the purpose of enforcing this section, every 5318
peace officer is deemed an agent of the registrar. 5319

~~(a) Except as provided in division (D)(1)(b) of this section,~~ 5320
~~any~~ (b) Any peace officer who, in the performance of the peace 5321
officer's duties as authorized by law, becomes aware of a person 5322
whose license is under an order of suspension, or whose 5323
certificate of registration and license plates are under an order 5324
of impoundment, pursuant to this section, may confiscate the 5325
license, certificate of registration, and license plates, and 5326
return them to the registrar. 5327

~~(b) Any peace officer who, in the performance of the peace 5328
officer's duties as authorized by law, becomes aware of a person 5329
whose license is under an order of suspension, or whose 5330
certificate of registration and license plates are under an order 5331
of impoundment resulting from failure to respond to a financial 5332
responsibility random verification, shall not, for that reason, 5333
arrest the owner or operator or seize the vehicle or license 5334
plates. Instead, the peace officer shall issue a citation for a 5335
violation of section 4510.16 of the Revised Code specifying the 5336
circumstances as failure to respond to a financial responsibility 5337
random verification. 5338~~

(2) A peace officer shall request the owner or operator of a 5339
motor vehicle to produce proof of financial responsibility in a 5340
manner described in division (G) of this section at the time the 5341
peace officer acts to enforce the traffic laws of this state and 5342
during motor vehicle inspections conducted pursuant to section 5343
4513.02 of the Revised Code. 5344

(3) A peace officer shall indicate on every traffic ticket 5345

whether the person receiving the traffic ticket produced proof of 5346
the maintenance of financial responsibility in response to the 5347
officer's request under division (D)(2) of this section. The peace 5348
officer shall inform every person who receives a traffic ticket 5349
and who has failed to produce proof of the maintenance of 5350
financial responsibility that the person must submit proof to the 5351
traffic violations bureau with any payment of a fine and costs for 5352
the ticketed violation or, if the person is to appear in court for 5353
the violation, the person must submit proof to the court. 5354

(4)(a) If a person who has failed to produce proof of the 5355
maintenance of financial responsibility appears in court for a 5356
ticketed violation, the court may permit the defendant to present 5357
evidence of proof of financial responsibility to the court at such 5358
time and in such manner as the court determines to be necessary or 5359
appropriate. In a manner prescribed by the registrar, the clerk of 5360
courts shall provide the registrar with the identity of any person 5361
who fails to submit proof of the maintenance of financial 5362
responsibility pursuant to division (D)(3) of this section. 5363

(b) If a person who has failed to produce proof of the 5364
maintenance of financial responsibility also fails to submit that 5365
proof to the traffic violations bureau with payment of a fine and 5366
costs for the ticketed violation, the traffic violations bureau, 5367
in a manner prescribed by the registrar, shall notify the 5368
registrar of the identity of that person. 5369

(5)(a) Upon receiving notice from a clerk of courts or 5370
traffic violations bureau pursuant to division (D)(4) of this 5371
section, the registrar shall order the suspension of the license 5372
of the person required under division (A)(2)(a), (b), or (c) of 5373
this section and the impoundment of the person's certificate of 5374
registration and license plates required under division (A)(2)(d) 5375
of this section, effective thirty days after the date of the 5376
mailing of notification. The registrar also shall notify the 5377

person that the person must present the registrar with proof of 5378
financial responsibility in accordance with this section, 5379
surrender to the registrar the person's certificate of 5380
registration, license plates, and license, or submit a statement 5381
subject to section 2921.13 of the Revised Code that the person did 5382
not operate or permit the operation of the motor vehicle at the 5383
time of the offense. Notification shall be in writing and shall be 5384
sent to the person at the person's last known address as shown on 5385
the records of the bureau of motor vehicles. The person, within 5386
fifteen days after the date of the mailing of notification, shall 5387
present proof of financial responsibility, surrender the 5388
certificate of registration, license plates, and license to the 5389
registrar in a manner set forth in division (A)(4) of this 5390
section, or submit the statement required under this section 5391
together with other information the person considers appropriate. 5392

If the registrar does not receive proof or the person does 5393
not surrender the certificate of registration, license plates, and 5394
license, in accordance with this division, the registrar shall 5395
permit the order for the suspension of the license of the person 5396
and the impoundment of the person's certificate of registration 5397
and license plates to take effect. 5398

(b) In the case of a person who presents, within the 5399
fifteen-day period, proof of financial responsibility, the 5400
registrar shall terminate the order of suspension and the 5401
impoundment of the registration and license plates required under 5402
division (A)(2)(d) of this section and shall send written 5403
notification to the person, at the person's last known address as 5404
shown on the records of the bureau. 5405

(c) Any person adversely affected by the order of the 5406
registrar under division (D)(5)(a) or (b) of this section, within 5407
ten days after the issuance of the order, may request an 5408
administrative hearing before the registrar, who shall provide the 5409

person with an opportunity for a hearing in accordance with this 5410
paragraph. A request for a hearing does not operate as a 5411
suspension of the order. The scope of the hearing shall be limited 5412
to whether, at the time of the hearing, the person presents proof 5413
of financial responsibility covering the vehicle and whether the 5414
person is eligible for an exemption in accordance with this 5415
section or any rule adopted under it. The registrar shall 5416
determine the date, time, and place of any hearing; provided, that 5417
the hearing shall be held, and an order issued or findings made, 5418
within thirty days after the registrar receives a request for a 5419
hearing. If requested by the person in writing, the registrar may 5420
designate as the place of hearing the county seat of the county in 5421
which the person resides or a place within fifty miles of the 5422
person's residence. Such person shall pay the cost of the hearing 5423
before the registrar, if the registrar's order of suspension or 5424
impoundment under division (D)(5)(a) or (b) of this section is 5425
upheld. 5426

(6) A peace officer may charge an owner or operator of a 5427
motor vehicle with a violation of section 4510.16 of the Revised 5428
Code when the owner or operator fails to show proof of the 5429
maintenance of financial responsibility pursuant to a peace 5430
officer's request under division (D)(2) of this section, if a 5431
check of the owner or operator's driving record indicates that the 5432
owner or operator, at the time of the operation of the motor 5433
vehicle, is required to file and maintain proof of financial 5434
responsibility under section 4509.45 of the Revised Code for a 5435
previous violation of this chapter. 5436

(7) Any forms used by law enforcement agencies in 5437
administering this section shall be prescribed, supplied, and paid 5438
for by the registrar. 5439

(8) No peace officer, law enforcement agency employing a 5440
peace officer, or political subdivision or governmental agency 5441

that employs a peace officer shall be liable in a civil action for 5442
damages or loss to persons arising out of the performance of any 5443
duty required or authorized by this section. 5444

(9) As used in this section, "peace officer" has the meaning 5445
set forth in section 2935.01 of the Revised Code. 5446

(E) All fees, except court costs, fees paid to a deputy 5447
registrar, and those portions of the financial responsibility 5448
reinstatement fees as otherwise specified in this division, 5449
collected under this section shall be paid into the state treasury 5450
to the credit of the public safety - highway purposes fund 5451
established in section 4501.06 of the Revised Code and used to 5452
cover costs incurred by the bureau in the administration of this 5453
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 5454
Code, and by any law enforcement agency employing any peace 5455
officer who returns any license, certificate of registration, and 5456
license plates to the registrar pursuant to division (C) of this 5457
section. 5458

Of each financial responsibility reinstatement fee the 5459
registrar collects pursuant to division (A)(5)(a) of this section 5460
or receives from a deputy registrar under division (A)(5)(d) of 5461
this section, the registrar shall deposit twenty-five dollars of 5462
each one-hundred-dollar reinstatement fee, fifty dollars of each 5463
three-hundred-dollar reinstatement fee, and one hundred dollars of 5464
each six-hundred-dollar reinstatement fee into the state treasury 5465
to the credit of the indigent defense support fund created by 5466
section 120.08 of the Revised Code. 5467

(F) Chapter 119. of the Revised Code applies to this section 5468
only to the extent that any provision in that chapter is not 5469
clearly inconsistent with this section. 5470

(G)(1)(a) The registrar, court, traffic violations bureau, or 5471
peace officer may require proof of financial responsibility to be 5472

demonstrated by use of a standard form prescribed by the 5473
registrar. If the use of a standard form is not required, a person 5474
may demonstrate proof of financial responsibility under this 5475
section by presenting to the traffic violations bureau, court, 5476
registrar, or peace officer any of the following documents or a 5477
copy of the documents: 5478

(i) A financial responsibility identification card as 5479
provided in section 4509.103 of the Revised Code; 5480

(ii) A certificate of proof of financial responsibility on a 5481
form provided and approved by the registrar for the filing of an 5482
accident report required to be filed under section 4509.06 of the 5483
Revised Code; 5484

(iii) A policy of liability insurance, a declaration page of 5485
a policy of liability insurance, or liability bond, if the policy 5486
or bond complies with section 4509.20 or sections 4509.49 to 5487
4509.61 of the Revised Code; 5488

(iv) A bond or certification of the issuance of a bond as 5489
provided in section 4509.59 of the Revised Code; 5490

(v) A certificate of deposit of money or securities as 5491
provided in section 4509.62 of the Revised Code; 5492

(vi) A certificate of self-insurance as provided in section 5493
4509.72 of the Revised Code. 5494

(b) A person also may present proof of financial 5495
responsibility under this section to the traffic violations 5496
bureau, court, registrar, or peace officer through use of an 5497
electronic wireless communications device as specified under 5498
section 4509.103 of the Revised Code. 5499

(2) If a person fails to demonstrate proof of financial 5500
responsibility in a manner described in division (G)(1) of this 5501
section, the person may demonstrate proof of financial 5502

responsibility under this section by any other method that the 5503
court or the bureau, by reason of circumstances in a particular 5504
case, may consider appropriate. 5505

(3) A motor carrier certificated by the interstate commerce 5506
commission or by the public utilities commission may demonstrate 5507
proof of financial responsibility by providing a statement 5508
designating the motor carrier's operating authority and averring 5509
that the insurance coverage required by the certificating 5510
authority is in full force and effect. 5511

(4)(a) A finding by the registrar or court that a person is 5512
covered by proof of financial responsibility in the form of an 5513
insurance policy or surety bond is not binding upon the named 5514
insurer or surety or any of its officers, employees, agents, or 5515
representatives and has no legal effect except for the purpose of 5516
administering this section. 5517

(b) The preparation and delivery of a financial 5518
responsibility identification card or any other document 5519
authorized to be used as proof of financial responsibility and the 5520
generation and delivery of proof of financial responsibility to an 5521
electronic wireless communications device that is displayed on the 5522
device as text or images does not do any of the following: 5523

(i) Create any liability or estoppel against an insurer or 5524
surety, or any of its officers, employees, agents, or 5525
representatives; 5526

(ii) Constitute an admission of the existence of, or of any 5527
liability or coverage under, any policy or bond; 5528

(iii) Waive any defenses or counterclaims available to an 5529
insurer, surety, agent, employee, or representative in an action 5530
commenced by an insured or third-party claimant upon a cause of 5531
action alleged to have arisen under an insurance policy or surety 5532
bond or by reason of the preparation and delivery of a document 5533

for use as proof of financial responsibility or the generation and 5534
delivery of proof of financial responsibility to an electronic 5535
wireless communications device. 5536

(c) Whenever it is determined by a final judgment in a 5537
judicial proceeding that an insurer or surety, which has been 5538
named on a document or displayed on an electronic wireless 5539
communications device accepted by a court or the registrar as 5540
proof of financial responsibility covering the operation of a 5541
motor vehicle at the time of an accident or offense, is not liable 5542
to pay a judgment for injuries or damages resulting from such 5543
operation, the registrar, notwithstanding any previous contrary 5544
finding, shall forthwith suspend the operating privileges and 5545
registration rights of the person against whom the judgment was 5546
rendered as provided in division (A)(2) of this section. 5547

(H) In order for any document or display of text or images on 5548
an electronic wireless communications device described in division 5549
(G)(1) of this section to be used for the demonstration of proof 5550
of financial responsibility under this section, the document or 5551
words or images shall state the name of the insured or obligor, 5552
the name of the insurer or surety company, and the effective and 5553
expiration dates of the financial responsibility, and designate by 5554
explicit description or by appropriate reference all motor 5555
vehicles covered which may include a reference to fleet insurance 5556
coverage. 5557

(I) For purposes of this section, "owner" does not include a 5558
licensed motor vehicle leasing dealer as defined in section 5559
4517.01 of the Revised Code, but does include a motor vehicle 5560
renting dealer as defined in section 4549.65 of the Revised Code. 5561
Nothing in this section or in section 4509.51 of the Revised Code 5562
shall be construed to prohibit a motor vehicle renting dealer from 5563
entering into a contractual agreement with a person whereby the 5564
person renting the motor vehicle agrees to be solely responsible 5565

for maintaining proof of financial responsibility, in accordance 5566
with this section, with respect to the operation, maintenance, or 5567
use of the motor vehicle during the period of the motor vehicle's 5568
rental. 5569

(J) The purpose of this section is to require the maintenance 5570
of proof of financial responsibility with respect to the operation 5571
of motor vehicles on the highways of this state, so as to minimize 5572
those situations in which persons are not compensated for injuries 5573
and damages sustained in motor vehicle accidents. The general 5574
assembly finds that this section contains reasonable civil 5575
penalties and procedures for achieving this purpose. 5576

(K) Nothing in this section shall be construed to be subject 5577
to section 4509.78 of the Revised Code. 5578

(L)(1) The registrar may terminate any suspension imposed 5579
under this section and not require the owner to comply with 5580
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5581
with or without a hearing determines that the owner of the vehicle 5582
has established by clear and convincing evidence that all of the 5583
following apply: 5584

(a) The owner customarily maintains proof of financial 5585
responsibility. 5586

(b) Proof of financial responsibility was not in effect for 5587
the vehicle on the date in question for one of the following 5588
reasons: 5589

(i) The vehicle was inoperable. 5590

(ii) The vehicle is operated only seasonally, and the date in 5591
question was outside the season of operation. 5592

(iii) A person other than the vehicle owner or driver was at 5593
fault for the lapse of proof of financial responsibility through 5594
no fault of the owner or driver. 5595

(iv) The lapse of proof of financial responsibility was 5596
caused by excusable neglect under circumstances that are not 5597
likely to recur and do not suggest a purpose to evade the 5598
requirements of this chapter. 5599

(2) ~~The registrar may grant an owner or driver relief for a 5600
reason specified in division (L)(1)(b)(i) or (ii) of this section 5601
whenever the owner or driver is randomly selected to verify the 5602
existence of proof of financial responsibility for such a vehicle. 5603~~
However, the registrar may grant an owner or driver relief for a 5604
reason specified in division (L)(1)(b)(iii) or (iv) of this 5605
section only if the owner or driver has not previously been 5606
granted relief under division (L)(1)(b)(iii) or (iv) of this 5607
section. 5608

(M) The registrar shall adopt rules in accordance with 5609
Chapter 119. of the Revised Code that are necessary to administer 5610
and enforce this section. The rules shall include procedures for 5611
the surrender of license plates upon failure to maintain proof of 5612
financial responsibility and provisions relating to reinstatement 5613
of registration rights, acceptable forms of proof of financial 5614
responsibility, the use of an electronic wireless communications 5615
device to present proof of financial responsibility, and 5616
verification of the existence of financial responsibility during 5617
the period of registration. 5618

(N)(1) When a person utilizes an electronic wireless 5619
communications device to present proof of financial 5620
responsibility, only the evidence of financial responsibility 5621
displayed on the device shall be viewed by the registrar, peace 5622
officer, employee or official of the traffic violations bureau, or 5623
the court. No other content of the device shall be viewed for 5624
purposes of obtaining proof of financial responsibility. 5625

(2) When a person provides an electronic wireless 5626
communications device to the registrar, a peace officer, an 5627

employee or official of a traffic violations bureau, or the court, 5628
the person assumes the risk of any resulting damage to the device 5629
unless the registrar, peace officer, employee, or official, or 5630
court personnel purposely, knowingly, or recklessly commits an 5631
action that results in damage to the device. 5632

Sec. 4510.04. It is an affirmative defense to any prosecution 5633
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 5634
Revised Code or under any substantially equivalent municipal 5635
ordinance that the alleged offender drove under suspension, 5636
without a valid permit or driver's or commercial driver's license, 5637
or in violation of a restriction because of a substantial 5638
emergency, and because no other person was reasonably available to 5639
drive in response to the emergency. 5640

~~It is an affirmative defense to any prosecution brought under 5641
section 4510.16 of the Revised Code that the order of suspension 5642
resulted from the failure of the alleged offender to respond to a 5643
financial responsibility random verification request under 5644
division (A)(3)(c) of section 4509.101 of the Revised Code and 5645
that, at the time of the initial financial responsibility random 5646
verification request, the alleged offender was in compliance with 5647
division (A)(1) of section 4509.101 of the Revised Code as shown 5648
by proof of financial responsibility that was in effect at the 5649
time of that request. 5650~~

Sec. 4511.21. (A) No person shall operate a motor vehicle, 5651
trackless trolley, or streetcar at a speed greater or less than is 5652
reasonable or proper, having due regard to the traffic, surface, 5653
and width of the street or highway and any other conditions, and 5654
no person shall drive any motor vehicle, trackless trolley, or 5655
streetcar in and upon any street or highway at a greater speed 5656
than will permit the person to bring it to a stop within the 5657
assured clear distance ahead. 5658

(B) It is prima-facie lawful, in the absence of a lower limit 5659
declared or established pursuant to this section by the director 5660
of transportation or local authorities, for the operator of a 5661
motor vehicle, trackless trolley, or streetcar to operate the same 5662
at a speed not exceeding the following: 5663

(1)(a) Twenty miles per hour in school zones during school 5664
recess and while children are going to or leaving school during 5665
the opening or closing hours, and when twenty miles per hour 5666
school speed limit signs are erected; except that, on 5667
controlled-access highways and expressways, if the right-of-way 5668
line fence has been erected without pedestrian opening, the speed 5669
shall be governed by division (B)(4) of this section and on 5670
freeways, if the right-of-way line fence has been erected without 5671
pedestrian opening, the speed shall be governed by divisions 5672
(B)(10) and (11) of this section. The end of every school zone may 5673
be marked by a sign indicating the end of the zone. Nothing in 5674
this section or in the manual and specifications for a uniform 5675
system of traffic control devices shall be construed to require 5676
school zones to be indicated by signs equipped with flashing or 5677
other lights, or giving other special notice of the hours in which 5678
the school zone speed limit is in effect. 5679

(b) As used in this section and in section 4511.212 of the 5680
Revised Code, "school" means any school chartered under section 5681
3301.16 of the Revised Code and any nonchartered school that 5682
during the preceding year filed with the department of education 5683
in compliance with rule 3301-35-08 of the Ohio Administrative 5684
Code, a copy of the school's report for the parents of the 5685
school's pupils certifying that the school meets Ohio minimum 5686
standards for nonchartered, nontax-supported schools and presents 5687
evidence of this filing to the jurisdiction from which it is 5688
requesting the establishment of a school zone. "School" also 5689
includes a special elementary school that in writing requests the 5690

county engineer of the county in which the special elementary 5691
school is located to create a school zone at the location of that 5692
school. Upon receipt of such a written request, the county 5693
engineer shall create a school zone at that location by erecting 5694
the appropriate signs. 5695

(c) As used in this section, "school zone" means that portion 5696
of a street or highway passing a school fronting upon the street 5697
or highway that is encompassed by projecting the school property 5698
lines to the fronting street or highway, and also includes that 5699
portion of a state highway. Upon request from local authorities 5700
for streets and highways under their jurisdiction and that portion 5701
of a state highway under the jurisdiction of the director of 5702
transportation or a request from a county engineer in the case of 5703
a school zone for a special elementary school, the director may 5704
extend the traditional school zone boundaries. The distances in 5705
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5706
exceed three hundred feet per approach per direction and are 5707
bounded by whichever of the following distances or combinations 5708
thereof the director approves as most appropriate: 5709

(i) The distance encompassed by projecting the school 5710
building lines normal to the fronting highway and extending a 5711
distance of three hundred feet on each approach direction; 5712

(ii) The distance encompassed by projecting the school 5713
property lines intersecting the fronting highway and extending a 5714
distance of three hundred feet on each approach direction; 5715

(iii) The distance encompassed by the special marking of the 5716
pavement for a principal school pupil crosswalk plus a distance of 5717
three hundred feet on each approach direction of the highway. 5718

Nothing in this section shall be construed to invalidate the 5719
director's initial action on August 9, 1976, establishing all 5720
school zones at the traditional school zone boundaries defined by 5721

projecting school property lines, except when those boundaries are 5722
extended as provided in divisions (B)(1)(a) and (c) of this 5723
section. 5724

(d) As used in this division, "crosswalk" has the meaning 5725
given that term in division (LL)(2) of section 4511.01 of the 5726
Revised Code. 5727

The director may, upon request by resolution of the 5728
legislative authority of a municipal corporation, the board of 5729
trustees of a township, or a county board of developmental 5730
disabilities created pursuant to Chapter 5126. of the Revised 5731
Code, and upon submission by the municipal corporation, township, 5732
or county board of such engineering, traffic, and other 5733
information as the director considers necessary, designate a 5734
school zone on any portion of a state route lying within the 5735
municipal corporation, lying within the unincorporated territory 5736
of the township, or lying adjacent to the property of a school 5737
that is operated by such county board, that includes a crosswalk 5738
customarily used by children going to or leaving a school during 5739
recess and opening and closing hours, whenever the distance, as 5740
measured in a straight line, from the school property line nearest 5741
the crosswalk to the nearest point of the crosswalk is no more 5742
than one thousand three hundred twenty feet. Such a school zone 5743
shall include the distance encompassed by the crosswalk and 5744
extending three hundred feet on each approach direction of the 5745
state route. 5746

(e) As used in this section, "special elementary school" 5747
means a school that meets all of the following criteria: 5748

(i) It is not chartered and does not receive tax revenue from 5749
any source. 5750

(ii) It does not educate children beyond the eighth grade. 5751

(iii) It is located outside the limits of a municipal 5752

corporation. 5753

(iv) A majority of the total number of students enrolled at 5754
the school are not related by blood. 5755

(v) The principal or other person in charge of the special 5756
elementary school annually sends a report to the superintendent of 5757
the school district in which the special elementary school is 5758
located indicating the total number of students enrolled at the 5759
school, but otherwise the principal or other person in charge does 5760
not report any other information or data to the superintendent. 5761

(2) Twenty-five miles per hour in all other portions of a 5762
municipal corporation, except on state routes outside business 5763
districts, through highways outside business districts, and 5764
alleys; 5765

(3) Thirty-five miles per hour on all state routes or through 5766
highways within municipal corporations outside business districts, 5767
except as provided in divisions (B)(4) and (6) of this section; 5768

(4) Fifty miles per hour on controlled-access highways and 5769
expressways within municipal corporations, except as provided in 5770
divisions (B)(12), (13), (14), (15), and (16) of this section; 5771

(5) Fifty-five miles per hour on highways outside municipal 5772
corporations, other than highways within island jurisdictions as 5773
provided in division (B)(8) of this section, highways as provided 5774
in divisions (B)(9) and (10) of this section, and highways, 5775
expressways, and freeways as provided in divisions (B)(12), (13), 5776
(14), ~~(15)~~, and ~~(17)~~(16) of this section; 5777

(6) Fifty miles per hour on state routes within municipal 5778
corporations outside urban districts unless a lower prima-facie 5779
speed is established as further provided in this section; 5780

(7) Fifteen miles per hour on all alleys within the municipal 5781
corporation; 5782

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 5783
5784

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties; 5785
5786
5787
5788

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section; 5789
5790
5791

(11) Fifty-five miles per hour ~~at all times~~ on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(15)~~(14) and ~~(17)~~(16) of this section; 5792
5793
5794

~~(12) Fifty five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(15) and (17) of this section;~~ 5795
5796
5797

~~(13) Sixty miles per hour for operators of any motor vehicle at all times on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (14) of this section;~~ 5798
5799
5800
5801

~~(14)(13) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;~~ 5802
5803
5804

~~(15)(14) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;~~ 5805
5806

~~(16)(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways or expressways in congested areas as determined by the director and that are part of the interstate system and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)(16) of this section;~~ 5807
5808
5809
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~~(17)(16)~~ Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways or expressways without traffic control signals in ~~urban~~ urbanized areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:

(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B)(10) of this section and upon a highway, expressway, or freeway as provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)(16)~~ of this section;

(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B)(10) of this section and upon a highway as provided in division (B)~~(13)~~(12) of this section;

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B)~~(14)~~(13) or upon a freeway as provided in division (B)~~(17)~~(16) of this section, except upon a freeway as provided in division (B)~~(15)~~(14) of this section;

(4) At a speed exceeding seventy miles per hour upon a

freeway as provided in division (B)~~(15)~~(14) of this section; 5844

(5) At a speed exceeding the posted speed limit upon a 5845
highway, expressway, or freeway for which the director has 5846
determined and declared a speed limit pursuant to division (I)(2) 5847
or (L)(2) of this section. 5848

(E) In every charge of violation of this section the 5849
affidavit and warrant shall specify the time, place, and speed at 5850
which the defendant is alleged to have driven, and in charges made 5851
in reliance upon division (C) of this section also the speed which 5852
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 5853
limit declared or established pursuant to, this section declares 5854
is prima-facie lawful at the time and place of such alleged 5855
violation, except that in affidavits where a person is alleged to 5856
have driven at a greater speed than will permit the person to 5857
bring the vehicle to a stop within the assured clear distance 5858
ahead the affidavit and warrant need not specify the speed at 5859
which the defendant is alleged to have driven. 5860

(F) When a speed in excess of both a prima-facie limitation 5861
and a limitation in division (D) of this section is alleged, the 5862
defendant shall be charged in a single affidavit, alleging a 5863
single act, with a violation indicated of both division (B)(1)(a), 5864
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 5865
limit declared or established pursuant to this section by the 5866
director or local authorities, and of the limitation in division 5867
(D) of this section. If the court finds a violation of division 5868
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 5869
declared or established pursuant to, this section has occurred, it 5870
shall enter a judgment of conviction under such division and 5871
dismiss the charge under division (D) of this section. If it finds 5872
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 5873
or (9) of, or a limit declared or established pursuant to, this 5874
section, it shall then consider whether the evidence supports a 5875

conviction under division (D) of this section. 5876

(G) Points shall be assessed for violation of a limitation 5877
under division (D) of this section in accordance with section 5878
4510.036 of the Revised Code. 5879

(H)(1) Whenever the director determines upon the basis of a 5880
~~geometric and traffic characteristic~~ criteria established by an 5881
engineering study, as defined by the director, that any speed 5882
limit set forth in divisions (B)(1)(a) to (D) of this section is 5883
greater or less than is reasonable or safe under the conditions 5884
found to exist at any portion of a street or highway under the 5885
jurisdiction of the director, the director shall determine and 5886
declare a reasonable and safe prima-facie speed limit, which shall 5887
be effective when appropriate signs giving notice of it are 5888
erected at the location. 5889

(2) Whenever the director determines upon the basis of a 5890
~~geometric and traffic characteristic~~ criteria established by an 5891
engineering study, as defined by the director, that the speed 5892
limit of fifty-five miles per hour on a two-lane state route 5893
outside a municipal corporation is less than is reasonable or safe 5894
under the conditions found to exist at that portion of the state 5895
route, the director may determine and declare a speed limit of 5896
sixty miles per hour for that portion of the state route, which 5897
shall be effective when appropriate signs giving notice of it are 5898
erected at the location. 5899

(3) For purposes of the safe and orderly movement of traffic 5900
upon any portion of a street or highway under the jurisdiction of 5901
the director, the director may establish a variable speed limit 5902
that is different than the speed limit established by or under 5903
this section on all or portions of interstate six hundred seventy, 5904
interstate two hundred seventy-five, and interstate ninety 5905
commencing at the intersection of that interstate with interstate 5906
seventy-one and continuing to the border of the state of Ohio with 5907

the state of Pennsylvania. The director shall establish criteria 5908
for determining the appropriate use of variable speed limits and 5909
shall establish variable speed limits in accordance with the 5910
criteria. The director may establish variable speed limits based 5911
upon the time of day, weather conditions, traffic incidents, or 5912
other factors that affect the safe speed on a street or highway. 5913
The director shall not establish a variable speed limit that is 5914
based on a particular type or class of vehicle. A variable speed 5915
limit established by the director under this section is effective 5916
when appropriate signs giving notice of the speed limit are 5917
displayed at the location. 5918

(4) Nothing in this section shall be construed to limit the 5919
authority of the director to establish speed limits within a 5920
construction zone as authorized under section 4511.98 of the 5921
Revised Code. 5922

(I)(1) Except as provided in divisions (I)(2) ~~and, (J), (K),~~ 5923
~~and (N)~~ of this section, whenever local authorities determine upon 5924
the basis of criteria established by an engineering ~~and traffic~~ 5925
investigation study, as defined by the director, that the speed 5926
permitted by divisions (B)(1)(a) to (D) of this section, on any 5927
part of a highway under their jurisdiction, is greater than is 5928
reasonable and safe under the conditions found to exist at such 5929
location, the local authorities may by resolution request the 5930
director to determine and declare a reasonable and safe 5931
prima-facie speed limit. Upon receipt of such request the director 5932
may determine and declare a reasonable and safe prima-facie speed 5933
limit at such location, and if the director does so, then such 5934
declared speed limit shall become effective only when appropriate 5935
signs giving notice thereof are erected at such location by the 5936
local authorities. The director may withdraw the declaration of a 5937
prima-facie speed limit whenever in the director's opinion the 5938
altered prima-facie speed limit becomes unreasonable. Upon such 5939

withdrawal, the declared prima-facie speed limit shall become 5940
ineffective and the signs relating thereto shall be immediately 5941
removed by the local authorities. 5942

(2) A local authority may determine on the basis of a 5943
~~geometric and traffic characteristic criteria established by an~~ 5944
~~engineering study, as defined by the director,~~ that the speed 5945
limit of sixty-five or seventy miles per hour on a portion of a 5946
freeway under its jurisdiction ~~that was established through the~~ 5947
~~operation of division (L)(3) of this section~~ is greater than is 5948
reasonable or safe under the conditions found to exist at that 5949
portion of the freeway. If the local authority makes such a 5950
determination, the local authority by resolution may request the 5951
director to determine and declare a reasonable and safe speed 5952
limit of not less than fifty-five miles per hour for that portion 5953
of the freeway. If the director takes such action, the declared 5954
speed limit becomes effective only when appropriate signs giving 5955
notice of it are erected at such location by the local authority. 5956

(J) Local authorities in their respective jurisdictions may 5957
authorize by ordinance higher prima-facie speeds than those stated 5958
in this section upon through highways, or upon highways or 5959
portions thereof where there are no intersections, or between 5960
widely spaced intersections, provided signs are erected giving 5961
notice of the authorized speed, but local authorities shall not 5962
modify or alter the basic rule set forth in division (A) of this 5963
section or in any event authorize by ordinance a speed in excess 5964
of ~~fifty miles per hour~~ the maximum speed permitted by division 5965
(D) of this section for the specified type of highway. 5966

Alteration of prima-facie limits on state routes by local 5967
authorities shall not be effective until the alteration has been 5968
approved by the director. The director may withdraw approval of 5969
any altered prima-facie speed limits whenever in the director's 5970
opinion any altered prima-facie speed becomes unreasonable, and 5971

upon such withdrawal, the altered prima-facie speed shall become 5972
ineffective and the signs relating thereto shall be immediately 5973
removed by the local authorities. 5974

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 5975
section, "unimproved highway" means a highway consisting of any of 5976
the following: 5977

(a) Unimproved earth; 5978

(b) Unimproved graded and drained earth; 5979

(c) Gravel. 5980

(2) Except as otherwise provided in divisions (K)(4) and (5) 5981
of this section, whenever a board of township trustees determines 5982
upon the basis of criteria established by an engineering and 5983
traffic investigation study, as defined by the director, that the 5984
speed permitted by division (B)(5) of this section on any part of 5985
an unimproved highway under its jurisdiction and in the 5986
unincorporated territory of the township is greater than is 5987
reasonable or safe under the conditions found to exist at the 5988
location, the board may by resolution declare a reasonable and 5989
safe prima-facie speed limit of fifty-five but not less than 5990
twenty-five miles per hour. An altered speed limit adopted by a 5991
board of township trustees under this division becomes effective 5992
when appropriate traffic control devices, as prescribed in section 5993
4511.11 of the Revised Code, giving notice thereof are erected at 5994
the location, which shall be no sooner than sixty days after 5995
adoption of the resolution. 5996

(3)(a) Whenever, in the opinion of a board of township 5997
trustees, any altered prima-facie speed limit established by the 5998
board under this division becomes unreasonable, the board may 5999
adopt a resolution withdrawing the altered prima-facie speed 6000
limit. Upon the adoption of such a resolution, the altered 6001
prima-facie speed limit becomes ineffective and the traffic 6002

control devices relating thereto shall be immediately removed. 6003

(b) Whenever a highway ceases to be an unimproved highway and 6004
the board has adopted an altered prima-facie speed limit pursuant 6005
to division (K)(2) of this section, the board shall, by 6006
resolution, withdraw the altered prima-facie speed limit as soon 6007
as the highway ceases to be unimproved. Upon the adoption of such 6008
a resolution, the altered prima-facie speed limit becomes 6009
ineffective and the traffic control devices relating thereto shall 6010
be immediately removed. 6011

(4)(a) If the boundary of two townships rests on the 6012
centerline of an unimproved highway in unincorporated territory 6013
and both townships have jurisdiction over the highway, neither of 6014
the boards of township trustees of such townships may declare an 6015
altered prima-facie speed limit pursuant to division (K)(2) of 6016
this section on the part of the highway under their joint 6017
jurisdiction unless the boards of township trustees of both of the 6018
townships determine, upon the basis of criteria established by an 6019
engineering and traffic investigation study, as defined by the 6020
director, that the speed permitted by division (B)(5) of this 6021
section is greater than is reasonable or safe under the conditions 6022
found to exist at the location and both boards agree upon a 6023
reasonable and safe prima-facie speed limit of less than 6024
fifty-five but not less than twenty-five miles per hour for that 6025
location. If both boards so agree, each shall follow the procedure 6026
specified in division (K)(2) of this section for altering the 6027
prima-facie speed limit on the highway. Except as otherwise 6028
provided in division (K)(4)(b) of this section, no speed limit 6029
altered pursuant to division (K)(4)(a) of this section may be 6030
withdrawn unless the boards of township trustees of both townships 6031
determine that the altered prima-facie speed limit previously 6032
adopted becomes unreasonable and each board adopts a resolution 6033
withdrawing the altered prima-facie speed limit pursuant to the 6034

procedure specified in division (K)(3)(a) of this section. 6035

(b) Whenever a highway described in division (K)(4)(a) of 6036
this section ceases to be an unimproved highway and two boards of 6037
township trustees have adopted an altered prima-facie speed limit 6038
pursuant to division (K)(4)(a) of this section, both boards shall, 6039
by resolution, withdraw the altered prima-facie speed limit as 6040
soon as the highway ceases to be unimproved. Upon the adoption of 6041
the resolution, the altered prima-facie speed limit becomes 6042
ineffective and the traffic control devices relating thereto shall 6043
be immediately removed. 6044

(5) As used in division (K)(5) of this section: 6045

(a) "Commercial subdivision" means any platted territory 6046
outside the limits of a municipal corporation and fronting a 6047
highway where, for a distance of three hundred feet or more, the 6048
frontage is improved with buildings in use for commercial 6049
purposes, or where the entire length of the highway is less than 6050
three hundred feet long and the frontage is improved with 6051
buildings in use for commercial purposes. 6052

(b) "Residential subdivision" means any platted territory 6053
outside the limits of a municipal corporation and fronting a 6054
highway, where, for a distance of three hundred feet or more, the 6055
frontage is improved with residences or residences and buildings 6056
in use for business, or where the entire length of the highway is 6057
less than three hundred feet long and the frontage is improved 6058
with residences or residences and buildings in use for business. 6059

Whenever a board of township trustees finds upon the basis of 6060
criteria established by an engineering and traffic investigation 6061
study, as defined by the director, that the prima-facie speed 6062
permitted by division (B)(5) of this section on any part of a 6063
highway under its jurisdiction that is located in a commercial or 6064
residential subdivision, except on highways or portions thereof at 6065

the entrances to which vehicular traffic from the majority of 6066
intersecting highways is required to yield the right-of-way to 6067
vehicles on such highways in obedience to stop or yield signs or 6068
traffic control signals, is greater than is reasonable and safe 6069
under the conditions found to exist at the location, the board may 6070
by resolution declare a reasonable and safe prima-facie speed 6071
limit of less than fifty-five but not less than twenty-five miles 6072
per hour at the location. An altered speed limit adopted by a 6073
board of township trustees under this division shall become 6074
effective when appropriate signs giving notice thereof are erected 6075
at the location by the township. Whenever, in the opinion of a 6076
board of township trustees, any altered prima-facie speed limit 6077
established by it under this division becomes unreasonable, it may 6078
adopt a resolution withdrawing the altered prima-facie speed, and 6079
upon such withdrawal, the altered prima-facie speed shall become 6080
ineffective, and the signs relating thereto shall be immediately 6081
removed by the township. 6082

(L)(1) ~~On September 29, 2013, the~~ The director of 6083
transportation, based upon an engineering study, as defined by the 6084
director, of a highway, expressway, or freeway described in 6085
division (B)(12), (13), (14), (15), or (16), ~~or (17)~~ of this 6086
section, in consultation with the director of public safety and, 6087
if applicable, the local authority having jurisdiction over the 6088
studied highway, expressway, or freeway, may determine and declare 6089
that the speed limit established on such highway, expressway, or 6090
freeway under division (B)(12), (13), (14), (15), or (16), ~~or (17)~~ 6091
of this section either is reasonable and safe or is more or less 6092
than that which is reasonable and safe. 6093

(2) If the established speed limit for a highway, expressway, 6094
or freeway studied pursuant to division (L)(1) of this section is 6095
determined to be more or less than that which is reasonable and 6096
safe, the director of transportation, in consultation with the 6097

director of public safety and, if applicable, the local authority 6098
having jurisdiction over the studied highway, expressway, or 6099
freeway, shall determine and declare a reasonable and safe speed 6100
limit for that highway, expressway, or freeway. 6101

(M)(1)(a) If the boundary of two local authorities rests on 6102
the centerline of a highway and both authorities have jurisdiction 6103
over the highway, the speed limit for the part of the highway 6104
within their joint jurisdiction shall be either one of the 6105
following as agreed to by both authorities: 6106

(i) Either prima-facie speed limit permitted by division (B) 6107
of this section; 6108

(ii) An altered speed limit determined and posted in 6109
accordance with this section. 6110

(b) If the local authorities are unable to reach an 6111
agreement, the speed limit shall remain as established and posted 6112
under this section. 6113

(2) Neither local authority may declare an altered 6114
prima-facie speed limit pursuant to this section on the part of 6115
the highway under their joint jurisdiction unless both of the 6116
local authorities determine, upon the basis of criteria 6117
established by an engineering and traffic investigation study, as 6118
defined by the director, that the speed permitted by this section 6119
is greater than is reasonable or safe under the conditions found 6120
to exist at the location and both authorities agree upon a uniform 6121
reasonable and safe prima-facie speed limit of less than 6122
fifty-five but not less than twenty-five miles per hour for that 6123
location. If both authorities so agree, each shall follow the 6124
procedure specified in this section for altering the prima-facie 6125
speed limit on the highway, and the speed limit for the part of 6126
the highway within their joint jurisdiction shall be uniformly 6127
altered. No altered speed limit may be withdrawn unless both local 6128

authorities determine that the altered prima-facie speed limit 6129
previously adopted becomes unreasonable and each adopts a 6130
resolution withdrawing the altered prima-facie speed limit 6131
pursuant to the procedure specified in this section. 6132

(N) The legislative authority of a municipal corporation or 6133
township in which a boarding school is located, by resolution or 6134
ordinance, may establish a boarding school zone. The legislative 6135
authority may alter the speed limit on any street or highway 6136
within the boarding school zone and shall specify the hours during 6137
which the altered speed limit is in effect. For purposes of 6138
determining the boundaries of the boarding school zone, the 6139
altered speed limit within the boarding school zone, and the hours 6140
the altered speed limit is in effect, the legislative authority 6141
shall consult with the administration of the boarding school and 6142
with the county engineer or other appropriate engineer, as 6143
applicable. A boarding school zone speed limit becomes effective 6144
only when appropriate signs giving notice thereof are erected at 6145
the appropriate locations. 6146

(O) As used in this section: 6147

(1) "Interstate system" has the same meaning as in 23 6148
U.S.C.A. 101. 6149

(2) "Commercial bus" means a motor vehicle designed for 6150
carrying more than nine passengers and used for the transportation 6151
of persons for compensation. 6152

(3) "Noncommercial bus" includes but is not limited to a 6153
school bus or a motor vehicle operated solely for the 6154
transportation of persons associated with a charitable or 6155
nonprofit organization. 6156

(4) "Outerbelt" means a portion of a freeway that is part of 6157
the interstate system and is located in the outer vicinity of a 6158
major municipal corporation or group of municipal corporations, as 6159

designated by the director. 6160

(5) "Rural" means an area outside urbanized areas, ~~as~~ 6161
~~designated in accordance with 23 U.S.C. 101,~~ and outside of a 6162
business or urban district, and areas that extend within urbanized 6163
areas where the roadway characteristics remain mostly unchanged 6164
from those outside the urbanized areas. 6165

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 6166
101. 6167

(7) "Divided" means a roadway having two or more travel lanes 6168
for vehicles moving in opposite directions and that is separated 6169
by a median of more than four feet, excluding turn lanes. 6170

(P)(1) A violation of any provision of this section is one of 6171
the following: 6172

(a) Except as otherwise provided in divisions (P)(1)(b), 6173
(1)(c), (2), and (3) of this section, a minor misdemeanor; 6174

(b) If, within one year of the offense, the offender 6175
previously has been convicted of or pleaded guilty to two 6176
violations of any provision of this section or of any provision of 6177
a municipal ordinance that is substantially similar to any 6178
provision of this section, a misdemeanor of the fourth degree; 6179

(c) If, within one year of the offense, the offender 6180
previously has been convicted of or pleaded guilty to three or 6181
more violations of any provision of this section or of any 6182
provision of a municipal ordinance that is substantially similar 6183
to any provision of this section, a misdemeanor of the third 6184
degree. 6185

(2) If the offender has not previously been convicted of or 6186
pleaded guilty to a violation of any provision of this section or 6187
of any provision of a municipal ordinance that is substantially 6188
similar to this section and operated a motor vehicle faster than 6189

thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Sec. 4511.521. (A) No person shall operate a motorized bicycle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is sixteen years of age or older and holds either a valid

commercial driver's license issued under Chapter 4506. or a 6221
driver's license issued under Chapter 4507. of the Revised Code or 6222
a valid motorized bicycle license issued after the person has 6223
passed the test provided for in this section, except that if a 6224
person is sixteen years of age, has a valid probationary motorized 6225
bicycle license and desires a motorized bicycle license, the 6226
person is not required to comply with the testing requirements 6227
provided for in this section; 6228

(2) The motorized bicycle is equipped in accordance with the 6229
rules adopted under division (B) of this section and is in proper 6230
working order; 6231

(3) The person, if under eighteen years of age, is wearing a 6232
protective helmet on the person's head with the chin strap 6233
properly fastened and the motorized bicycle is equipped with a 6234
rear-view mirror. 6235

(4) The person operates the motorized bicycle when 6236
practicable within three feet of the right edge of the roadway 6237
obeying all traffic rules applicable to vehicles. 6238

(B) The director of public safety, subject to sections 119.01 6239
to 119.13 of the Revised Code, shall adopt and promulgate rules 6240
concerning protective helmets, the equipment of motorized 6241
bicycles, and the testing and qualifications of persons who do not 6242
hold a valid driver's or commercial driver's license. The test 6243
shall be as near as practicable to the examination required for a 6244
motorcycle operator's endorsement under section 4507.11 of the 6245
Revised Code. The test shall also require the operator to give an 6246
actual demonstration of the operator's ability to operate and 6247
control a motorized bicycle by driving one under the supervision 6248
of an examining officer. 6249

(C) Every motorized bicycle license expires on the birthday 6250
of the applicant in the fourth year after the date it is issued, 6251

but in no event shall any motorized bicycle license be issued for 6252
a period longer than four years. 6253

(D) No person operating a motorized bicycle shall carry 6254
another person upon the motorized bicycle. 6255

(E) The protective helmet and rear-view mirror required by 6256
division (A)(3) of this section shall, on and after January 1, 6257
1985, conform with rules adopted by the director under division 6258
(B) of this section. 6259

~~(F) Each probationary motorized bicycle license or motorized 6260
bicycle license shall be laminated with a transparent plastic 6261
material. 6262~~

~~(G) Whoever violates division (A), (D), or (E) of this 6263
section is guilty of a minor misdemeanor. 6264~~

Sec. 4511.76. (A) The department of public safety, by and 6265
with the advice of the superintendent of public instruction, shall 6266
adopt and enforce rules relating to the construction, design, and 6267
equipment, including lighting equipment required by section 6268
4511.771 of the Revised Code, of all school buses both publicly 6269
and privately owned and operated in this state. 6270

(B) The department of education, by and with the advice of 6271
the director of public safety, shall adopt and enforce rules 6272
relating to the operation of all vehicles used for pupil 6273
transportation. 6274

(C) No person shall operate a vehicle used for pupil 6275
transportation within this state in violation of the rules of the 6276
department of education or the department of public safety. No 6277
person, being the owner thereof or having the supervisory 6278
responsibility therefor, shall permit the operation of a vehicle 6279
used for pupil transportation within this state in violation of 6280
the rules of the department of education or the department of 6281

public safety. 6282

(D) The department of public safety shall adopt and enforce 6283
rules relating to the issuance of a license under section 4511.763 6284
of the Revised Code. The rules may relate to the moral character 6285
of the applicant; the condition of the equipment to be operated; 6286
the liability and property damage insurance carried by the 6287
applicant; the posting of satisfactory and sufficient bond; and 6288
such other rules as the director of public safety determines 6289
reasonably necessary for the safety of the pupils to be 6290
transported. 6291

(E) A chartered nonpublic school may own and operate, or 6292
contract with a vendor that supplies, a vehicle originally 6293
designed for not more than nine passengers, not including the 6294
driver, to transport students to and from regularly scheduled 6295
school sessions when one of the following applies: 6296

(1) A student's school district of residence has declared the 6297
transportation of the student impractical pursuant to section 6298
3327.02 of the Revised Code; or 6299

(2) A student does not live within thirty minutes of the 6300
chartered nonpublic school and the student's school district is 6301
not required to transport the student under section 3327.01 of the 6302
Revised Code. 6303

(F) As used in this section, "vehicle used for pupil 6304
transportation" means any vehicle that is identified as such by 6305
the department of education by rule and that is subject to Chapter 6306
3301-83 of the Administrative Code. 6307

~~(F)~~(G) Except as otherwise provided in this division, whoever 6308
violates this section is guilty of a minor misdemeanor. If the 6309
offender previously has been convicted of or pleaded guilty to one 6310
or more violations of this section or section 4511.63, 4511.761, 6311
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 6312

municipal ordinance that is substantially similar to any of those 6313
sections, whoever violates this section is guilty of a misdemeanor 6314
of the fourth degree. 6315

Sec. 4513.263. (A) As used in this section and in section 6316
4513.99 of the Revised Code: 6317

(1) "Automobile" means any commercial tractor, passenger car, 6318
commercial car, or truck that is required to be factory-equipped 6319
with an occupant restraining device for the operator or any 6320
passenger by regulations adopted by the United States secretary of 6321
transportation pursuant to the "National Traffic and Motor Vehicle 6322
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 6323

(2) "Occupant restraining device" means a seat safety belt, 6324
shoulder belt, harness, or other safety device for restraining a 6325
person who is an operator of or passenger in an automobile and 6326
that satisfies the minimum federal vehicle safety standards 6327
established by the United States department of transportation. 6328

(3) "Passenger" means any person in an automobile, other than 6329
its operator, who is occupying a seating position for which an 6330
occupant restraining device is provided. 6331

(4) "Commercial tractor," "passenger car," and "commercial 6332
car" have the same meanings as in section 4501.01 of the Revised 6333
Code. 6334

(5) "Vehicle" and "motor vehicle," as used in the definitions 6335
of the terms set forth in division (A)(4) of this section, have 6336
the same meanings as in section 4511.01 of the Revised Code. 6337

(6) "Tort action" means a civil action for damages for 6338
injury, death, or loss to person or property. "Tort action" 6339
includes a product liability claim, as defined in section 2307.71 6340
of the Revised Code, and an asbestos claim, as defined in section 6341
2307.91 of the Revised Code, but does not include a civil action 6342

for damages for breach of contract or another agreement between 6343
persons. 6344

(B) No person shall do any of the following: 6345

(1) Operate an automobile on any street or highway unless 6346
that person is wearing all of the available elements of a properly 6347
adjusted occupant restraining device, or operate a school bus that 6348
has an occupant restraining device installed for use in its 6349
operator's seat unless that person is wearing all of the available 6350
elements of the device, as properly adjusted; 6351

(2) Operate an automobile on any street or highway unless 6352
each passenger in the automobile who is subject to the requirement 6353
set forth in division (B)(3) of this section is wearing all of the 6354
available elements of a properly adjusted occupant restraining 6355
device; 6356

(3) Occupy, as a passenger, a seating position on the front 6357
seat of an automobile being operated on any street or highway 6358
unless that person is wearing all of the available elements of a 6359
properly adjusted occupant restraining device; 6360

(4) Operate a taxicab on any street or highway unless all 6361
factory-equipped occupant restraining devices in the taxicab are 6362
maintained in usable form. 6363

(C)(1) Division (B)(3) of this section does not apply to a 6364
person who is required by section 4511.81 of the Revised Code to 6365
be secured in a child restraint device or booster seat. 6366

(2) Division (B)(1) of this section does not apply to a 6367
person who is an employee of the United States postal service or 6368
of a newspaper home delivery service, during any period in which 6369
the person is engaged in the operation of an automobile to deliver 6370
mail or newspapers to addressees. 6371

(3) Divisions (B)(1) and (3) of this section do not apply to 6372

a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states ~~that~~ the following:

(a) That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

(b) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;

(c) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4) Divisions (B)(1) and (3) of this section do not apply to a person who has a driver's license indicating physical impairment issued under section 4507.13 of the Revised Code.

(5) Division (B)(3) of this section does not apply to a person who has an identification card indicating physical impairment issued under section 4507.52 of the Revised Code.

(6) A physician or chiropractor who issues an affidavit for the purposes of division (C)(3) of this section or for the purpose of a person obtaining a driver's license or identification card indicating physical impairment is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole

purpose of issuing a ticket, citation, or summons for a violation 6404
of that nature or causing the arrest of or commencing a 6405
prosecution of a person for a violation of that nature, and no law 6406
enforcement officer shall view the interior or visually inspect 6407
any automobile being operated on any street or highway for the 6408
sole purpose of determining whether a violation of that nature has 6409
been or is being committed. 6410

(E) All fines collected for violations of division (B) of 6411
this section, or for violations of any ordinance or resolution of 6412
a political subdivision that is substantively comparable to that 6413
division, shall be forwarded to the treasurer of state for deposit 6414
into the state treasury to the credit of the trauma and emergency 6415
medical services fund, which is hereby created. In addition, the 6416
portion of the driver's license reinstatement fee described in 6417
division (F)(2)(g) of section 4511.191 of the Revised Code, plus 6418
all fees collected under section 4765.11 of the Revised Code, plus 6419
all fines imposed under section 4765.55 of the Revised Code, plus 6420
the fees and other moneys specified in section 4766.05 of the 6421
Revised Code, and plus five per cent of fines and moneys arising 6422
from bail forfeitures as directed by section 5503.04 of the 6423
Revised Code, also shall be deposited into the trauma and 6424
emergency medical services fund. All money deposited into the 6425
trauma and emergency medical services fund shall be used by the 6426
department of public safety for the administration and operation 6427
of the division of emergency medical services and the state board 6428
of emergency medical, fire, and transportation services, and by 6429
the state board of emergency medical, fire, and transportation 6430
services to make grants, in accordance with section 4765.07 of the 6431
Revised Code and rules the board adopts under section 4765.11 of 6432
the Revised Code. The director of budget and management may 6433
transfer excess money from the trauma and emergency medical 6434
services fund to the public safety - highway purposes fund 6435
established in section 4501.06 of the Revised Code if the director 6436

of public safety determines that the amount of money in the trauma 6437
and emergency medical services fund exceeds the amount required to 6438
cover such costs incurred by the emergency medical services agency 6439
and the grants made by the state board of emergency medical, fire, 6440
and transportation services and requests the director of budget 6441
and management to make the transfer. 6442

(F)(1) Subject to division (F)(2) of this section, the 6443
failure of a person to wear all of the available elements of a 6444
properly adjusted occupant restraining device in violation of 6445
division (B)(1) or (3) of this section or the failure of a person 6446
to ensure that each minor who is a passenger of an automobile 6447
being operated by that person is wearing all of the available 6448
elements of a properly adjusted occupant restraining device in 6449
violation of division (B)(2) of this section shall not be 6450
considered or used by the trier of fact in a tort action as 6451
evidence of negligence or contributory negligence. But, the trier 6452
of fact may determine based on evidence admitted consistent with 6453
the Ohio Rules of Evidence that the failure contributed to the 6454
harm alleged in the tort action and may diminish a recovery of 6455
compensatory damages that represents noneconomic loss, as defined 6456
in section 2307.011 of the Revised Code, in a tort action that 6457
could have been recovered but for the plaintiff's failure to wear 6458
all of the available elements of a properly adjusted occupant 6459
restraining device. Evidence of that failure shall not be used as 6460
a basis for a criminal prosecution of the person other than a 6461
prosecution for a violation of this section; and shall not be 6462
admissible as evidence in a criminal action involving the person 6463
other than a prosecution for a violation of this section. 6464

(2) If, at the time of an accident involving a passenger car 6465
equipped with occupant restraining devices, any occupant of the 6466
passenger car who sustained injury or death was not wearing an 6467
available occupant restraining device, was not wearing all of the 6468

available elements of such a device, or was not wearing such a 6469
device as properly adjusted, then, consistent with the Rules of 6470
Evidence, the fact that the occupant was not wearing the available 6471
occupant restraining device, was not wearing all of the available 6472
elements of such a device, or was not wearing such a device as 6473
properly adjusted is admissible in evidence in relation to any 6474
claim for relief in a tort action to the extent that the claim for 6475
relief satisfies all of the following: 6476

(a) It seeks to recover damages for injury or death to the 6477
occupant. 6478

(b) The defendant in question is the manufacturer, designer, 6479
distributor, or seller of the passenger car. 6480

(c) The claim for relief against the defendant in question is 6481
that the injury or death sustained by the occupant was enhanced or 6482
aggravated by some design defect in the passenger car or that the 6483
passenger car was not crashworthy. 6484

(G)(1) Whoever violates division (B)(1) of this section shall 6485
be fined thirty dollars. 6486

(2) Whoever violates division (B)(3) of this section shall be 6487
fined twenty dollars. 6488

(3) Except as otherwise provided in this division, whoever 6489
violates division (B)(4) of this section is guilty of a minor 6490
misdemeanor. If the offender previously has been convicted of or 6491
pleaded guilty to a violation of division (B)(4) of this section, 6492
whoever violates division (B)(4) of this section is guilty of a 6493
misdemeanor of the third degree. 6494

Sec. 4513.34. (A)(1) The director of transportation with 6495
respect to all highways that are a part of the state highway 6496
system and local authorities with respect to highways under their 6497
jurisdiction, upon application in writing, ~~shall~~ may issue a 6498

special regional heavy hauling permit authorizing the applicant to 6499
operate or move a vehicle or combination of vehicles as follows: 6500

(a) At a size or weight of vehicle or load exceeding the 6501
maximum specified in sections 5577.01 to 5577.09 of the Revised 6502
Code, or otherwise not in conformity with sections 4513.01 to 6503
4513.37 of the Revised Code; 6504

(b) Upon any highway under the jurisdiction of the authority 6505
granting the permit except those highways with a condition 6506
insufficient to bear the weight of the vehicle or combination of 6507
vehicles as stated in the application; 6508

(c) For regional trips at distances of one hundred fifty 6509
miles or less from a facility stated on the application as the 6510
applicant's point of origin. 6511

Issuance of a special regional heavy hauling permit is 6512
subject to the payment of a fee established by the director or 6513
local authority in accordance with this section. 6514

(2) In circumstances where a person is not eligible to 6515
receive a permit under division (A)(1) of this section, the 6516
director of transportation with respect to all highways that are a 6517
part of the state highway system and local authorities with 6518
respect to highways under their jurisdiction, upon application in 6519
writing and for good cause shown, may issue a special permit in 6520
writing authorizing the applicant to operate or move a vehicle or 6521
combination of vehicles of a size or weight of vehicle or load 6522
exceeding the maximum specified in sections 5577.01 to 5577.09 of 6523
the Revised Code, or otherwise not in conformity with sections 6524
4513.01 to 4513.37 of the Revised Code, upon any highway under the 6525
jurisdiction of the authority granting the permit. 6526

(3) For purposes of this section, the director may designate 6527
certain state highways or portions of state highways as special 6528

economic development highways. If an application submitted to the 6529
director under this section involves travel of a nonconforming 6530
vehicle or combination of vehicles upon a special economic 6531
development highway, the director, in determining whether good 6532
cause has been shown that issuance of a permit is justified, ~~shall~~ 6533
may consider the effect the travel of the vehicle or combination 6534
of vehicles will have on the economic development in the area in 6535
which the designated highway or portion of highway is located. 6536

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 6537
Code, the holder of a permit issued by the director under this 6538
section may move the vehicle or combination of vehicles described 6539
in the permit on any highway that is a part of the state highway 6540
system when the movement is partly within and partly without the 6541
corporate limits of a municipal corporation. No local authority 6542
shall require any other permit or license or charge any license 6543
fee or other charge against the holder of a permit for the 6544
movement of a vehicle or combination of vehicles on any highway 6545
that is a part of the state highway system. The director shall not 6546
require the holder of a permit issued by a local authority to 6547
obtain a special permit for the movement of vehicles or 6548
combination of vehicles on highways within the jurisdiction of the 6549
local authority. Permits may be issued for any period of time not 6550
to exceed one year, as the director in the director's discretion 6551
or a local authority in its discretion determines advisable, or 6552
for the duration of any public construction project. 6553

(C)(1) The application for a permit issued under this section 6554
shall be in the form that the director or local authority 6555
prescribes. The director or local authority may prescribe a permit 6556
fee to be imposed and collected when any permit described in this 6557
section is issued. The permit fee may be in an amount sufficient 6558
to reimburse the director or local authority for the 6559
administrative costs incurred in issuing the permit, and also to 6560

cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section; however, the fee to operate a triple trailer unit, at locations authorized under federal law, shall be one hundred dollars.

(2) For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load.

(3) For purposes of this section and of rules adopted by the director under this section, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under Chapter 5501:2-1 of the Administrative Code.

(D) ~~The director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee.~~ However, the director or local authority may issue or withhold a special permit specified in division (A)(1) or (2) of this section. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under

the permit. 6593

For a permit that will allow travel of a nonconforming 6594
vehicle or combination of vehicles on a special economic 6595
development highway, the director, as a condition of issuance, may 6596
require the applicant to agree to make periodic payments to the 6597
department to compensate for damage caused to the roadway by 6598
travel under the permit. 6599

(E) Every permit issued under this section shall be carried 6600
in the vehicle or combination of vehicles to which it refers and 6601
shall be open to inspection by any police officer or authorized 6602
agent of any authority granting the permit. No person shall 6603
violate any of the terms of a permit. 6604

(F) The director may debar an applicant from applying for a 6605
permit under this section upon a finding based on a reasonable 6606
belief that the applicant has done any of the following: 6607

(1) Abused the process by repeatedly submitting false 6608
information or false travel plans or by using another company or 6609
individual's name, insurance, or escrow account without proper 6610
authorization; 6611

(2) Failed to comply with or substantially perform under a 6612
previously issued permit according to its terms, conditions, and 6613
specifications within specified time limits; 6614

(3) Failed to cooperate in the application process for the 6615
permit or in any other procedures that are related to the issuance 6616
of the permit by refusing to provide information or documents 6617
required in a permit or by failing to respond to and correct 6618
matters related to the permit; 6619

(4) Accumulated repeated justified complaints regarding 6620
performance under a permit that was previously issued to the 6621
applicant or previously failed to obtain a permit when such a 6622
permit was required; 6623

(5) Attempted to influence a public employee to breach 6624
ethical conduct standards; 6625

(6) Been convicted of a criminal offense related to the 6626
application for, or performance under, a permit, including, but 6627
not limited to, bribery, falsification, fraud or destruction of 6628
records, receiving stolen property, and any other offense that 6629
directly reflects on the applicant's integrity or commercial 6630
driver's license; 6631

(7) Accumulated repeated convictions under a state or federal 6632
safety law governing commercial motor vehicles or a rule or 6633
regulation adopted under such a law; 6634

(8) Accumulated repeated convictions under a law, rule, or 6635
regulation governing the movement of traffic over the public 6636
streets and highways; 6637

(9) Failed to pay any fees associated with any permitted 6638
operation or move; 6639

(10) Deliberately or willfully submitted false or misleading 6640
information in connection with the application for, or performance 6641
under, a permit issued under this section. 6642

If the applicant is a partnership, association, or 6643
corporation, the director also may debar from consideration for 6644
permits any partner of the partnership, or the officers, 6645
directors, or employees of the association or corporation being 6646
debarred. 6647

The director may adopt rules in accordance with Chapter 119. 6648
of the Revised Code governing the debarment of an applicant. 6649

(G) When the director reasonably believes that grounds for 6650
debarment exist, the director shall send the person that is 6651
subject to debarment a notice of the proposed debarment. A notice 6652
of proposed debarment shall indicate the grounds for the debarment 6653

of the person and the procedure for requesting a hearing. The 6654
notice and hearing shall be in accordance with Chapter 119. of the 6655
Revised Code. If the person does not respond with a request for a 6656
hearing in the manner specified in that chapter, the director 6657
shall issue the debarment decision without a hearing and shall 6658
notify the person of the decision by certified mail, return 6659
receipt requested. The debarment period may be of any length 6660
determined by the director, and the director may modify or rescind 6661
the debarment at any time. During the period of debarment, the 6662
director shall not issue, or consider issuing, a permit under this 6663
section to any partnership, association, or corporation that is 6664
affiliated with a debarred person. After the debarment period 6665
expires, the person, and any partnership, association, or 6666
corporation affiliated with the person, may reapply for a permit. 6667

(H)(1) No person shall violate the terms of a permit issued 6668
under this section that relate to gross load limits. 6669

(2) No person shall violate the terms of a permit issued 6670
under this section that relate to axle load by more than two 6671
thousand pounds per axle or group of axles. 6672

(3) No person shall violate the terms of a permit issued 6673
under this section that relate to an approved route except upon 6674
order of a law enforcement officer or authorized agent of the 6675
issuing authority. 6676

(I) Whoever violates division (H) of this section shall be 6677
punished as provided in section 4513.99 of the Revised Code. 6678

(J) A permit issued by the department of transportation or a 6679
local authority under this section for the operation of a vehicle 6680
or combination of vehicles is valid for the purposes of the 6681
vehicle operation in accordance with the conditions and 6682
limitations specified on the permit. Such a permit is voidable by 6683
law enforcement only for operation of a vehicle or combination of 6684

vehicles in violation of the weight, dimension, or route 6685
provisions of the permit. However, a permit is not voidable for 6686
operation in violation of a route provision of a permit if the 6687
operation is upon the order of a law enforcement officer. 6688

Sec. 4549.10. (A) No person shall operate or cause to be 6689
operated upon a public road or highway a motor vehicle of a 6690
manufacturer or dealer unless the vehicle carries and displays ~~two~~ 6691
~~placards~~ a placard, except as provided in section 4503.21 of the 6692
Revised Code, issued by the director of public safety that ~~bear~~ 6693
displays the registration number of its manufacturer or dealer. 6694

(B) Whoever violates division (A) of this section is guilty 6695
of illegal operation of a manufacturer's or dealer's motor 6696
vehicle, a minor misdemeanor. 6697

Sec. 4582.12. (A)(1) Except as otherwise provided in division 6698
(E) of section 307.671 of the Revised Code, division (A) of this 6699
section does not apply to a port authority educational and 6700
cultural facility acquired, constructed, and equipped pursuant to 6701
a cooperative agreement entered into under section 307.671 of the 6702
Revised Code. 6703

(2) Except as provided in division (C) of this section or 6704
except when the port authority elects to construct a building, 6705
structure, or other improvement pursuant to a contract made with a 6706
construction manager at risk under sections 9.33 to 9.335 of the 6707
Revised Code or with a design-build firm under sections 153.65 to 6708
153.73 of the Revised Code, when the cost of a contract for the 6709
construction of any building, structure, or other improvement 6710
undertaken by a port authority involves an expenditure exceeding 6711
one hundred fifty thousand dollars and the port authority is the 6712
contracting entity, the port authority shall make a written 6713
contract after notice calling for bids for the award of the 6714

contract has been given by publication twice, with at least seven 6715
days between publications, in a newspaper of general circulation 6716
in the area of the jurisdiction of the port authority. Each such 6717
contract shall be let to the lowest responsive and responsible 6718
bidder in accordance with section 9.312 of the Revised Code. Every 6719
contract let shall be in writing and if the contract involves work 6720
or construction, it shall be accompanied by or shall refer to 6721
plans and specifications for the work to be done, prepared for and 6722
approved by the port authority, and signed by an authorized 6723
officer of the port authority and by the contractor, ~~and shall be~~ 6724
~~executed in triplicate.~~ 6725

Each bid shall be awarded in accordance with sections 153.54, 6726
153.57, and 153.571 of the Revised Code. 6727

The port authority may reject any and all bids. 6728

(B) The board of directors of a port authority by rule may 6729
provide criteria for the negotiation and award without competitive 6730
bidding of any contract as to which the port authority is the 6731
contracting entity for the construction of any building, 6732
structure, or other improvement under any of the following 6733
circumstances: 6734

(1) There exists a real and present emergency that threatens 6735
damage or injury to persons or property of the port authority or 6736
other persons, provided that a statement specifying the nature of 6737
the emergency that is the basis for the negotiation and award of a 6738
contract without competitive bidding shall be signed by the 6739
officer of the port authority that executes that contract at the 6740
time of the contract's execution and shall be attached to the 6741
contract. 6742

(2) A commonly recognized industry or other standard or 6743
specification does not exist and cannot objectively be articulated 6744
for the improvement. 6745

(3) The contract is for any energy conservation measure as 6746
defined in section 307.041 of the Revised Code. 6747

(4) With respect to material to be incorporated into the 6748
improvement, only a single source or supplier exists for the 6749
material. 6750

(5) A single bid is received by the port authority after 6751
complying with the provisions of division (A) of this section. 6752

(C)(1) If a contract is to be negotiated and awarded without 6753
competitive bidding for the reason set forth in division (B)(2) of 6754
this section, the port authority shall publish a notice calling 6755
for technical proposals at least twice, with at least seven days 6756
between publications, in a newspaper of general circulation in the 6757
area of the port authority. After receipt of the technical 6758
proposals, the port authority may negotiate with and award a 6759
contract for the improvement to the proposer making the proposal 6760
considered to be the most advantageous to the port authority. 6761

(2) If a contract is to be negotiated and awarded without 6762
competitive bidding for the reason set forth in division (B)(4) of 6763
this section, any construction activities related to the 6764
incorporation of the material into the improvement also may be 6765
provided without competitive bidding by the source or supplier of 6766
that material. 6767

Sec. 4582.31. (A) A port authority created in accordance with 6768
section 4582.22 of the Revised Code may: 6769

(1) Adopt bylaws for the regulation of its affairs and the 6770
conduct of its business; 6771

(2) Adopt an official seal; 6772

(3) Maintain a principal office within its jurisdiction, and 6773
maintain such branch offices as it may require; 6774

(4) Acquire, construct, furnish, equip, maintain, repair, 6775

sell, exchange, lease to or from, or lease with an option to 6776
purchase, convey other interests in real or personal property, or 6777
any combination thereof, related to, useful for, or in furtherance 6778
of any authorized purpose and operate any property in connection 6779
with transportation, recreational, governmental operations, or 6780
cultural activities; 6781

(5) Straighten, deepen, and improve any channel, river, 6782
stream, or other water course or way which may be necessary or 6783
proper in the development of the facilities of a port authority; 6784

(6) Make available the use or services of any port authority 6785
facility to one or more persons, one or more governmental 6786
agencies, or any combination thereof; 6787

(7) Issue bonds or notes for the acquisition, construction, 6788
furnishing, or equipping of any port authority facility or other 6789
permanent improvement that a port authority is authorized to 6790
acquire, construct, furnish, or equip, in compliance with Chapter 6791
133. of the Revised Code, except that such bonds or notes may only 6792
be issued pursuant to a vote of the electors residing within the 6793
area of jurisdiction of the port authority. The net indebtedness 6794
incurred by a port authority shall never exceed two per cent of 6795
the total value of all property within the territory comprising 6796
the port authority as listed and assessed for taxation. 6797

(8) Issue port authority revenue bonds beyond the limit of 6798
bonded indebtedness provided by law, payable solely from revenues 6799
as provided in section 4582.48 of the Revised Code, for the 6800
purpose of providing funds to pay the costs of any port authority 6801
facility or facilities or parts thereof; 6802

(9) Apply to the proper authorities of the United States 6803
pursuant to appropriate law for the right to establish, operate, 6804
and maintain foreign trade zones and establish, operate, and 6805
maintain foreign trade zones and to acquire, exchange, sell, lease 6806

to or from, lease with an option to purchase, or operate 6807
facilities, land, or property therefor in accordance with the 6808
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 6809
81u; 6810

(10) Enjoy and possess the same rights, privileges, and 6811
powers granted municipal corporations under sections 721.04 to 6812
721.11 of the Revised Code; 6813

(11) Maintain such funds as it considers necessary; 6814

(12) Direct its agents or employees, when properly identified 6815
in writing, and after at least five days' written notice, to enter 6816
upon lands within the confines of its jurisdiction in order to 6817
make surveys and examinations preliminary to location and 6818
construction of works for the purposes of the port authority, 6819
without liability of the port authority or its agents or employees 6820
except for actual damage done; 6821

(13) Promote, advertise, and publicize the port authority and 6822
its facilities; provide information to shippers and other 6823
commercial interests; and appear before rate-making authorities to 6824
represent and promote the interests of the port authority; 6825

(14) Adopt rules, not in conflict with general law, it finds 6826
necessary or incidental to the performance of its duties and the 6827
execution of its powers under sections 4582.21 to 4582.54 of the 6828
Revised Code. Any such rule shall be posted at no less than five 6829
public places in the port authority, as determined by the board of 6830
directors, for a period of not fewer than fifteen days, and shall 6831
be available for public inspection at the principal office of the 6832
port authority during regular business hours. No person shall 6833
violate any lawful rule adopted and posted as provided in this 6834
division. 6835

(15) Do any of the following, in regard to any interests in 6836
any real or personal property, or any combination thereof, 6837

including, without limitation, machinery, equipment, plants, 6838
factories, offices, and other structures and facilities related 6839
to, useful for, or in furtherance of any authorized purpose, for 6840
such consideration and in such manner, consistent with Article 6841
VIII of the Ohio Constitution, as the board in its sole discretion 6842
may determine: 6843

(a) Loan moneys to any person or governmental entity for the 6844
acquisition, construction, furnishing, and equipping of the 6845
property; 6846

(b) Acquire, construct, maintain, repair, furnish, and equip 6847
the property; 6848

(c) Sell to, exchange with, lease, convey other interests in, 6849
or lease with an option to purchase the same or any lesser 6850
interest in the property to the same or any other person or 6851
governmental entity; 6852

(d) Guarantee the obligations of any person or governmental 6853
entity. 6854

A port authority may accept and hold as consideration for the 6855
conveyance of property or any interest therein such property or 6856
interests therein as the board in its discretion may determine, 6857
notwithstanding any restrictions that apply to the investment of 6858
funds by a port authority. 6859

(16) Sell, lease, or convey other interests in real and 6860
personal property, and grant easements or rights-of-way over 6861
property of the port authority. The board of directors shall 6862
specify the consideration and any terms for the sale, lease, or 6863
conveyance of other interests in real and personal property. Any 6864
determination made by the board under this division shall be 6865
conclusive. The sale, lease, or conveyance may be made without 6866
advertising and the receipt of bids. 6867

(17) Exercise the right of eminent domain to appropriate any 6868

land, rights, rights-of-way, franchises, easements, or other 6869
property, necessary or proper for any authorized purpose, pursuant 6870
to the procedure provided in sections 163.01 to 163.22 of the 6871
Revised Code, if funds equal to the appraised value of the 6872
property to be acquired as a result of such proceedings are 6873
available for that purpose. However, nothing contained in sections 6874
4582.201 to 4582.59 of the Revised Code shall authorize a port 6875
authority to take or disturb property or facilities belonging to 6876
any agency or political subdivision of this state, public utility, 6877
cable operator, or common carrier, which property or facilities 6878
are necessary and convenient in the operation of the agency or 6879
political subdivision, public utility, cable operator, or common 6880
carrier, unless provision is made for the restoration, relocation, 6881
or duplication of such property or facilities, or upon the 6882
election of the agency or political subdivision, public utility, 6883
cable operator, or common carrier, for the payment of 6884
compensation, if any, at the sole cost of the port authority, 6885
provided that: 6886

(a) If any restoration or duplication proposed to be made 6887
under this section involves a relocation of the property or 6888
facilities, the new facilities and location shall be of at least 6889
comparable utilitarian value and effectiveness and shall not 6890
impair the ability of the public utility, cable operator, or 6891
common carrier to compete in its original area of operation; 6892

(b) If any restoration or duplication made under this section 6893
involves a relocation of the property or facilities, the port 6894
authority shall acquire no interest or right in or to the 6895
appropriated property or facilities, except as provided in 6896
division (A)(15) of this section, until the relocated property or 6897
facilities are available for use and until marketable title 6898
thereto has been transferred to the public utility, cable 6899
operator, or common carrier. 6900

As used in division (A)(17) of this section, "cable operator" 6901
has the same meaning as in the "Cable Communications Policy Act of 6902
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 6903
amended by the "Telecommunications Act of 1996," Pub. L. No. 6904
104-104, 110 Stat. 56. 6905

(18)(a) Make and enter into all contracts and agreements and 6906
execute all instruments necessary or incidental to the performance 6907
of its duties and the execution of its powers under sections 6908
4582.21 to 4582.59 of the Revised Code. 6909

(b) Except as provided in division (A)(18)(c) of this section 6910
or except when the port authority elects to construct a building, 6911
structure, or other improvement pursuant to a contract made with a 6912
construction manager at risk under sections 9.33 to 9.335 of the 6913
Revised Code or with a design-build firm under section 153.65 to 6914
153.73 of the Revised Code, when the cost of a contract for the 6915
construction of any building, structure, or other improvement 6916
undertaken by a port authority involves an expenditure exceeding 6917
one hundred fifty thousand dollars and the port authority is the 6918
contracting entity, the port authority shall make a written 6919
contract after notice calling for bids for the award of the 6920
contract has been given by publication twice, with at least seven 6921
days between publications, in a newspaper of general circulation 6922
in the area of the port authority or as provided in section 7.16 6923
of the Revised Code. Each such contract shall be let to the lowest 6924
responsive and responsible bidder in accordance with section 9.312 6925
of the Revised Code. Every contract shall be accompanied by or 6926
shall refer to plans and specifications for the work to be done, 6927
prepared for and approved by the port authority, and signed by an 6928
authorized officer of the port authority and by the contractor, 6929
~~and shall be executed in triplicate.~~ 6930

Each bid shall be awarded in accordance with sections 153.54, 6931
153.57, and 153.571 of the Revised Code. The port authority may 6932

reject any and all bids. 6933

(c) The board of directors by rule may provide criteria for 6934
the negotiation and award without competitive bidding of any 6935
contract as to which the port authority is the contracting entity 6936
for the construction of any building or structure or other 6937
improvement under any of the following circumstances: 6938

(i) There exists a real and present emergency that threatens 6939
damage or injury to persons or property of the port authority or 6940
other persons, provided that a statement specifying the nature of 6941
the emergency that is the basis for the negotiation and award of a 6942
contract without competitive bidding shall be signed by the 6943
officer of the port authority that executes that contract at the 6944
time of the contract's execution and shall be attached to the 6945
contract. 6946

(ii) A commonly recognized industry or other standard or 6947
specification does not exist and cannot objectively be articulated 6948
for the improvement. 6949

(iii) The contract is for any energy conservation measure as 6950
defined in section 307.041 of the Revised Code. 6951

(iv) With respect to material to be incorporated into the 6952
improvement, only a single source or supplier exists for the 6953
material. 6954

(v) A single bid is received by the port authority after 6955
complying with the provisions of division (A)(18)(b) of this 6956
section. 6957

(d)(i) If a contract is to be negotiated and awarded without 6958
competitive bidding for the reason set forth in division 6959
(A)(18)(c)(ii) of this section, the port authority shall publish a 6960
notice calling for technical proposals twice, with at least seven 6961
days between publications, in a newspaper of general circulation 6962
in the area of the port authority or as provided in section 7.16 6963

of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(ii) Division (A)(18)(e)(i) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not apply to either of the following: any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of moneys raised by taxation; or any contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this section,

any revenues derived by the port authority under a lease or other 6996
agreement that, by its terms, contemplates the use of amounts 6997
payable under the agreement either to pay the costs of the 6998
improvement that is the subject of the contract or to secure 6999
obligations of the port authority issued to finance costs of such 7000
improvement, are excluded from general revenues. 7001

(19) Employ managers, superintendents, and other employees 7002
and retain or contract with consulting engineers, financial 7003
consultants, accounting experts, architects, attorneys, and any 7004
other consultants and independent contractors as are necessary in 7005
its judgment to carry out this chapter, and fix the compensation 7006
thereof. All expenses thereof shall be payable from any available 7007
funds of the port authority or from funds appropriated for that 7008
purpose by a political subdivision creating or participating in 7009
the creation of the port authority. 7010

(20) Receive and accept from any state or federal agency 7011
grants and loans for or in aid of the construction of any port 7012
authority facility or for research and development with respect to 7013
port authority facilities, and receive and accept aid or 7014
contributions from any source of money, property, labor, or other 7015
things of value, to be held, used, and applied only for the 7016
purposes for which the grants and contributions are made; 7017

(21) Engage in research and development with respect to port 7018
authority facilities; 7019

(22) Purchase fire and extended coverage and liability 7020
insurance for any port authority facility and for the principal 7021
office and branch offices of the port authority, insurance 7022
protecting the port authority and its officers and employees 7023
against liability for damage to property or injury to or death of 7024
persons arising from its operations, and any other insurance the 7025
port authority may agree to provide under any resolution 7026
authorizing its port authority revenue bonds or in any trust 7027

agreement securing the same; 7028

(23) Charge, alter, and collect rentals and other charges for 7029
the use or services of any port authority facility as provided in 7030
section 4582.43 of the Revised Code; 7031

(24) Provide coverage for its employees under Chapters 145., 7032
4123., and 4141. of the Revised Code; 7033

(25) Establish and administer one or more payment card 7034
programs for purposes of paying expenses related to port authority 7035
business. Any obligation incurred as a result of the use of such a 7036
payment card shall be paid from port authority funds. 7037

(26) Do all acts necessary or proper to carry out the powers 7038
expressly granted in sections 4582.21 to 4582.59 of the Revised 7039
Code. 7040

(B) Any instrument by which real property is acquired 7041
pursuant to this section shall identify the agency of the state 7042
that has the use and benefit of the real property as specified in 7043
section 5301.012 of the Revised Code. 7044

(C) Whoever violates division (A)(14) of this section is 7045
guilty of a minor misdemeanor. 7046

Sec. 4926.01. As used in this chapter: 7047

(A) "Car sharing period" means the period of time that 7048
commences with the car sharing delivery period or, if there is no 7049
car sharing delivery period, with the car sharing start time, in 7050
accordance with the peer-to-peer car sharing program agreement, 7051
and ends with the car sharing termination time. 7052

(B) "Car sharing delivery period" means the period of time in 7053
which a shared vehicle is being delivered to the agreed upon 7054
location for the shared vehicle driver to take over possession of 7055
the vehicle, in accordance with the peer-to-peer car sharing 7056
program agreement. 7057

(C) "Car sharing start time" means either the point in time 7058
when the shared vehicle driver takes possession of the shared 7059
vehicle or the point in time when the shared vehicle driver was 7060
scheduled to take possession of the shared vehicle, whichever 7061
occurs first. 7062

(D) "Car sharing termination time" means the point in time 7063
when the shared vehicle is returned to the location designated by 7064
the shared vehicle owner, in accordance with the peer-to-peer car 7065
sharing program agreement, and any of the following occur: 7066

(1) The period of time established in the agreement expires. 7067

(2) The shared vehicle driver notifies the shared vehicle 7068
owner through the peer-to-peer car sharing program that the driver 7069
is finished using the shared vehicle. 7070

(3) The shared vehicle owner or the owner's designee takes 7071
possession of the shared vehicle. 7072

(E) "Motor vehicle" has the same meaning as in section 7073
3937.30 of the Revised Code. 7074

(F) "Motor vehicle renting dealer" has the same meaning as in 7075
section 4549.65 of the Revised Code. 7076

(G) "Peer-to-peer car sharing" means the authorized use of a 7077
private motor vehicle by an individual other than the motor 7078
vehicle's owner through a peer-to-peer car sharing program. 7079

(H) "Peer-to-peer car sharing program" means a person who 7080
operates a business platform that connects a shared vehicle owner 7081
to a shared vehicle driver to enable the sharing of vehicles for 7082
financial consideration. 7083

(I) "Peer-to-peer car sharing program agreement" means an 7084
agreement established through the peer-to-peer car sharing program 7085
that serves as a contract between the peer-to-peer car sharing 7086
program, the shared vehicle owner, and the shared vehicle driver 7087

and describes the specific terms and conditions of the agreement, 7088
including the car sharing period and the location or locations for 7089
transfer of possession. 7090

(J) "Primary insurer" means any insurer issuing a primary 7091
policy of automobile insurance for a shared vehicle. 7092

(K) "Primary policy of automobile insurance" means a policy 7093
of automobile insurance covering a shared vehicle for any period 7094
of time outside a vehicle sharing period. 7095

(L) "Private motor vehicle" means a motor vehicle owned and 7096
registered in this state to an individual. "Private motor vehicle" 7097
does not include any vehicle owned or registered by a motor 7098
vehicle renting dealer. 7099

(M) "Shared vehicle" means a private motor vehicle that is 7100
enrolled in a peer-to-peer car sharing program. 7101

(N) "Shared vehicle driver" means a person authorized by a 7102
shared vehicle owner, in accordance with the terms and conditions 7103
of a peer-to-peer car sharing program agreement, to operate a 7104
shared vehicle during a vehicle sharing period. 7105

(O) "Shared vehicle owner" means a registered owner of a 7106
shared vehicle. 7107

Sec. 4926.02. (A) A peer-to-peer car sharing program shall 7108
collect all of the following information before entering into a 7109
peer-to-peer car sharing program agreement: 7110

(1) The name and address of the shared vehicle owner and the 7111
shared vehicle driver; 7112

(2) The driver's license number and state of issuance of the 7113
shared vehicle owner and the shared vehicle driver and 7114
verification that both licenses are valid and not suspended for 7115
any reason; 7116

(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period; 7117
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(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits; 7120
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(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle; 7124
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(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state. 7126
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(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license. 7130
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(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary policy of automobile insurance. 7136
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(D) Whoever violates this section is subject to the administrative penalties established by the public utilities commission under section 4926.07 of the Revised Code. 7141
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Sec. 4926.03. (A) A peer-to-peer car sharing program shall disclose all of the following to the shared vehicle owner and the shared vehicle driver in the peer-to-peer car sharing program 7144
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agreement: 7147

(1) Any right of the program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the agreement; 7148
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(2) That any primary policy of automobile insurance for the shared vehicle does not provide a defense against or indemnification for any claim asserted by the program; 7152
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(3) That the program's motor vehicle insurance coverage on the shared vehicle owner, the shared vehicle driver, and the shared vehicle is in effect only during the car sharing period and that any use of the shared vehicle by the shared vehicle driver after the car sharing termination time may not be covered by either the program's insurance or any primary policy of automobile insurance; 7155
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(4) The daily rate, fees, and any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver; 7162
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(5) That the shared vehicle owner's primary policy of automobile insurance may not provide coverage for a shared vehicle during the car sharing period or for any use outside of the policy's stated terms and conditions; 7165
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(6) Emergency contact information for roadside assistance and other customer service inquiries. 7169
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(B) Whoever violates this section is subject to the administrative penalties established by the public utilities commission under section 4926.07 of the Revised Code. 7171
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Sec. 4926.04. (A) A peer-to-peer car sharing program shall have sole responsibility for any equipment, including a global 7174
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positioning system or other special equipment that is installed in 7176
or on the shared vehicle to monitor or facilitate peer-to-peer car 7177
sharing. The program shall agree to indemnify and hold harmless 7178
the shared vehicle owner for any damage or theft of the system or 7179
equipment during the car sharing period that is not caused by the 7180
shared vehicle owner. The program may seek indemnity from the 7181
shared vehicle driver for any loss or damage to the system or 7182
equipment that occurs during the car sharing period that is caused 7183
by the shared vehicle driver. 7184

(B) Whoever violates this section is subject to the 7185
administrative penalties established by the public utilities 7186
commission under section 4926.07 of the Revised Code. 7187

Sec. 4926.05. (A) When a motor vehicle owner registers as a 7188
shared vehicle owner with a peer-to-peer car sharing program and 7189
before the shared vehicle owner makes the shared vehicle available 7190
for peer-to-peer car sharing, the peer-to-peer car sharing program 7191
shall do all of the following: 7192

(1) Verify that the shared vehicle does not have any 7193
outstanding safety recalls on the vehicle; 7194

(2) Provide notice to the shared vehicle owner of the owner's 7195
responsibilities under division (B) of this section. 7196

(B)(1) If a shared vehicle owner receives actual notice of a 7197
safety recall on the shared vehicle, the shared vehicle owner 7198
shall not make the shared vehicle available through a peer-to-peer 7199
car sharing program until the safety recall repair is made. 7200

(2) If the shared vehicle owner receives actual notice of a 7201
safety recall on the shared vehicle after the shared vehicle is 7202
available through a peer-to-peer car sharing program but while the 7203
shared vehicle is not currently possessed by a shared vehicle 7204
driver, the shared vehicle owner shall remove the shared vehicle 7205

from availability until the safety recall repair is made. 7206

(3) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle while the vehicle is possessed by a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall, so that the car sharing period can be terminated to allow the shared vehicle owner to address the safety recall repair. 7207
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(C) Whoever violates this section is subject to the administrative penalties established by the public utilities commission under section 4926.07 of the Revised Code. 7213
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Sec. 4926.06. (A) A peer-to-peer car sharing program is a vendor for purposes of Chapter 5739. of the Revised Code and therefore is responsible for collecting and remitting any sales taxes required under that chapter. 7216
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(B) Whoever violates this section is subject to any applicable penalties for such violation, including administrative penalties established by the public utilities commission under section 4926.07 of the Revised Code. 7220
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Sec. 4926.07. The public utilities commission, in consultation with the department of insurance, shall adopt rules in accordance with Chapter 119. of the Revised Code for purposes of administering this chapter as it relates to peer-to-peer car sharing programs, a shared vehicle owner, and a shared vehicle driver, including rules that do both of the following: 7224
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(A) Establish procedures and requirements for the imposition of administrative penalties for violations of this chapter; 7230
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(B) Establish the amount of any administrative penalties. Such amounts shall be based upon the number of prior violations committed by a person subject to the administrative penalty. 7232
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Sec. 4926.08. (A) As used in this section, "public-use airport" has the same meaning as in section 4563.30 of the Revised Code. 7235
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(B) The operator of a public-use airport shall adopt reasonable standards, regulations, procedures, and fees that are applicable to peer-to-peer car sharing programs. The operator may enter into such agreements, including concession agreements, with a peer-to-peer car sharing program. A peer-to-peer car sharing program, shared vehicle owner, and shared vehicle driver shall comply with any applicable standards, regulations, procedures, fees, and agreements adopted by a public-use airport, and shall pay any applicable fees in a timely manner. 7238
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Sec. 4926.09. It is not the intent of the General Assembly that any provision in Chapter 4926. of the Revised Code be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from an insurance policy or an insurer's ability to underwrite an insurance policy. 7247
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Sec. 5501.21. The director of transportation shall provide a seal of the department of transportation, which shall be inscribed: "State of Ohio, Department of Transportation." 7252
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Copies of records or parts thereof, and copies of any plan, drawing, document, or paper writing in the department when certified by the director to be true and correct copies of the record, plan, drawing, document, or paper writing and attested by the seal of the department shall be received in evidence in the courts of the state in the same manner and with the same effect as though the record, plan, drawing, document, or paper writing were offered. Any such copy as may be required by any party to any suit, upon request of such party, shall be furnished by the director. 7255
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The director need not produce in any court an original paper 7265
or electronic record, plan, drawing, or other document, ~~or paper~~ 7266
~~writing.~~ 7267

~~Any party to any suit pending in any court may take the~~ 7268
~~deposition of the director, provided it is taken at the office of~~ 7269
~~the director.~~ All records, plans, and other documents and drawings 7270
of the department shall be open to the inspection of any 7271
interested person, subject to such reasonable rules as to the time 7272
of inspection and as to supervision, as the director prescribes. 7273

Sec. 5501.41. (A) The director of transportation may remove 7274
snow and ice from state highways, purchase the necessary equipment 7275
including snow fences, employ the necessary labor, and make all 7276
contracts necessary to enable such removal. The director may 7277
remove snow and ice from the state highways within municipal 7278
corporations, but before doing so ~~he~~ the director must obtain the 7279
consent of the legislative authority of such municipal 7280
corporation. The board of county commissioners on county highways, 7281
and the board of township trustees on township roads, shall have 7282
the same authority to purchase equipment for the removal of and to 7283
remove snow and ice as the director has on the state highway 7284
system. 7285

(B)(1) The director may provide road salt to a political 7286
subdivision if all of the following apply: 7287

(a) The director has excess road salt. 7288

(b) The political subdivision is otherwise unable to acquire 7289
road salt. 7290

(c) The political subdivision is in an emergency situation. 7291

(2) The director shall seek reimbursement from a political 7292
subdivision for road salt provided under this division. The 7293
reimbursement amount shall equal the price at which the director 7294

purchased the road salt. 7295

Sec. 5517.07. If the director of transportation determines it 7296
is appropriate, the department of transportation shall install, if 7297
not already present, signs and other traffic control devices 7298
designed to slow down the flow of traffic in construction and 7299
similar work zones. The signs and devices may include arrow 7300
boards, channelizing devices, temporary raise pavement markers, 7301
portable changeable message signs, temporary traffic barriers, 7302
screens, rumble strips, and any other signs or devices the 7303
director of transportation determines are appropriate for the 7304
highway and local conditions. 7305

Sec. 5534.014. In addition to any other name prescribed by 7306
the Revised Code or otherwise, the road known as state route 7307
number one hundred twenty-two, running in an easterly and westerly 7308
direction, commencing at the intersection of that route and Wicoff 7309
street in Butler county and extending to the intersection of that 7310
route and Towne boulevard in Warren county, shall be known as the 7311
"SFC Charles E. Carpenter Memorial Highway." 7312

The director of transportation may erect suitable markers 7313
along the highway indicating its name. 7314

Sec. 5534.407. In addition to any other name prescribed in 7315
the Revised Code or otherwise, the portion of the road known as 7316
state route number two, running in a northeasterly and 7317
southwesterly direction, between the intersection of that route 7318
and state route number three hundred six and the intersection of 7319
that route and state route number six hundred fifteen, in Lake 7320
county only, shall be known as the "Patrolman Mathew J. Mazany 7321
Memorial Highway." 7322

The director of transportation may erect suitable markers 7323
along the highway indicating its name. 7324

Sec. 5534.807. In addition to any other name prescribed by 7325
the Revised Code or otherwise, the eastbound and westbound lanes 7326
of state route number sixty-three between the intersection of that 7327
route with state route number seven hundred forty-one and the 7328
intersection of that route with Neil Armstrong way, in Warren 7329
county only, shall be known as the "SFC John E. Conger, Jr. 7330
Memorial Highway." 7331

The director of transportation may erect suitable markers 7332
along the highway indicating its name. 7333

Sec. 5543.19. (A) The county engineer may, when authorized by 7334
the board of county commissioners and not required by this section 7335
or other law to use competitive bidding, employ such laborers and 7336
vehicles, use such county employees and property, lease such 7337
implements and tools, and purchase such materials as are necessary 7338
in the construction, reconstruction, improvement, maintenance, or 7339
repair of roads by force account. 7340

In determining whether construction or reconstruction, 7341
including widening and resurfacing, of roads may be undertaken by 7342
force account, the county engineer shall first cause to be made an 7343
estimate of the cost of such work using the force account project 7344
assessment form developed by the auditor of state under section 7345
117.16 of the Revised Code. When the total estimated cost of the 7346
work exceeds ~~thirty~~ one hundred fifty thousand dollars per mile, 7347
the county commissioners shall invite and receive competitive bids 7348
for furnishing all the labor, materials, and equipment necessary 7349
to complete the work in accordance with sections 307.86 to 307.92 7350
of the Revised Code. 7351

(B) The county engineer may, when authorized by the board of 7352
county commissioners and not required by this section or other law 7353
to use competitive bidding, employ such laborers and vehicles, use 7354

such county employees and property, lease such implements and 7355
tools, and purchase such materials as are necessary in the 7356
construction, reconstruction, improvement, maintenance, or repair 7357
of bridges and culverts by force account. 7358

In determining whether such construction, reconstruction, 7359
improvement, maintenance, or repair of bridges or culverts may be 7360
undertaken by force account, the county engineer shall first cause 7361
to be made an estimate of the cost of such work using the force 7362
account project assessment form. When the total estimated cost of 7363
the work exceeds ~~one~~ three hundred thousand dollars, the board of 7364
county commissioners shall invite and receive competitive bids for 7365
furnishing all the labor, materials, and equipment necessary to 7366
complete the work, in accordance with sections 307.86 to 307.92 of 7367
the Revised Code. The county engineer shall obtain the approval 7368
required by section 5543.02 of the Revised Code. 7369

(C) "Force account," as used in this section means that the 7370
county engineer will act as contractor, using labor employed by 7371
the engineer using material and equipment either owned by the 7372
county or leased or purchased in compliance with sections 307.86 7373
to 307.92 of the Revised Code and excludes subcontracting any part 7374
of such work unless done pursuant to sections 307.86 to 307.92 of 7375
the Revised Code. 7376

The term "competitive bids" as used in this section requires 7377
competition for the whole contract and in regard to its component 7378
parts, including labor and materials. Neither plans nor 7379
specifications shall be drawn to favor any manufacturer or bidder 7380
unless required by the public interest. 7381

Sec. 5575.01. (A) In the maintenance and repair of roads, the 7382
board of township trustees may proceed either by contract or force 7383
account, but, unless the exemption specified in division (C) of 7384
this section applies, if the board wishes to proceed by force 7385

account, it first shall cause the county engineer to complete the 7386
force account assessment form developed by the auditor of state 7387
under section 117.16 of the Revised Code. Except as otherwise 7388
provided in sections 505.08 and 505.101 of the Revised Code, when 7389
the board proceeds by contract, the contract shall, if the amount 7390
involved exceeds ~~forty-five~~ one hundred fifty thousand dollars, be 7391
let by the board to the lowest responsible bidder after 7392
advertisement for bids once, not later than two weeks, prior to 7393
the date fixed for the letting of the contract, in a newspaper of 7394
general circulation within the township. If the amount involved is 7395
~~forty-five~~ one hundred fifty thousand dollars or less, a contract 7396
may be let without competitive bidding, or the work may be done by 7397
force account. Such a contract shall be performed under the 7398
supervision of a member of the board or the township road 7399
superintendent. 7400

(B) Before undertaking the construction or reconstruction of 7401
a township road, the board shall cause to be made by the county 7402
engineer an estimate of the cost of the work, which estimate shall 7403
include labor, material, freight, fuel, hauling, use of machinery 7404
and equipment, and all other items of cost. If the board finds it 7405
in the best interest of the public, it may, in lieu of 7406
constructing the road by contract, proceed to construct the road 7407
by force account. Except as otherwise provided under sections 7408
505.08 and 505.101 of the Revised Code, where the total estimated 7409
cost of the work exceeds ~~fifteen~~ one hundred fifty thousand 7410
dollars per mile, the board shall invite and receive competitive 7411
bids for furnishing all the labor, materials, and equipment and 7412
doing the work, as provided in section 5575.02 of the Revised 7413
Code, and shall consider and reject them before ordering the work 7414
done by force account. When such bids are received, considered, 7415
and rejected, and the work is done by force account, the work 7416
shall be performed in compliance with the plans and specifications 7417
upon which the bids were based. 7418

(C) Force account assessment forms are not required under 7419
division (A) of this section for road maintenance or repair 7420
projects of less than ~~fifteen~~ fifty thousand dollars, or under 7421
division (B) of this section for road construction or 7422
reconstruction projects of less than ~~five~~ fifty thousand dollars 7423
per mile. 7424

(D) All force account work under this section shall be done 7425
under the direction of a member of the board or the township road 7426
superintendent. 7427

Sec. 5577.15. (A) The size and weight provisions of this 7428
chapter do not apply to ~~a~~ any of the following: 7429

(1) A person who is engaged in the initial towing or removal 7430
of a wrecked or disabled motor vehicle from the site of an 7431
emergency on a public highway where the vehicle became wrecked or 7432
disabled to the nearest site where the vehicle can be brought into 7433
conformance with the requirements of this chapter, to the nearest 7434
storage facility, or to the nearest qualified repair facility; 7435

(2) A person who is en route to the site of an emergency on a 7436
public highway to remove a wrecked or disabled motor vehicle; 7437

(3) A person who is returning from delivering a wrecked or 7438
disabled motor vehicle to a site, storage facility, or repair 7439
facility as specified in division (A)(1) of this section. 7440

(B) Any subsequent towing of a wrecked or disabled vehicle 7441
shall comply with the size and weight provisions of this chapter. 7442

(C) No court shall impose any penalty prescribed in section 7443
5577.99 of the Revised Code or the civil liability established in 7444
section 5577.12 of the Revised Code upon a person ~~towing or 7445
removing~~ who is operating a vehicle in the manner described in 7446
division (A) of this section. 7447

Sec. 5735.01. As used in this chapter:	7448
(A) "Motor vehicles" includes all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances which are powered by internal combustion engines or motors.	7449 7450 7451
(B) "Motor fuel" means gasoline, diesel fuel, kerosene, <u>compressed natural gas</u> , or any other liquid motor fuel, including, but not limited to, liquid petroleum gas or liquid natural gas, but excluding substances prepackaged and sold in containers of five gallons or less.	7452 7453 7454 7455 7456
(C) "Kerosene" means all grades of kerosene, including, but not limited to, the two grades of kerosene, no. 1-K and no. 2-K, commonly known as K-1 kerosene and K-2 kerosene, respectively, described in the American Society for Testing Materials Standard D-3699, in effect on January 1, 1999, and aviation grade kerosene.	7457 7458 7459 7460 7461
(D) "Diesel fuel" means any liquid fuel capable of use in discrete form or as a blend component in the operation of engines of the diesel type, including transmix when mixed with diesel fuel.	7462 7463 7464 7465
(E) "Gasoline" means any of the following:	7466
(1) All products, commonly or commercially known or sold as gasoline;	7467 7468
(2) Any blend stocks or additives, including alcohol, that are sold for blending with gasoline, other than products typically sold in containers of five gallons or less;	7469 7470 7471
(3) Transmix when mixed with gasoline, unless certified, as required by the tax commissioner, for withdrawal from terminals for reprocessing at refineries;	7472 7473 7474
(4) Alcohol that is offered for sale or sold for use as, or commonly and commercially used as, a fuel for internal combustion engines.	7475 7476 7477

Gasoline does not include diesel fuel, commercial or 7478
industrial naphthas or solvents manufactured, imported, received, 7479
stored, distributed, sold, or used exclusively for purposes other 7480
than as a motor fuel for a motor vehicle or vessel. The blending 7481
of any of the products listed in the preceding sentence, 7482
regardless of name or characteristics, is conclusively presumed to 7483
have been done to produce gasoline, unless the product obtained by 7484
the blending is entirely incapable for use as fuel to operate a 7485
motor vehicle. An additive, blend stock, or alcohol is presumed to 7486
be sold for blending unless a certification is obtained as 7487
required by the tax commissioner. 7488

(F) "Public highways" means lands and lots over which the 7489
public, either as user or owner, generally has a right to pass, 7490
even though the same are closed temporarily by the authorities for 7491
the purpose of construction, reconstruction, maintenance, or 7492
repair. 7493

(G) "Waters within the boundaries of this state" means all 7494
streams, lakes, ponds, marshes, water courses, and all other 7495
bodies of surface water, natural or artificial, which are situated 7496
wholly or partially within this state or within its jurisdiction, 7497
except private impounded bodies of water. 7498

(H) "Person" includes individuals, partnerships, firms, 7499
associations, corporations, receivers, trustees in bankruptcy, 7500
estates, joint-stock companies, joint ventures, the state and its 7501
political subdivisions, and any combination of persons of any 7502
form. 7503

(I)(1) "Motor fuel dealer" means any person who satisfies any 7504
of the following: 7505

(a) The person imports from another state or foreign country 7506
or acquires motor fuel by any means into a terminal in this state; 7507

(b) The person imports motor fuel from another state or 7508

foreign country in bulk lot vehicles for subsequent sale and 7509
distribution in this state from bulk lot vehicles; 7510

(c) The person refines motor fuel in this state; 7511

(d) The person acquires motor fuel from a motor fuel dealer 7512
for subsequent sale and distribution by that person in this state 7513
from bulk lot vehicles; 7514

(e) The person possesses an unrevoked permissive motor fuel 7515
dealer's license. 7516

(2) Any person who obtains dyed diesel fuel for use other 7517
than the operation of motor vehicles upon the public highways or 7518
upon waters within the boundaries of this state, but later uses 7519
that motor fuel for the operation of motor vehicles upon the 7520
public highways or upon waters within the boundaries of this 7521
state, is deemed a motor fuel dealer as regards any unpaid motor 7522
fuel taxes levied on the motor fuel so used. 7523

(J) As used in section 5735.05 of the Revised Code only: 7524

(1) With respect to gasoline, "received" or "receipt" shall 7525
be construed as follows: 7526

(a) Gasoline produced at a refinery in this state or 7527
delivered to a terminal in this state is deemed received when it 7528
is disbursed through a loading rack at that refinery or terminal; 7529

(b) Except as provided in division (J)(1)(a) of this section, 7530
gasoline imported into this state or purchased or otherwise 7531
acquired in this state by any person is deemed received within 7532
this state by that person when the gasoline is withdrawn from the 7533
container in which it was transported; 7534

(c) Gasoline delivered or disbursed by any means from a 7535
terminal directly to another terminal is not deemed received. 7536

(2) With respect to motor fuel other than gasoline, 7537
"received" or "receipt" means distributed or sold for use or used 7538

to generate power for the operation of motor vehicles upon the 7539
public highways or upon waters within the boundaries of this 7540
state. All diesel fuel that is not dyed diesel fuel, regardless of 7541
its use, shall be considered as used to generate power for the 7542
operation of motor vehicles upon the public highways or upon 7543
waters within the boundaries of this state when the fuel is sold 7544
or distributed to a person other than a licensed motor fuel dealer 7545
or to a person licensed under section 5735.026 of the Revised 7546
Code. 7547

(K) Motor fuel used for the operation of licensed motor 7548
vehicles employed in the maintenance, construction, or repair of 7549
public highways is deemed to be used for the operation of motor 7550
vehicles upon the public highways. 7551

(L) "Licensed motor fuel dealer" means any dealer possessing 7552
an unrevoked motor fuel dealer's license issued by the tax 7553
commissioner as provided in section 5735.02 of the Revised Code. 7554

(M) "Licensed retail dealer" means any retail dealer 7555
possessing an unrevoked retail dealer's license issued by the tax 7556
commissioner as provided in section 5735.022 of the Revised Code. 7557

(N) "Refinery" means a facility used to produce motor fuel 7558
and from which motor fuel may be removed by pipeline, by vessel, 7559
or at a rack. 7560

(O) "Retail dealer" means any person that sells or 7561
distributes motor fuel at a retail service station located in this 7562
state. 7563

(P) "Retail service station" means a location from which 7564
motor fuel is sold to the general public and is dispensed or 7565
pumped directly into motor vehicle fuel tanks for consumption. 7566

(Q) "Transit bus" means a motor vehicle that is operated for 7567
public transit or paratransit service on a regular and continuing 7568
basis within the state by or for a county, a municipal 7569

corporation, a county transit board pursuant to sections 306.01 to 7570
306.13 of the Revised Code, a regional transit authority pursuant 7571
to sections 306.30 to 306.54 of the Revised Code, or a regional 7572
transit commission pursuant to sections 306.80 to 306.90 of the 7573
Revised Code. Public transit or paratransit service may include 7574
fixed route, demand-responsive, or subscription bus service 7575
transportation, but does not include shared-ride taxi service, 7576
carpools, vanpools, jitney service, school bus transportation, or 7577
charter or sightseeing services. 7578

(R) "Export" means to obtain motor fuel in this state for 7579
sale or other distribution outside this state. For the purposes of 7580
this division, motor fuel delivered outside this state by or for 7581
the seller constitutes an export by the seller, and motor fuel 7582
delivered outside this state by or for the purchaser constitutes 7583
an export by the purchaser. 7584

(S) "Import" means motor fuel delivered into this state from 7585
outside this state. Motor fuel delivered into this state from 7586
outside this state by or for the seller constitutes an import by 7587
the seller. Motor fuel delivered into this state from outside this 7588
state by or for the purchaser constitutes an import by the 7589
purchaser. 7590

(T) "Terminal" means a motor fuel storage or distribution 7591
facility that is supplied by pipeline or marine vessel. 7592

(U) "Consumer" means a buyer of motor fuel for purposes other 7593
than resale in any form. 7594

(V) "Bulk lot vehicle" means railroad tank cars, transport 7595
tank trucks, and tank wagons with a capacity of at least 1,400 7596
gallons. 7597

(W) "Licensed permissive motor fuel dealer" means any person 7598
possessing an unrevoked permissive motor fuel dealer's license 7599
issued by the tax commissioner under section 5735.021 of the 7600

Revised Code. 7601

(X) "Licensed terminal operator" means any person possessing 7602
an unrevoked terminal operator's license issued by the tax 7603
commissioner under section ~~5735.026~~ 5735.027 of the Revised Code. 7604

(Y) "Licensed exporter" means any person possessing an 7605
unrevoked exporter's license issued by the tax commissioner under 7606
section 5735.026 of the Revised Code. 7607

(Z) "Dyed diesel fuel" means diesel fuel satisfying the 7608
requirements of 26 U.S.C. 4082. 7609

(AA) "Gross gallons" means U.S. gallons without temperature 7610
or barometric adjustments. 7611

(BB) "Bulk plant" means a motor fuel storage and distribution 7612
facility, other than a terminal, from which motor fuel may be 7613
withdrawn by railroad car, transport trucks, tank wagons, or 7614
marine vessels. 7615

(CC) "Transporter" means either of the following: 7616

(1) A railroad company, street, suburban, or interurban 7617
railroad company, a pipeline company, or water transportation 7618
company that transports motor fuel, either in interstate or 7619
intrastate commerce, to points in this state; 7620

(2) A person that transports motor fuel by any manner to a 7621
point in this state. 7622

(DD) "Exporter" means either of the following: 7623

(1) A person that is licensed to collect and remit motor fuel 7624
taxes in a specified state of destination; 7625

(2) A person that is statutorily prohibited from obtaining a 7626
license to collect and remit motor fuel taxes in a specified state 7627
of destination, and is licensed to sell or distribute tax-paid 7628
motor fuel in the specified state of destination. 7629

(EE) "Report" means a report or return required to be filed 7630
under this chapter and may be used interchangeably with, and for 7631
all purposes has the same meaning as, "return." 7632

(FF) "Aviation fuel" means aviation gasoline or aviation 7633
grade kerosene or any other fuel that is used in aircraft. 7634

(GG) "Aviation gasoline" means fuel specifically compounded 7635
for use in reciprocating aircraft engines. 7636

(HH) "Aviation grade kerosene" means any kerosene type jet 7637
fuel covered by ASTM Specification D1655 or meeting specification 7638
MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8). 7639

(II) "Aviation fuel dealer" means a person that acquires 7640
aviation fuel from a supplier or from another aviation fuel dealer 7641
for subsequent sale to a person other than an end user. 7642

(JJ) "Compressed natural gas" means natural gas compressed to 7643
a level at or above two thousand nine hundred bar and stored in 7644
high pressure containers. 7645

Sec. 5735.011. For the purposes of this chapter, amounts of 7646
liquid natural gas and compressed natural gas shall be measured in 7647
gallon equivalents. ~~The~~ as follows: 7648

(A) The diesel gallon equivalent standard for liquid natural 7649
gas shall be the equivalent of one gallon of motor fuel; 7650

(B) The diesel gallon equivalent standard for compressed 7651
natural gas is one hundred thirty-nine and thirty one-hundredths 7652
cubic feet, which equals six and thirty-eight one-hundredths 7653
pounds. 7654

Sec. 5735.05. (A) There is hereby levied a motor fuel excise 7655
tax on each motor fuel dealer, measured by gross gallons, upon the 7656
receipt of motor fuel within this state. 7657

The tax is levied at the ~~total rate of twenty eight cents per~~ 7658

gallon to provide revenue for rates prescribed by division (D) of 7659
this section. The revenue derived from twenty-eight cents per 7660
gallon of such tax rates shall be distributed under divisions (A), 7661
(B), (C), and (D) of section 5735.051 of the Revised Code to fund 7662
the following purposes ~~and~~ in the following amounts: 7663

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ 7664
shall be used solely to provide revenue for maintaining the state 7665
highway system; to widen existing surfaces on such highways; to 7666
resurface such highways; to pay that portion of the construction 7667
cost of a highway project which a county, township, or municipal 7668
corporation normally would be required to pay, but which the 7669
director of transportation, pursuant to division (B) of section 7670
5531.08 of the Revised Code, determines instead will be paid from 7671
moneys in the highway operating fund; to enable the counties of 7672
the state properly to plan, maintain, and repair their roads and 7673
to pay principal, interest, and charges on bonds and other 7674
obligations issued pursuant to Chapter 133. of the Revised Code or 7675
incurred pursuant to section 5531.09 of the Revised Code for 7676
highway improvements; to enable the municipal corporations to 7677
plan, construct, reconstruct, repave, widen, maintain, repair, 7678
clear, and clean public highways, roads, and streets, and to pay 7679
the principal, interest, and charges on bonds and other 7680
obligations issued pursuant to Chapter 133. of the Revised Code or 7681
incurred pursuant to section 5531.09 of the Revised Code for 7682
highway improvements; to enable the Ohio turnpike and 7683
infrastructure commission to construct, reconstruct, maintain, and 7684
repair turnpike projects; to maintain and repair bridges and 7685
viaducts; to purchase, erect, and maintain street and traffic 7686
signs and markers; to purchase, erect, and maintain traffic lights 7687
and signals; to pay the costs apportioned to the public under 7688
sections 4907.47 and 4907.471 of the Revised Code and to 7689
supplement revenue already available for such purposes; to pay the 7690
costs incurred by the public utilities commission in administering 7691

sections 4907.47 to 4907.476 of the Revised Code; to distribute 7692
equitably among those persons using the privilege of driving motor 7693
vehicles upon such highways and streets the cost of maintaining 7694
and repairing them; to pay the interest, principal, and charges on 7695
highway capital improvements bonds and other obligations issued 7696
pursuant to Section 2m of Article VIII, Ohio Constitution, and 7697
section 151.06 of the Revised Code; to pay the interest, 7698
principal, and charges on highway obligations issued pursuant to 7699
Section 2i of Article VIII, Ohio Constitution, and sections 7700
5528.30 and 5528.31 of the Revised Code; to pay the interest, 7701
principal, and charges on major new state infrastructure bonds and 7702
other obligations of the state issued pursuant to Section 13 of 7703
Article VIII, Ohio Constitution, and section 5531.10 of the 7704
Revised Code; to provide revenue for the purposes of sections 7705
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 7706
the department of taxation incident to the administration of the 7707
motor fuel laws. 7708

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 7709
used solely to pay the expenses of administering and enforcing the 7710
state law relating to the registration and operation of motor 7711
vehicles; to supply the state's share of the cost of planning, 7712
constructing, widening, and reconstructing the state highways; to 7713
supply the state's share of the cost of eliminating railway grade 7714
crossings upon such highways; to pay that portion of the 7715
construction cost of a highway project that a county, township, or 7716
municipal corporation normally would be required to pay, but that 7717
the director of transportation, pursuant to division (B) of 7718
section 5531.08 of the Revised Code, determines instead will be 7719
paid from moneys in the highway operating fund; to enable counties 7720
and townships to properly plan, construct, widen, reconstruct, and 7721
maintain their public highways, roads, and streets; to enable 7722
counties to pay principal, interest, and charges on bonds and 7723
other obligations issued pursuant to Chapter 133. of the Revised 7724

Code or incurred pursuant to section 5531.09 of the Revised Code 7725
for highway improvements; to enable municipal corporations to 7726
plan, construct, reconstruct, repave, widen, maintain, repair, 7727
clear, and clean public highways, roads, and streets; to enable 7728
municipal corporations to pay the principal, interest, and charges 7729
on bonds and other obligations issued pursuant to Chapter 133. of 7730
the Revised Code or incurred pursuant to section 5531.09 of the 7731
Revised Code for highway improvements; to maintain and repair 7732
bridges and viaducts; to purchase, erect, and maintain street and 7733
traffic signs and markers; to purchase, erect, and maintain 7734
traffic lights and signals; to pay the costs apportioned to the 7735
public under section 4907.47 of the Revised Code; to provide 7736
revenue for the purposes of sections 1547.71 to 1547.77 of the 7737
Revised Code and to supplement revenue already available for such 7738
purposes; to pay the expenses of the department of taxation 7739
incident to the administration of the motor fuel laws and to 7740
supplement revenue already available for such purposes; to pay the 7741
interest, principal, and charges on bonds and other obligations 7742
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 7743
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 7744
the interest, principal, and charges on highway obligations issued 7745
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7746
sections 5528.30 and 5528.31 of the Revised Code. 7747

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 7748
used solely to supply the state's share of the cost of 7749
constructing, widening, maintaining, and reconstructing the state 7750
highways; to maintain and repair bridges and viaducts; to 7751
purchase, erect, and maintain street and traffic signs and 7752
markers; to purchase, erect, and maintain traffic lights and 7753
signals; to pay the expense of administering and enforcing the 7754
state law relative to the registration and operation of motor 7755
vehicles; to make road improvements associated with retaining or 7756
attracting business for this state; to pay that portion of the 7757

construction cost of a highway project that a county, township, or 7758
municipal corporation normally would be required to pay, but that 7759
the director of transportation, pursuant to division (B) of 7760
section 5531.08 of the Revised Code, determines instead will be 7761
paid from moneys in the highway operating fund; to provide revenue 7762
for the purposes of sections 1547.71 to 1547.77 of the Revised 7763
Code and to supplement revenue already available for such 7764
purposes; to pay the expenses of the department of taxation 7765
incident to the administration of the motor fuel laws and to 7766
supplement revenue already available for such purposes; to pay the 7767
interest, principal, and charges on highway obligations issued 7768
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7769
sections 5528.30 and 5528.31 of the Revised Code; to enable 7770
counties and townships to properly plan, construct, widen, 7771
reconstruct, and maintain their public highways, roads, and 7772
streets; to enable counties to pay principal, interest, and 7773
charges on bonds and other obligations issued pursuant to Chapter 7774
133. of the Revised Code or incurred pursuant to section 5531.09 7775
of the Revised Code for highway improvements; to enable municipal 7776
corporations to plan, construct, reconstruct, repave, widen, 7777
maintain, repair, clear, and clean public highways, roads, and 7778
streets; to enable municipal corporations to pay the principal, 7779
interest, and charges on bonds and other obligations issued 7780
pursuant to Chapter 133. of the Revised Code or incurred pursuant 7781
to section 5531.09 of the Revised Code for highway improvements; 7782
and to pay the costs apportioned to the public under section 7783
4907.47 of the Revised Code. 7784

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 7785
used solely to pay the state's share of the cost of constructing 7786
and reconstructing highways and eliminating railway grade 7787
crossings on the major thoroughfares of the state highway system 7788
and urban extensions thereof; to pay that portion of the 7789
construction cost of a highway project that a county, township, or 7790

municipal corporation normally would be required to pay, but that 7791
the director of transportation, pursuant to division (B) of 7792
section 5531.08 of the Revised Code, determines instead will be 7793
paid from moneys in the highway operating fund; to pay the 7794
interest, principal, and charges on bonds and other obligations 7795
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 7796
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 7797
interest, principal, and charges on highway obligations issued 7798
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7799
sections 5528.30 and 5528.31 of the Revised Code; to provide 7800
revenues for the purposes of sections 1547.71 to 1547.77 of the 7801
Revised Code; and to pay the expenses of the department of 7802
taxation incident to the administration of the motor fuel laws. 7803

(B) The revenue derived from any portion of the tax rates 7804
that exceeds twenty-eight cents per gallon shall be distributed 7805
under division (E) of section 5735.051 of the Revised Code to fund 7806
the purposes described in division (A) of this section, as 7807
provided in divisions (A) and (B) of section 5735.27 of the 7808
Revised Code. 7809

(C) The tax imposed by this section does not apply to the 7810
following transactions: 7811

(1) The sale of dyed diesel fuel by a licensed motor fuel 7812
dealer from a location other than a retail service station 7813
provided the licensed motor fuel dealer places on the face of the 7814
delivery document or invoice, or both if both are used, a 7815
conspicuous notice stating that the fuel is dyed and is not for 7816
taxable use, and that taxable use of that fuel is subject to a 7817
penalty. The tax commissioner, by rule, may provide that any 7818
notice conforming to rules or regulations issued by the United 7819
States department of the treasury or the Internal Revenue Service 7820
is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 7821
this section. 7822

(2) The sale of K-1 kerosene to a retail service station, 7823
except when placed directly in the fuel supply tank of a motor 7824
vehicle. Such sale shall be rebuttably presumed to not be 7825
distributed or sold for use or used to generate power for the 7826
operation of motor vehicles upon the public highways or upon the 7827
waters within the boundaries of this state. 7828

(3) The sale of motor fuel by a licensed motor fuel dealer to 7829
another licensed motor fuel dealer; 7830

(4) The exportation of motor fuel by a licensed motor fuel 7831
dealer from this state to any other state or foreign country; 7832

(5) The sale of motor fuel to the United States government or 7833
any of its agencies, except such tax as is permitted by it, where 7834
such sale is evidenced by an exemption certificate, in a form 7835
approved by the tax commissioner, executed by the United States 7836
government or an agency thereof certifying that the motor fuel 7837
therein identified has been purchased for the exclusive use of the 7838
United States government or its agency; 7839

(6) The sale of motor fuel that is in the process of 7840
transportation in foreign or interstate commerce, except insofar 7841
as it may be taxable under the Constitution and statutes of the 7842
United States, and except as may be agreed upon in writing by the 7843
dealer and the commissioner; 7844

(7) The sale of motor fuel when sold exclusively for use in 7845
the operation of aircraft, where such sale is evidenced by an 7846
exemption certificate prescribed by the commissioner and executed 7847
by the purchaser certifying that the motor fuel purchased has been 7848
purchased for exclusive use in the operation of aircraft; 7849

(8) The sale for exportation of motor fuel by a licensed 7850
motor fuel dealer to a licensed exporter described in division 7851
(DD)(1) of section 5735.01 of the Revised Code; 7852

(9) The sale for exportation of motor fuel by a licensed 7853

motor fuel dealer to a licensed exporter described in division 7854
(DD)(2) of section 5735.01 of the Revised Code, provided that the 7855
destination state motor fuel tax has been paid or will be accrued 7856
and paid by the licensed motor fuel dealer. 7857

(10) The sale to a consumer of diesel fuel, by a motor fuel 7858
dealer for delivery from a bulk lot vehicle, for consumption in 7859
operating a vessel when the use of such fuel in a vessel would 7860
otherwise qualify for a refund under section 5735.14 of the 7861
Revised Code. 7862

Division ~~(B)~~(C)(1) of this section does not apply to the sale 7863
or distribution of dyed diesel fuel used to operate a motor 7864
vehicle on the public highways or upon water within the boundaries 7865
of this state by persons permitted under regulations of the United 7866
States department of the treasury or of the Internal Revenue 7867
Service to so use dyed diesel fuel. 7868

~~(C)~~(D) The rate of the tax imposed by this section before 7869
October 1, 2019, is twenty-eight cents per gallon of motor fuel. 7870
The rate of the tax imposed by this section on and after October 7871
1, 2019, shall be as provided in divisions (D)(1) and (2) of this 7872
section. 7873

(1) On each gallon of gasoline: 7874

(a) Thirty-five cents on and after October 1, 2019, and 7875
before October 1, 2020; 7876

(b) Thirty-eight and seven-tenths cents on and after October 7877
1, 2020. 7878

(2) On each gallon of motor fuel other than gasoline: 7879

(a) Thirty-eight cents on and after October 1, 2019, and 7880
before October 1, 2020; 7881

(b) Forty-four cents on and after October 1, 2020, and before 7882
October 1, 2021; 7883

<u>(c) Forty-eight cents on and after October 1, 2021.</u>	7884
<u>(E) The tax commissioner may adopt rules as necessary to administer this section.</u>	7885 7886
<u>(F) The use of any revenue from the tax levied under this section shall be used for construction, maintenance, and repair of roads and bridges, the operational costs of applicable state agencies, or used to match other revenue for these purposes.</u>	7887 7888 7889 7890
Sec. 5735.051. Out of revenue from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, and 5735.142 of the Revised Code. The treasurer of state shall then transfer seven-eighths per cent of the revenue to the waterways safety fund to be used for the purposes of sections 1547.71 to 1547.77 of the Revised Code, one-eighth per cent to the wildlife boater angler fund to be used for the purposes specified by section 1531.35 of the Revised Code, and the amount required by <u>described in</u> section 5735.053 of the Revised Code to the motor fuel tax administration fund. Revenue remaining after such crediting and transfers shall be distributed each month as provided in divisions (A) to (D) <u>(E)</u> of this section.	7891 7892 7893 7894 7895 7896 7897 7898 7899 7900 7901 7902 7903 7904 7905
(A) The portion of revenue described in division (A)(1) of section 5735.05 of the Revised Code shall be credited as follows:	7906 7907
(1) One hundred thousand dollars to the grade crossing protection fund for the purposes specified by section 4907.472 of the Revised Code;	7908 7909 7910
(2) Of such revenue remaining after crediting under division (A)(1) of this section, five and two thousand nine hundred forty-two ten thousandths per cent shall be credited to the	7911 7912 7913

highway operating fund, which is hereby created in the state 7914
treasury, and ninety-four and seven thousand fifty-eight ten 7915
thousandths per cent to the gasoline excise tax fund. 7916

(a) Of the amount credited to the gasoline excise tax fund 7917
under division (A)(2) of this section, ninety-three and one 7918
thousand six hundred seventy-seven ten thousandths per cent shall 7919
be transferred as follows: 7920

(i) Six and seven-tenths per cent of the amount to be 7921
transferred under division (A)(2)(a) of this section to the local 7922
transportation improvement program fund created by section 164.14 7923
of the Revised Code; 7924

(ii) An amount equal to five cents multiplied by the number 7925
of gallons of motor fuel sold at stations operated by the Ohio 7926
turnpike and infrastructure commission, such gallonage to be 7927
certified by the commission to the treasurer of state not later 7928
than the last day of the month following. Such money shall be 7929
expended for the construction, reconstruction, maintenance, and 7930
repair of turnpike projects, except that the funds may not be 7931
expended for the construction of new interchanges. The funds also 7932
may be expended for the construction, reconstruction, maintenance, 7933
and repair of those portions of connecting public roads that serve 7934
existing interchanges and are determined by the commission and the 7935
director of transportation to be necessary for the safe merging of 7936
traffic between the turnpike and those public roads. 7937

(iii) The remainder of the amount to be transferred under 7938
division (A)(2)(a) of this section after the transfers under 7939
divisions (A)(2)(a)(i) and (ii) of this section shall be 7940
distributed on the fifteenth day of the following month as 7941
follows: 7942

(I) Ten and seven-tenths per cent for distribution among 7943
municipal corporations under division (A)(1) of section 5735.27 of 7944

the Revised Code, except that the sum of seven hundred forty-five 7945
thousand eight hundred seventy-five dollars shall be subtracted 7946
each month from the amount so computed and credited to the highway 7947
operating fund; 7948

(II) Nine and three-tenths per cent for distribution among 7949
counties under division (A)(2) of section 5735.27 of the Revised 7950
Code, except that the sum of seven hundred forty-five thousand 7951
eight hundred seventy-five dollars shall be subtracted each month 7952
from the amount so computed and credited to the highway operating 7953
fund; 7954

(III) Five per cent for distribution among townships under 7955
division (A)(3)(a) of section 5735.27 of the Revised Code, except 7956
that the sum of two hundred sixty-three thousand two hundred fifty 7957
dollars shall be subtracted each month from the amount so computed 7958
and credited to the highway operating fund; 7959

(IV) Except as provided in division (A)(3) of this section, 7960
the balance shall be transferred to the highway operating fund and 7961
used for the purposes set forth in division (B) of section 5735.27 7962
of the Revised Code. 7963

(b) Of the amount credited to the gasoline excise tax fund 7964
under division (A)(2) of this section, six and eight thousand 7965
three hundred twenty-three ten thousandths per cent shall be 7966
distributed on the fifteenth day of the following month as 7967
follows: 7968

(i) Forty-two and eighty-six hundredths per cent shall be 7969
distributed among municipal corporations in accordance with 7970
division (A)(1) of section 5735.27 of the Revised Code; 7971

(ii) Thirty-seven and fourteen hundredths per cent shall be 7972
distributed among counties in accordance with division (A)(2) of 7973
section 5735.27 of the Revised Code; 7974

(iii) Twenty per cent shall be combined with twenty per cent 7975

of any amounts transferred from the highway operating fund to the 7976
gasoline excise tax fund through biennial appropriations acts of 7977
the general assembly pursuant to the planned phase-in of a new 7978
source of funding for the state highway patrol, and shall be 7979
distributed among townships in accordance with division (A)(3)(b) 7980
of section 5735.27 of the Revised Code. 7981

(3) Monthly from September to February of each fiscal year, 7982
an amount equal to one-sixth of the amount certified in July of 7983
that year by the treasurer of state pursuant to division (Q) of 7984
section 151.01 of the Revised Code shall, from amounts required to 7985
be credited or transferred to the highway operating fund pursuant 7986
to division (A)(2)(a)(iii)(IV) of this section, be credited or 7987
transferred to the highway capital improvement bond service fund 7988
created in section 151.06 of the Revised Code. If, in any of those 7989
months, the amount available to be credited or transferred to the 7990
bond service fund is less than one-sixth of the amount so 7991
certified, the shortfall shall be added to the amount due the next 7992
succeeding month. Any amount still due at the end of the six-month 7993
period shall be credited or transferred as the money becomes 7994
available, until such time as the office of budget and management 7995
receives certification from the treasurer of state or the 7996
treasurer of state's designee that sufficient money has been 7997
credited or transferred to the bond service fund to meet in full 7998
all payments of debt service and financing costs due during the 7999
fiscal year from that fund. 8000

(B) The portion of revenue described in division (A)(2) of 8001
section 5735.05 of the Revised Code shall be credited each month 8002
as follows: 8003

(1) Sixty-seven and one-half per cent to the highway 8004
operating fund for distribution pursuant to division (B) of 8005
section 5735.27 of the Revised Code; 8006

(2) Thirty-two and one-half per cent to the gasoline excise 8007

tax fund for distribution under division (A) of section 5735.27 of 8008
the Revised Code in the same manner as money from that fund is 8009
distributed under division (A)(2)(b) of this section. 8010

(C)(1) The portion of revenue described in division (A)(3) of 8011
section 5735.05 of the Revised Code shall be credited each month 8012
as follows: 8013

(a) Three-sixteenths to the gasoline excise tax fund for 8014
distribution under division (C)(2) of this section; 8015

(b) Thirteen-sixteenths to the highway operating fund, 8016
subject to the deduction under division (C)(3) of this section. 8017

(2) The revenue credited to the gasoline excise tax fund 8018
under division (C)(1)(a) of this section shall be distributed in 8019
the same manner as in division (A)(2)(b) of this section, subject 8020
to the deductions under division (C)(3) of this section. Each 8021
municipal corporation, county, or township shall use at least 8022
ninety per cent of the revenue distributed to it under division 8023
(C)(2) of this section to supplement, rather than supplant, other 8024
local funds used for highway-related purposes. 8025

(3)(a) Before the distribution from the gasoline excise tax 8026
fund to municipal corporations as provided in division (C)(2) of 8027
this section, the department of taxation shall deduct thirty-three 8028
and one-third per cent of the amount specified in division 8029
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 8030
distribution to townships pursuant to division (A)(3)(b) of that 8031
section. 8032

(b) Before the distribution from the gasoline excise tax fund 8033
to counties as provided in division (C)(2) of this section, the 8034
department of taxation shall deduct thirty-three and one-third per 8035
cent of the amount specified in division (A)(3)(c) of section 8036
5735.27 of the Revised Code and use it for distribution to 8037
townships pursuant to division (A)(3)(b) of that section. 8038

(c) Before crediting the portion of revenue described in 8039
division (A)(3) of section 5735.05 of the Revised Code to the 8040
highway operating fund under division (C)(1)(b) of this section, 8041
the department of taxation shall deduct thirty-three and one-third 8042
per cent of the amount specified in division (A)(3)(c) of section 8043
5735.27 of the Revised Code and use it for distribution to 8044
townships pursuant to division (A)(3)(b) of that section. 8045

(D) The portion of revenue described in division (A)(4) of 8046
section 5735.05 of the Revised Code shall be credited each month 8047
to the highway operating fund. 8048

(E) The portion of revenue described in division (B) of 8049
section 5735.05 of the Revised Code shall be credited each month 8050
as follows: 8051

(1) Fifty-five per cent of that revenue to the highway 8052
operating fund for distribution pursuant to division (B) of 8053
section 5735.27 of the Revised Code; 8054

(2) Forty-five per cent of that revenue to the gasoline 8055
excise tax fund to be divided each month as follows: 8056

(a) Forty-two and eighty-six hundredths per cent for 8057
distribution among municipal corporations under division (A)(1) of 8058
section 5735.27 of the Revised Code; 8059

(b) Thirty-seven and fourteen hundredths per cent for 8060
distribution among counties under division (A)(2) of section 8061
5735.27 of the Revised Code; 8062

(c) Twenty per cent for distribution among townships as 8063
follows: 8064

(i) Fifty-two per cent shall be distributed as provided under 8065
division (A)(3)(a) of section 5735.27 of the Revised Code; 8066

(ii) Forty-eight per cent shall be distributed as provided 8067
under division (A)(3)(b) of section 5735.27 of the Revised Code. 8068

Sec. 5735.053. There is hereby created in the state treasury 8069
the motor fuel tax administration fund for the purpose of paying 8070
the expenses of the department of taxation incident to the 8071
administration of the motor fuel laws. After the treasurer of 8072
state credits the tax refund fund out of tax receipts as required 8073
by section 5735.051 of the Revised Code, the treasurer of state 8074
shall transfer to the motor fuel tax administration fund ~~two~~ 8075
~~hundred seventy five one thousandths per cent of the receipts from~~ 8076
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 8077
an amount not to exceed one twenty-fourth of the approved 8078
appropriation assigned to the fund for the biennium. 8079

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 8080
which the tax imposed by section 5735.05 of the Revised Code has 8081
been paid, for the purpose of operating a transit bus shall be 8082
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 8083
total tax paid on motor fuel so used by public transportation 8084
systems providing transit or paratransit service on a regular and 8085
continuing basis within the state, or by a person contracting with 8086
such a system and providing such services, less one cent per 8087
gallon of such fuel; 8088

(2) A city, exempted village, joint vocational, or local 8089
school district or educational service center that purchases any 8090
motor fuel for school district or service center operations, on 8091
which any tax imposed by section 5735.05 of the Revised Code has 8092
been paid, may, if an application is filed under this section, be 8093
reimbursed in the amount of ~~six cents per gallon of the total tax~~ 8094
imposed by that section and paid on motor fuel less twenty-two 8095
cents per gallon of such fuel. The reimbursement under division 8096
(A)(2) of this section also may be obtained, upon application 8097
under this section, by a person that purchases motor fuel on which 8098
the tax has been paid and uses that fuel to perform school 8099

district or service center operations pursuant to a contract with 8100
a city, exempted village, joint vocational, or local school 8101
district or an educational service center. 8102

(3) A county board of developmental disabilities that, ~~on or~~ 8103
~~after July 1, 2005,~~ purchases any motor fuel for county board 8104
operations, on which any tax imposed by section 5735.05 of the 8105
Revised Code has been paid may, if an application is filed under 8106
this section, be reimbursed in the amount ~~of six cents per gallon~~ 8107
of the total tax imposed by that section and paid on motor fuel 8108
less twenty-two cents per gallon of such fuel. The reimbursement 8109
under division (A)(3) of this section also may be obtained, upon 8110
application under this section, by a person that purchases motor 8111
fuel on which the tax has been paid and uses that fuel to perform 8112
county board operations pursuant to a contract with a county board 8113
of developmental disabilities. 8114

(B) Such person, school district, educational service center, 8115
or county board shall file with the tax commissioner an 8116
application for refund within one year from the date of purchase, 8117
stating the quantity of fuel used for operating transit buses used 8118
by local transit systems, or a contractor thereof, in furnishing 8119
scheduled common carrier, public passenger land transportation 8120
service along regular routes primarily in one or more municipal 8121
corporations, or for operating vehicles used for school district, 8122
service center, or county board operations. However, no claim 8123
shall be made for the tax on fewer than one hundred gallons of 8124
motor fuel. A school district, educational service center, or 8125
county board shall not apply for a refund for any tax paid on 8126
motor fuel that is sold by the district, service center, or county 8127
board. The application shall be accompanied by the statement 8128
described in section 5735.15 of the Revised Code showing the 8129
purchase, together with evidence of payment thereof. 8130

(C) After consideration of the application and statement, the 8131

commissioner shall determine the amount of refund to which the 8132
applicant is entitled. If the amount is not less than that 8133
claimed, the commissioner shall certify the amount to the director 8134
of budget and management and treasurer of state for payment from 8135
the tax refund fund created by section 5703.052 of the Revised 8136
Code. If the amount is less than that claimed, the commissioner 8137
shall proceed in accordance with section 5703.70 of the Revised 8138
Code. 8139

The commissioner may require that the application be 8140
supported by the affidavit of the claimant. No refund shall be 8141
authorized or ordered for any single claim for the tax on fewer 8142
than one hundred gallons of motor fuel. No refund shall be 8143
authorized or ordered on motor fuel that is sold by a school 8144
district, educational service center, or county board. 8145

(D) The right to receive any refund under this section or 8146
section 5703.70 of the Revised Code is not assignable. The payment 8147
of this refund shall not be made to any person or entity other 8148
than the person or entity originally entitled thereto who used the 8149
motor fuel upon which the claim for refund is based, except that 8150
the refund when allowed and certified, as provided in this 8151
section, may be paid to the executor, the administrator, the 8152
receiver, the trustee in bankruptcy, or the assignee in insolvency 8153
proceedings of the person. 8154

Sec. 5735.27. (A) There is hereby created in the state 8155
treasury the gasoline excise tax fund. All investment earnings of 8156
the fund shall be credited to the fund. Revenue credited to the 8157
fund under section 5735.051 from the tax levied under section 8158
5735.05 of the Revised Code shall be distributed to municipal 8159
corporations, counties, and townships as provided in divisions 8160
(A)(1), (2), and (3) of this section. 8161

(1) The amount distributed to each municipal corporation 8162

shall be that proportion of the amount to be distributed among 8163
municipal corporations that the number of motor vehicles 8164
registered within the municipal corporation bears to the total 8165
number of motor vehicles registered within all the municipal 8166
corporations of this state during the preceding motor vehicle 8167
registration year. When a new village is incorporated, the 8168
registrar of motor vehicles shall determine from the applications 8169
on file in the bureau of motor vehicles the number of motor 8170
vehicles located within the territory comprising the village 8171
during the entire registration year in which the municipal 8172
corporation was incorporated. The registrar shall forthwith 8173
certify the number of motor vehicles so determined to the tax 8174
commissioner for use in distributing motor vehicle fuel tax funds 8175
to the village until the village is qualified to participate in 8176
the distribution of the funds pursuant to this division. The 8177
number of motor vehicle registrations shall be determined by the 8178
official records of the bureau of motor vehicles. The amount 8179
received by each municipal corporation shall be used to plan, 8180
construct, reconstruct, repave, widen, maintain, repair, clear, 8181
and clean public highways, roads, and streets; to maintain and 8182
repair bridges and viaducts; to purchase, erect, and maintain 8183
street and traffic signs and markers; to pay the costs apportioned 8184
to the municipal corporation under section 4907.47 of the Revised 8185
Code; to purchase, erect, and maintain traffic lights and signals; 8186
to pay the principal, interest, and charges on bonds and other 8187
obligations issued pursuant to Chapter 133. of the Revised Code or 8188
incurred pursuant to section 5531.09 of the Revised Code for the 8189
purpose of acquiring or constructing roads, highways, bridges, or 8190
viaducts or acquiring or making other highway improvements for 8191
which the municipal corporation may issue bonds; and to supplement 8192
revenue already available for these purposes. 8193

(2) The amount distributed to counties shall be paid in equal 8194
proportions to the county treasurer of each county within the 8195

state and shall be used only for the purposes of planning, 8196
maintaining, and repairing the county system of public roads and 8197
highways within the county; the planning, construction, and repair 8198
of walks or paths along county roads in congested areas; the 8199
planning, construction, purchase, lease, and maintenance of 8200
suitable buildings for the housing and repair of county road 8201
machinery, housing of supplies, and housing of personnel 8202
associated with the machinery and supplies; the payment of costs 8203
apportioned to the county under section 4907.47 of the Revised 8204
Code; the payment of principal, interest, and charges on bonds and 8205
other obligations issued pursuant to Chapter 133. of the Revised 8206
Code or incurred pursuant to section 5531.09 of the Revised Code 8207
for the purpose of acquiring or constructing roads, highways, 8208
bridges, or viaducts or acquiring or making other highway 8209
improvements for which the board of county commissioners may issue 8210
bonds under that chapter; and the purchase, installation, and 8211
maintenance of traffic signal lights. 8212

(3)(a) The amounts described under divisions 8213
(A)(2)(a)(iii)(III) ~~and~~, (B)(2), and (E)(2)(c)(i) of section 8214
5735.051 of the Revised Code to be distributed among townships 8215
shall be divided in equal proportions among the townships. 8216

(b) As used in division (A)(3)(b) of this section, the 8217
"formula amount" for any township is the amount that would be 8218
allocated to that township if fifty per cent of the total amount 8219
credited to townships pursuant to ~~division~~ divisions 8220
(A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of section 5735.051 of 8221
the Revised Code were allocated among townships in the state 8222
proportionate to the number of centerline miles within the 8223
boundaries of the respective townships, as determined annually by 8224
the department of transportation, and the other fifty per cent of 8225
that amount were allocated among townships in the state 8226
proportionate to the number of motor vehicles registered within 8227

the respective townships, as determined annually by the records of 8228
the bureau of motor vehicles. The number of centerline miles 8229
within the boundaries of a township shall not include any 8230
centerline miles of township roads that have been placed on 8231
nonmaintained status by a board of township trustees pursuant to 8232
section 5571.20 of the Revised Code. 8233

The portion of the revenue of the tax levied by section 8234
5735.05 of the Revised Code that is described under ~~division~~ 8235
divisions (A)(3) and (B) of that section shall be partially 8236
allocated to provide funding for townships. Each township shall 8237
receive the greater of the following two calculations: 8238

(i) The total statewide amount credited to townships under 8239
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of 8240
section 5735.051 of the Revised Code divided by the number of 8241
townships in the state at the time of the calculation; 8242

(ii) Seventy per cent of the formula amount for that 8243
township. 8244

(c) The total difference between the amount of money credited 8245
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 8246
(E)(2)(c)(ii) of section 5735.051 of the Revised Code and the 8247
total amount of money required to make all the payments specified 8248
in division (A)(3)(b) of this section shall be deducted, in 8249
accordance with division (C)(3) of section 5735.051 of the Revised 8250
Code, from the revenues resulting from the portion of the revenue 8251
described in division (A)(3) of section 5735.05 of the Revised 8252
Code prior to crediting portions of such revenues to counties, 8253
municipal corporations, and the highway operating fund. 8254

(d) All amounts credited pursuant to divisions (A)(3)(a) and 8255
(b) of this section shall be paid to the county treasurer of each 8256
county for the total amount payable to the townships within each 8257
of the counties. The county treasurer shall pay to each township 8258

within the county its proportional share of the funds, which shall 8259
be expended by each township only for the purposes of planning, 8260
constructing, maintaining, widening, and reconstructing the public 8261
roads and highways within the township, paying principal, 8262
interest, and charges on bonds and other obligations issued 8263
pursuant to Chapter 133. or 505. of the Revised Code or incurred 8264
pursuant to section 5531.09 of the Revised Code for the purpose of 8265
acquiring or constructing roads, highways, bridges, or viaducts or 8266
acquiring or making other highway improvements for which the board 8267
of township trustees may issue bonds under those chapters, and 8268
paying costs apportioned to the township under section 4907.47 of 8269
the Revised Code. 8270

No part of the funds designated for road and highway purposes 8271
shall be used for any purpose except to pay in whole or part the 8272
contract price of any such work done by contract, or to pay the 8273
cost of labor in planning, constructing, widening, and 8274
reconstructing such roads and highways, and the cost of materials 8275
forming a part of the improvement; provided that the funds may be 8276
used for the purchase of road machinery and equipment, the 8277
planning, construction, and maintenance of suitable buildings for 8278
housing road machinery and equipment, and the payment of 8279
principal, interest, and charges on bonds and other obligations 8280
issued pursuant to Chapter 133. or 505. of the Revised Code for 8281
the purpose of purchasing road machinery and equipment or 8282
planning, constructing, and maintaining suitable buildings for 8283
housing road machinery and equipment; and provided that all such 8284
improvement of roads shall be under supervision and direction of 8285
the county engineer as provided in section 5575.07 of the Revised 8286
Code. No obligation against the funds shall be incurred unless 8287
plans and specifications for the improvement, approved by the 8288
county engineer, are on file in the office of the township fiscal 8289
officer, and all contracts for material and for work done by 8290
contract shall be approved by the county engineer before being 8291

signed by the board of township trustees. The board of township trustees of any township may pass a resolution permitting the board of county commissioners to expend the township's share of the funds, or any portion of it, for the improvement of the roads within the township as may be designated in the resolution.

(B) Amounts credited to the highway operating fund under section 5735.051 and other sections of the Revised Code are subject to transfer to the sinking fund upon receipt by the treasurer of state of the certification by the commissioners of the sinking fund, as required by section 5528.15 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of principal, interest, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year. All remaining amounts credited to the highway operating fund shall be expended for the purposes of planning, maintaining, repairing, and keeping in passable condition for travel the roads and highways of the state required by law to be maintained by the department; paying the costs apportioned to the state under section 4907.47 of the Revised Code; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; paying the costs of the department of public safety in administering and enforcing the state law relating to the registration and operation of motor vehicles; paying the state's share of the cost of planning, constructing, widening, maintaining, and reconstructing the state highways; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation

normally would be required to pay, but which the director of 8325
transportation, pursuant to division (B) of section 5531.08 of the 8326
Revised Code, determines instead will be paid from moneys in the 8327
highway operating fund; and also for supplying the state's share 8328
of the cost of eliminating railway grade crossings upon such 8329
highways and costs apportioned to the state under section 4907.47 8330
of the Revised Code. The director of transportation may expend 8331
portions of such amount upon extensions of state highways within 8332
municipal corporations or upon portions of state highways within 8333
municipal corporations, as is provided by law. 8334

All investment earnings of the highway operating fund shall 8335
be credited to the fund. 8336

Sec. 5735.50. (A) As used in this section: 8337

(1) "Rate of federal motor fuel tax" means the rate of tax 8338
levied under section 4081 of the Internal Revenue Code on one 8339
gallon of gasoline other than aviation gasoline or one gallon of 8340
diesel fuel, as those terms are defined in section 4083 of the 8341
Internal Revenue Code. 8342

(2) "Rate of state motor fuel tax" means the rate of tax 8343
levied under section 5735.05 of the Revised Code on one gallon of 8344
gasoline or one gallon of diesel fuel. 8345

(3) "Adjustment date" means a date on which a change in the 8346
rate of federal or state motor fuel tax takes effect or, if such a 8347
change occurs within six months after an adjustment date, the 8348
first day of the seventh month following that adjustment date. 8349

(4) "Fuel tax notice" means a notice described in division 8350
(B)(1) of this section. 8351

(5) "Retail pump" means a pump situated at a retail service 8352
station through which gasoline or diesel fuel is pumped directly 8353
into motor vehicle fuel tanks for consumption. 8354

(6) "Municipal sealer" means a sealer of weights and measures appointed under section 733.63 of the Revised Code. 8355
8356

(B)(1) The director of agriculture shall, within ninety days after an adjustment date, design and cause to be produced a notice that displays, in readable font, the following information, which the director may obtain in consultation with the tax commissioner: 8357
8358
8359
8360

(a) The rate of federal and state motor fuel tax as of the adjustment date. The information required by division (B)(1)(a) of this section shall be categorized and arranged on the notice as such information is categorized and arranged on the following table: 8361
8362
8363
8364
8365

	<u>GASOLINE</u>	<u>DIESEL FUEL</u>	
<u>FEDERAL TAX</u>	<u>[Rate of federal motor fuel tax on gasoline other than aviation gasoline]</u>	<u>[Rate of federal motor fuel tax on diesel fuel]</u>	8366 8367
<u>STATE TAX</u>	<u>[Rate of state motor fuel tax on gasoline]</u>	<u>[Rate of state motor fuel tax on diesel fuel]</u>	8368
<u>TOTAL TAX</u>	<u>[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]</u>	<u>[sum of the rate of motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]</u>	8369

Each of the three columns in the table described in division (B)(1)(a) of this section shall be separated by a vertical line and each of the four rows shall be separated by a horizontal line. The table shall be enclosed within lines forming a box such that "federal tax," "state tax," "total tax," and the corresponding gasoline and diesel rates appear as individual cells within a grid pattern. 8370
8371
8372
8373
8374
8375
8376

(b) The last date on which a change in the rate of state 8377

motor fuel tax took effect; 8378

(c) Among the rate of motor fuel excise taxes levied by Ohio 8379
and by other states on gasoline and diesel fuel, the relative 8380
numerical rank of Ohio's rates compared to the rates of other 8381
states in this format: "Among all states, Ohio has the ... highest 8382
state motor fuel tax rate on gasoline and the ... highest tax rate 8383
on diesel fuel." 8384

(d) A representation of the great seal of the state as 8385
described in section 5.10 of the Revised Code without regard to 8386
the minimum dimensions prescribed by that section; 8387

(e) At the bottom of the notice and in a font smaller than 8388
that used to display the information described in division 8389
(B)(1)(a) of this section, a statement that reads as follows: 8390
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 8391
O.R.C. 5735.50." 8392

(2) A fuel tax notice shall not display any information other 8393
than the information required under divisions (B)(1)(a) to (e) of 8394
this section, and shall not display the name of any public 8395
official, state employee, or state agency. No color shall be 8396
displayed on the notice other than red, white, or blue. The width 8397
and length of a fuel tax notice shall not be less than four inches 8398
and shall not exceed four and one-half inches. 8399

(3) The director shall, within ninety days after an 8400
adjustment date, distribute fuel tax notices to each county 8401
auditor or municipal sealer in the number requested by the auditor 8402
or sealer under division (C)(1) of this section. The director 8403
shall not charge a county auditor, municipal sealer, or any person 8404
for the creation or delivery of a fuel tax notice under this 8405
section. 8406

(C)(1) Within fifteen days after an adjustment date, the 8407
director of agriculture shall notify each county auditor and 8408

municipal sealer that the director is designing and causing to be 8409
produced fuel tax notices as required under division (B)(1) of 8410
this section. Within fifteen days after receipt of such a notice, 8411
a county auditor or municipal sealer shall notify the director of 8412
the number of fuel tax notices the auditor or sealer requires to 8413
perform the auditor's or sealer's duties under division (C)(2) of 8414
this section. 8415

(2) Except as otherwise provided in division (C)(3) of this 8416
section, each county auditor or municipal sealer or an employee 8417
thereof shall affix fuel tax notices received from the director of 8418
agriculture on each retail pump the auditor or sealer is required 8419
to inspect under the authority of section 1327.52 of the Revised 8420
Code. Each notice shall be affixed on or before the earlier of 8421
fourteen months following the most recent adjustment date or the 8422
date the auditor or sealer or an employee thereof arrives on the 8423
premises of a retail service station for the purposes of carrying 8424
out a required inspection or other official business, including 8425
the performance of the auditor's or sealer's duties under section 8426
1327.52 of the Revised Code. A fuel tax notice shall be displayed 8427
in a clear and prominent manner and shall be affixed on each face 8428
of a retail pump on which a meter measuring the volume of gasoline 8429
or diesel fuel dispensed is located. A notice shall not be affixed 8430
in a manner that obstructs or obscures any other notice or sticker 8431
required to be displayed pursuant to federal, state, or local law. 8432
A county auditor or municipal sealer or employee thereof shall 8433
replace any fuel tax notice that is no longer readable or is no 8434
longer affixed as required under division (C)(2) of this section 8435
or that has been affixed on a retail pump for more than three 8436
consecutive years. 8437

(3) In lieu of fuel tax notices being affixed on each retail 8438
pump as required by division (C)(2) of this section, the owner or 8439
operator of a retail service station may provide the information 8440

required to be displayed on the notice by any of the following 8441
means: 8442

(a) Displaying video messages via video displays visible to 8443
users of the retail pump; 8444

(b) Printing the information on customer receipts; 8445

(c) Posting the information conspicuously at the public 8446
entrance to the premises of the service station. 8447

(D) A county auditor or municipal sealer may notify the 8448
director of agriculture at any time if the auditor or sealer 8449
requires additional fuel tax notices to perform the auditor's or 8450
sealer's duties under this section. Upon receiving such a request, 8451
the director shall distribute the number of fuel tax notices so 8452
requested to the auditor or sealer. 8453

(E) Nothing in this section makes the owner or operator of a 8454
retail service station liable for affixing or maintaining a fuel 8455
tax notice. 8456

Sec. 5736.01. As used in this chapter: 8457

(A) "Calendar quarter" and "person" have the same meanings as 8458
in section 5751.01 of the Revised Code. 8459

(B) "Distribution system" means a bulk transfer or terminal 8460
system for the distribution of motor fuel consisting of 8461
refineries, pipelines, marine vessels, and terminals. For the 8462
purposes of this section, motor fuel that is in a refinery, 8463
pipeline, terminal, or marine vessel or that is en route to a 8464
refinery, pipeline, or terminal via any method of transportation 8465
is in a "distribution system." Motor fuel is "outside of a 8466
distribution system" if the fuel is in a fuel storage facility, 8467
including, but not limited to, a bulk plant that is not part of a 8468
refinery or terminal, is in the fuel supply tank of an engine or 8469
motor vehicle, or is being transported by a marine vessel, tank 8470

car, rail car, trailer, truck, or other suitable equipment to a fuel storage facility that is not in a distribution system.

(C) "Dyed diesel fuel," "import," ~~"motor fuel,"~~ "public highways," "gasoline," "diesel fuel," "licensed motor fuel dealer," "licensed permissive motor fuel dealer," and "terminal" have the same meanings as in section 5735.01 of the Revised Code, and "motor fuel" has the same meaning as in that section except that the term excludes compressed natural gas for the purposes of this chapter. "Gallons" means gross gallons as defined in section 5735.01 of the Revised Code.

(D) "First sale of motor fuel within this state" means the initial sale of motor fuel to a point outside a distribution system, wherever the sale occurs, without regard to where title transfers or other conditions of sale, when sold for delivery to a location in this state as that location is shown on the bill of lading or other similar document issued by the terminal, refinery, or supplier. "First sale of motor fuel within this state" excludes the following:

(1) Motor fuel exchanges;

(2) The sale of motor fuel on which the petroleum activity tax imposed by this chapter was paid in a prior quarterly tax payment period and on which the supplier may claim a bad debt. As used in this division, "bad debt" has the same meaning as in section 5751.01 of the Revised Code.

(E)(1) "Calculated gross receipts" means the sum of the following:

(a) With respect to sales of gasoline, the product obtained by multiplying (i) the total number of gallons of gasoline first sold within this state by a supplier during the tax period by (ii) the average wholesale price of a gallon of unleaded regular gasoline for the calendar quarter that begins six months before

the upcoming calendar quarter, as published by the tax 8502
commissioner under division (C) of section 5736.02 of the Revised 8503
Code; 8504

(b) With respect to sales of propane, the product obtained by 8505
multiplying (i) the total number of gallons of propane first sold 8506
within this state by a supplier during the tax period by (ii) the 8507
average wholesale price of a gallon of propane for the calendar 8508
quarter that begins six months before the upcoming calendar 8509
quarter, as published by the tax commissioner under division (C) 8510
of section 5736.02 of the Revised Code; 8511

(c) With respect to sales of motor fuel that is not gasoline 8512
or propane, the product obtained by multiplying (i) the total 8513
number of gallons of motor fuel first sold within this state by a 8514
supplier during the tax period by (ii) the average wholesale price 8515
of a gallon of diesel fuel for the calendar quarter that begins 8516
six months before the upcoming calendar quarter, as published by 8517
the tax commissioner under division (C) of section 5736.02 of the 8518
Revised Code. 8519

(2) A supplier that has acquired blend stocks or additives 8520
with respect to which the tax imposed by this chapter has 8521
previously been paid may exclude the product of the following 8522
amounts from the calculation of the supplier's "calculated gross 8523
receipts" under division (E) of this section, provided that the 8524
supplier uses the blend stocks or additives for blending with 8525
motor fuel: 8526

(a) The number of gallons of the blend stocks or additives; 8527

(b) The average wholesale price of a gallon of such blend 8528
stocks or additives for the calendar quarter in which the tax was 8529
paid on the blend stocks or additives. 8530

The supplier may rely upon an invoice issued by the seller of 8531
the blend stocks or additives as evidence that the tax imposed by 8532

this section has been remitted with respect to the blend stocks or 8533
additives, provided that the invoice lists the tax as a separate 8534
charge, the seller is included on the list maintained by the tax 8535
commissioner under section 5736.041 of the Revised Code, and the 8536
supplier maintains the invoice in accordance with section 5736.12 8537
of the Revised Code. 8538

(F) "Motor fuel used to propel vehicles on public highways 8539
and waterways" includes motor fuel used for the operation of 8540
licensed motor vehicles employed in the maintenance, construction, 8541
or repair of public highways. "Motor fuel used to propel vehicles 8542
on public highways and waterways" does not include dyed diesel 8543
fuel. 8544

(G) "Rack" means a mechanism capable of delivering motor fuel 8545
from a refinery, terminal, or marine vessel into a railroad tank 8546
car, transport truck, tank wagon, fuel supply tank, marine vessel, 8547
or other means of transport outside of a distribution system. 8548

(H) "Refinery" means a facility used to produce motor fuel 8549
and from which motor fuel may be removed by pipeline, by vessel, 8550
or at a rack. 8551

(I) "Supplier" means any of the following: 8552

(1) A person that sells, exchanges, transfers, or otherwise 8553
distributes motor fuel from a terminal or refinery rack to a point 8554
outside of a distribution system, if the person distributes such 8555
motor fuel at a location in this state; 8556

(2) A person that imports or causes the importation of motor 8557
fuel for sale, exchange, transfer, or other distribution by the 8558
person to a point outside of a distribution system in this state; 8559

(3) A person that knowingly purchases motor fuel from an 8560
unlicensed supplier. 8561

(J) "Tax period" means the calendar quarter on the basis of 8562

which a taxpayer is required to pay the tax imposed under this 8563
chapter. 8564

(K) "Taxpayer" means a person subject to the tax imposed by 8565
this chapter. 8566

(L) "Waterways" means all streams, lakes, ponds, marshes, 8567
water courses, and all other bodies of surface water, natural or 8568
artificial, which are situated wholly or partially within this 8569
state or within its jurisdiction, except private impounded bodies 8570
of water. 8571

(M) "Motor fuel exchange" means an exchange of motor fuel 8572
between two or more suppliers, licensed motor fuel dealers, or 8573
licensed permissive motor fuel dealers if delivery occurs at a 8574
refinery, terminal, pipeline, or marine vessel and if the parties 8575
agree that neither party requires monetary compensation from the 8576
other party for the exchanged fuel other than compensation for 8577
differences in product location, grade, or handling. 8578

Sec. 5751.01. As used in this chapter: 8579

(A) "Person" means, but is not limited to, individuals, 8580
combinations of individuals of any form, receivers, assignees, 8581
trustees in bankruptcy, firms, companies, joint-stock companies, 8582
business trusts, estates, partnerships, limited liability 8583
partnerships, limited liability companies, associations, joint 8584
ventures, clubs, societies, for-profit corporations, S 8585
corporations, qualified subchapter S subsidiaries, qualified 8586
subchapter S trusts, trusts, entities that are disregarded for 8587
federal income tax purposes, and any other entities. 8588

(B) "Consolidated elected taxpayer" means a group of two or 8589
more persons treated as a single taxpayer for purposes of this 8590
chapter as the result of an election made under section 5751.011 8591
of the Revised Code. 8592

(C) "Combined taxpayer" means a group of two or more persons 8593
treated as a single taxpayer for purposes of this chapter under 8594
section 5751.012 of the Revised Code. 8595

(D) "Taxpayer" means any person, or any group of persons in 8596
the case of a consolidated elected taxpayer or combined taxpayer 8597
treated as one taxpayer, required to register or pay tax under 8598
this chapter. "Taxpayer" does not include excluded persons. 8599

(E) "Excluded person" means any of the following: 8600

(1) Any person with not more than one hundred fifty thousand 8601
dollars of taxable gross receipts during the calendar year. 8602
Division (E)(1) of this section does not apply to a person that is 8603
a member of a consolidated elected taxpayer; 8604

(2) A public utility that paid the excise tax imposed by 8605
section 5727.24 or 5727.30 of the Revised Code based on one or 8606
more measurement periods that include the entire tax period under 8607
this chapter, except that a public utility that is a combined 8608
company is a taxpayer with regard to the following gross receipts: 8609

(a) Taxable gross receipts directly attributed to a public 8610
utility activity, but not directly attributed to an activity that 8611
is subject to the excise tax imposed by section 5727.24 or 5727.30 8612
of the Revised Code; 8613

(b) Taxable gross receipts that cannot be directly attributed 8614
to any activity, multiplied by a fraction whose numerator is the 8615
taxable gross receipts described in division (E)(2)(a) of this 8616
section and whose denominator is the total taxable gross receipts 8617
that can be directly attributed to any activity; 8618

(c) Except for any differences resulting from the use of an 8619
accrual basis method of accounting for purposes of determining 8620
gross receipts under this chapter and the use of the cash basis 8621
method of accounting for purposes of determining gross receipts 8622
under section 5727.24 of the Revised Code, the gross receipts 8623

directly attributed to the activity of a natural gas company shall 8624
be determined in a manner consistent with division (D) of section 8625
5727.03 of the Revised Code. 8626

As used in division (E)(2) of this section, "combined 8627
company" and "public utility" have the same meanings as in section 8628
5727.01 of the Revised Code. 8629

(3) A financial institution, as defined in section 5726.01 of 8630
the Revised Code, that paid the tax imposed by section 5726.02 of 8631
the Revised Code based on one or more taxable years that include 8632
the entire tax period under this chapter; 8633

(4) A person directly or indirectly owned by one or more 8634
financial institutions, as defined in section 5726.01 of the 8635
Revised Code, that paid the tax imposed by section 5726.02 of the 8636
Revised Code based on one or more taxable years that include the 8637
entire tax period under this chapter. 8638

For the purposes of division (E)(4) of this section, a person 8639
owns another person under the following circumstances: 8640

(a) In the case of corporations issuing capital stock, one 8641
corporation owns another corporation if it owns fifty per cent or 8642
more of the other corporation's capital stock with current voting 8643
rights; 8644

(b) In the case of a limited liability company, one person 8645
owns the company if that person's membership interest, as defined 8646
in section 1705.01 of the Revised Code, is fifty per cent or more 8647
of the combined membership interests of all persons owning such 8648
interests in the company; 8649

(c) In the case of a partnership, trust, or other 8650
unincorporated business organization other than a limited 8651
liability company, one person owns the organization if, under the 8652
articles of organization or other instrument governing the affairs 8653
of the organization, that person has a beneficial interest in the 8654

organization's profits, surpluses, losses, or distributions of 8655
fifty per cent or more of the combined beneficial interests of all 8656
persons having such an interest in the organization. 8657

(5) A domestic insurance company or foreign insurance 8658
company, as defined in section 5725.01 of the Revised Code, that 8659
paid the insurance company premiums tax imposed by section 5725.18 8660
or Chapter 5729. of the Revised Code, or an unauthorized insurance 8661
company whose gross premiums are subject to tax under section 8662
3905.36 of the Revised Code based on one or more measurement 8663
periods that include the entire tax period under this chapter; 8664

(6) A person that solely facilitates or services one or more 8665
securitizations of phase-in-recovery property pursuant to a final 8666
financing order as those terms are defined in section 4928.23 of 8667
the Revised Code. For purposes of this division, "securitization" 8668
means transferring one or more assets to one or more persons and 8669
then issuing securities backed by the right to receive payment 8670
from the asset or assets so transferred. 8671

(7) Except as otherwise provided in this division, a 8672
pre-income tax trust as defined in division (FF)(4) of section 8673
5747.01 of the Revised Code and any pass-through entity of which 8674
such pre-income tax trust owns or controls, directly, indirectly, 8675
or constructively through related interests, more than five per 8676
cent of the ownership or equity interests. If the pre-income tax 8677
trust has made a qualifying pre-income tax trust election under 8678
division (FF)(3) of section 5747.01 of the Revised Code, then the 8679
trust and the pass-through entities of which it owns or controls, 8680
directly, indirectly, or constructively through related interests, 8681
more than five per cent of the ownership or equity interests, 8682
shall not be excluded persons for purposes of the tax imposed 8683
under section 5751.02 of the Revised Code. 8684

(8) Nonprofit organizations or the state and its agencies, 8685
instrumentalities, or political subdivisions. 8686

(F) Except as otherwise provided in divisions (F)(2), (3), 8687
and (4) of this section, "gross receipts" means the total amount 8688
realized by a person, without deduction for the cost of goods sold 8689
or other expenses incurred, that contributes to the production of 8690
gross income of the person, including the fair market value of any 8691
property and any services received, and any debt transferred or 8692
forgiven as consideration. 8693

(1) The following are examples of gross receipts: 8694

(a) Amounts realized from the sale, exchange, or other 8695
disposition of the taxpayer's property to or with another; 8696

(b) Amounts realized from the taxpayer's performance of 8697
services for another; 8698

(c) Amounts realized from another's use or possession of the 8699
taxpayer's property or capital; 8700

(d) Any combination of the foregoing amounts. 8701

(2) "Gross receipts" excludes the following amounts: 8702

(a) Interest income except interest on credit sales; 8703

(b) Dividends and distributions from corporations, and 8704
distributive or proportionate shares of receipts and income from a 8705
pass-through entity as defined under section 5733.04 of the 8706
Revised Code; 8707

(c) Receipts from the sale, exchange, or other disposition of 8708
an asset described in section 1221 or 1231 of the Internal Revenue 8709
Code, without regard to the length of time the person held the 8710
asset. Notwithstanding section 1221 of the Internal Revenue Code, 8711
receipts from hedging transactions also are excluded to the extent 8712
the transactions are entered into primarily to protect a financial 8713
position, such as managing the risk of exposure to (i) foreign 8714
currency fluctuations that affect assets, liabilities, profits, 8715
losses, equity, or investments in foreign operations; (ii) 8716

interest rate fluctuations; or (iii) commodity price fluctuations. 8717
As used in division (F)(2)(c) of this section, "hedging 8718
transaction" has the same meaning as used in section 1221 of the 8719
Internal Revenue Code and also includes transactions accorded 8720
hedge accounting treatment under statement of financial accounting 8721
standards number 133 of the financial accounting standards board. 8722
For the purposes of division (F)(2)(c) of this section, the actual 8723
transfer of title of real or tangible personal property to another 8724
entity is not a hedging transaction. 8725

(d) Proceeds received attributable to the repayment, 8726
maturity, or redemption of the principal of a loan, bond, mutual 8727
fund, certificate of deposit, or marketable instrument; 8728

(e) The principal amount received under a repurchase 8729
agreement or on account of any transaction properly characterized 8730
as a loan to the person; 8731

(f) Contributions received by a trust, plan, or other 8732
arrangement, any of which is described in section 501(a) of the 8733
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 8734
1, Subchapter (D) of the Internal Revenue Code applies; 8735

(g) Compensation, whether current or deferred, and whether in 8736
cash or in kind, received or to be received by an employee, former 8737
employee, or the employee's legal successor for services rendered 8738
to or for an employer, including reimbursements received by or for 8739
an individual for medical or education expenses, health insurance 8740
premiums, or employee expenses, or on account of a dependent care 8741
spending account, legal services plan, any cafeteria plan 8742
described in section 125 of the Internal Revenue Code, or any 8743
similar employee reimbursement; 8744

(h) Proceeds received from the issuance of the taxpayer's own 8745
stock, options, warrants, puts, or calls, or from the sale of the 8746
taxpayer's treasury stock; 8747

(i) Proceeds received on the account of payments from	8748
insurance policies, except those proceeds received for the loss of	8749
business revenue;	8750
(j) Gifts or charitable contributions received; membership	8751
dues received by trade, professional, homeowners', or condominium	8752
associations; and payments received for educational courses,	8753
meetings, meals, or similar payments to a trade, professional, or	8754
other similar association; and fundraising receipts received by	8755
any person when any excess receipts are donated or used	8756
exclusively for charitable purposes;	8757
(k) Damages received as the result of litigation in excess of	8758
amounts that, if received without litigation, would be gross	8759
receipts;	8760
(l) Property, money, and other amounts received or acquired	8761
by an agent on behalf of another in excess of the agent's	8762
commission, fee, or other remuneration;	8763
(m) Tax refunds, other tax benefit recoveries, and	8764
reimbursements for the tax imposed under this chapter made by	8765
entities that are part of the same combined taxpayer or	8766
consolidated elected taxpayer group, and reimbursements made by	8767
entities that are not members of a combined taxpayer or	8768
consolidated elected taxpayer group that are required to be made	8769
for economic parity among multiple owners of an entity whose tax	8770
obligation under this chapter is required to be reported and paid	8771
entirely by one owner, pursuant to the requirements of sections	8772
5751.011 and 5751.012 of the Revised Code;	8773
(n) Pension reversions;	8774
(o) Contributions to capital;	8775
(p) Sales or use taxes collected as a vendor or an	8776
out-of-state seller on behalf of the taxing jurisdiction from a	8777
consumer or other taxes the taxpayer is required by law to collect	8778

directly from a purchaser and remit to a local, state, or federal
tax authority;

(q) In the case of receipts from the sale of cigarettes or
tobacco products by a wholesale dealer, retail dealer,
distributor, manufacturer, or seller, all as defined in section
5743.01 of the Revised Code, an amount equal to the federal and
state excise taxes paid by any person on or for such cigarettes or
tobacco products under subtitle E of the Internal Revenue Code or
Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer,
exchange, or other disposition of motor fuel as "motor fuel" is
defined in section ~~5736.01~~ 5735.01 of the Revised Code, an amount
equal to the value of the motor fuel, including federal and state
motor fuel excise taxes and, if applicable to the motor fuel,
receipts from billing or invoicing the tax imposed under section
5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or
intoxicating liquor, as defined in section 4301.01 of the Revised
Code, by a person holding a permit issued under Chapter 4301. or
4303. of the Revised Code, an amount equal to federal and state
excise taxes paid by any person on or for such beer or
intoxicating liquor under subtitle E of the Internal Revenue Code
or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used
motor vehicle dealer, as defined in section 4517.01 of the Revised
Code, from the sale or other transfer of a motor vehicle, as
defined in that section, to another motor vehicle dealer for the
purpose of resale by the transferee motor vehicle dealer, but only
if the sale or other transfer was based upon the transferee's need
to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in

division (E)(3) of this section for services provided to the 8810
financial institution in connection with the issuance, processing, 8811
servicing, and management of loans or credit accounts, if such 8812
financial institution and the recipient of such receipts have at 8813
least fifty per cent of their ownership interests owned or 8814
controlled, directly or constructively through related interests, 8815
by common owners; 8816

(v) Receipts realized from administering anti-neoplastic 8817
drugs and other cancer chemotherapy, biologicals, therapeutic 8818
agents, and supportive drugs in a physician's office to patients 8819
with cancer; 8820

(w) Funds received or used by a mortgage broker that is not a 8821
dealer in intangibles, other than fees or other consideration, 8822
pursuant to a table-funding mortgage loan or warehouse-lending 8823
mortgage loan. Terms used in division (F)(2)(w) of this section 8824
have the same meanings as in section 1322.01 of the Revised Code, 8825
except "mortgage broker" means a person assisting a buyer in 8826
obtaining a mortgage loan for a fee or other consideration paid by 8827
the buyer or a lender, or a person engaged in table-funding or 8828
warehouse-lending mortgage loans that are first lien mortgage 8829
loans. 8830

(x) Property, money, and other amounts received by a 8831
professional employer organization, as defined in section 4125.01 8832
of the Revised Code, from a client employer, as defined in that 8833
section, in excess of the administrative fee charged by the 8834
professional employer organization to the client employer; 8835

(y) In the case of amounts retained as commissions by a 8836
permit holder under Chapter 3769. of the Revised Code, an amount 8837
equal to the amounts specified under that chapter that must be 8838
paid to or collected by the tax commissioner as a tax and the 8839
amounts specified under that chapter to be used as purse money; 8840

(z) Qualifying distribution center receipts. 8841

(i) For purposes of division (F)(2)(z) of this section: 8842

(I) "Qualifying distribution center receipts" means receipts 8843
of a supplier from qualified property that is delivered to a 8844
qualified distribution center, multiplied by a quantity that 8845
equals one minus the Ohio delivery percentage. If the qualified 8846
distribution center is a refining facility, "supplier" includes 8847
all dealers, brokers, processors, sellers, vendors, cosigners, and 8848
distributors of qualified property. 8849

(II) "Qualified property" means tangible personal property 8850
delivered to a qualified distribution center that is shipped to 8851
that qualified distribution center solely for further shipping by 8852
the qualified distribution center to another location in this 8853
state or elsewhere or, in the case of gold, silver, platinum, or 8854
palladium delivered to a refining facility solely for refining to 8855
a grade and fineness acceptable for delivery to a registered 8856
commodities exchange. "Further shipping" includes storing and 8857
repackaging property into smaller or larger bundles, so long as 8858
the property is not subject to further manufacturing or 8859
processing. "Refining" is limited to extracting impurities from 8860
gold, silver, platinum, or palladium through smelting or some 8861
other process at a refining facility. 8862

(III) "Qualified distribution center" means a warehouse, a 8863
facility similar to a warehouse, or a refining facility in this 8864
state that, for the qualifying year, is operated by a person that 8865
is not part of a combined taxpayer group and that has a qualifying 8866
certificate. All warehouses or facilities similar to warehouses 8867
that are operated by persons in the same taxpayer group and that 8868
are located within one mile of each other shall be treated as one 8869
qualified distribution center. All refining facilities that are 8870
operated by persons in the same taxpayer group and that are 8871
located in the same or adjacent counties may be treated as one 8872

qualified distribution center. 8873

(IV) "Qualifying year" means the calendar year to which the 8874
qualifying certificate applies. 8875

(V) "Qualifying period" means the period of the first day of 8876
July of the second year preceding the qualifying year through the 8877
thirtieth day of June of the year preceding the qualifying year. 8878

(VI) "Qualifying certificate" means the certificate issued by 8879
the tax commissioner after the operator of a distribution center 8880
files an annual application with the commissioner. The application 8881
and annual fee shall be filed and paid for each qualified 8882
distribution center on or before the first day of September before 8883
the qualifying year or within forty-five days after the 8884
distribution center opens, whichever is later. 8885

The applicant must substantiate to the commissioner's 8886
satisfaction that, for the qualifying period, all persons 8887
operating the distribution center have more than fifty per cent of 8888
the cost of the qualified property shipped to a location such that 8889
it would be situated outside this state under the provisions of 8890
division (E) of section 5751.033 of the Revised Code. The 8891
applicant must also substantiate that the distribution center 8892
cumulatively had costs from its suppliers equal to or exceeding 8893
five hundred million dollars during the qualifying period. (For 8894
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 8895
excludes any person that is part of the consolidated elected 8896
taxpayer group, if applicable, of the operator of the qualified 8897
distribution center.) The commissioner may require the applicant 8898
to have an independent certified public accountant certify that 8899
the calculation of the minimum thresholds required for a qualified 8900
distribution center by the operator of a distribution center has 8901
been made in accordance with generally accepted accounting 8902
principles. The commissioner shall issue or deny the issuance of a 8903
certificate within sixty days after the receipt of the 8904

application. A denial is subject to appeal under section 5717.02 8905
of the Revised Code. If the operator files a timely appeal under 8906
section 5717.02 of the Revised Code, the operator shall be granted 8907
a qualifying certificate effective for the remainder of the 8908
qualifying year or until the appeal is finalized, whichever is 8909
earlier. If the operator does not prevail in the appeal, the 8910
operator shall pay the ineligible operator's supplier tax 8911
liability. 8912

(VII) "Ohio delivery percentage" means the proportion of the 8913
total property delivered to a destination inside Ohio from the 8914
qualified distribution center during the qualifying period 8915
compared with total deliveries from such distribution center 8916
everywhere during the qualifying period. 8917

(VIII) "Refining facility" means one or more buildings 8918
located in a county in the Appalachian region of this state as 8919
defined by section 107.21 of the Revised Code and utilized for 8920
refining or smelting gold, silver, platinum, or palladium to a 8921
grade and fineness acceptable for delivery to a registered 8922
commodities exchange. 8923

(IX) "Registered commodities exchange" means a board of 8924
trade, such as New York mercantile exchange, inc. or commodity 8925
exchange, inc., designated as a contract market by the commodity 8926
futures trading commission under the "Commodity Exchange Act," 7 8927
U.S.C. 1 et seq., as amended. 8928

(X) "Ineligible operator's supplier tax liability" means an 8929
amount equal to the tax liability of all suppliers of a 8930
distribution center had the distribution center not been issued a 8931
qualifying certificate for the qualifying year. Ineligible 8932
operator's supplier tax liability shall not include interest or 8933
penalties. The tax commissioner shall determine an ineligible 8934
operator's supplier tax liability based on information that the 8935
commissioner may request from the operator of the distribution 8936

center. An operator shall provide a list of all suppliers of the 8937
distribution center and the corresponding costs of qualified 8938
property for the qualifying year at issue within sixty days of a 8939
request by the commissioner under this division. 8940

(ii)(I) If the distribution center is new and was not open 8941
for the entire qualifying period, the operator of the distribution 8942
center may request that the commissioner grant a qualifying 8943
certificate. If the certificate is granted and it is later 8944
determined that more than fifty per cent of the qualified property 8945
during that year was not shipped to a location such that it would 8946
be situated outside of this state under the provisions of division 8947
(E) of section 5751.033 of the Revised Code or if it is later 8948
determined that the person that operates the distribution center 8949
had average monthly costs from its suppliers of less than forty 8950
million dollars during that year, then the operator of the 8951
distribution center shall pay the ineligible operator's supplier 8952
tax liability. (For purposes of division (F)(2)(z)(ii) of this 8953
section, "supplier" excludes any person that is part of the 8954
consolidated elected taxpayer group, if applicable, of the 8955
operator of the qualified distribution center.) 8956

(II) The commissioner may grant a qualifying certificate to a 8957
distribution center that does not qualify as a qualified 8958
distribution center for an entire qualifying period if the 8959
operator of the distribution center demonstrates that the business 8960
operations of the distribution center have changed or will change 8961
such that the distribution center will qualify as a qualified 8962
distribution center within thirty-six months after the date the 8963
operator first applies for a certificate. If, at the end of that 8964
thirty-six-month period, the business operations of the 8965
distribution center have not changed such that the distribution 8966
center qualifies as a qualified distribution center, the operator 8967
of the distribution center shall pay the ineligible operator's 8968

supplier tax liability for each year that the distribution center 8969
received a certificate but did not qualify as a qualified 8970
distribution center. For each year the distribution center 8971
receives a certificate under division (F)(2)(z)(ii)(II) of this 8972
section, the distribution center shall pay all applicable fees 8973
required under division (F)(2)(z) of this section and shall submit 8974
an updated business plan showing the progress the distribution 8975
center made toward qualifying as a qualified distribution center 8976
during the preceding year. 8977

(III) An operator may appeal a determination under division 8978
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 8979
operator is liable for the operator's supplier tax liability as a 8980
result of not qualifying as a qualified distribution center, as 8981
provided in section 5717.02 of the Revised Code. 8982

(iii) When filing an application for a qualifying certificate 8983
under division (F)(2)(z)(i)(VI) of this section, the operator of a 8984
qualified distribution center also shall provide documentation, as 8985
the commissioner requires, for the commissioner to ascertain the 8986
Ohio delivery percentage. The commissioner, upon issuing the 8987
qualifying certificate, also shall certify the Ohio delivery 8988
percentage. The operator of the qualified distribution center may 8989
appeal the commissioner's certification of the Ohio delivery 8990
percentage in the same manner as an appeal is taken from the 8991
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 8992
of this section. 8993

(iv)(I) In the case where the distribution center is new and 8994
not open for the entire qualifying period, the operator shall make 8995
a good faith estimate of an Ohio delivery percentage for use by 8996
suppliers in their reports of taxable gross receipts for the 8997
remainder of the qualifying period. The operator of the facility 8998
shall disclose to the suppliers that such Ohio delivery percentage 8999
is an estimate and is subject to recalculation. By the due date of 9000

the next application for a qualifying certificate, the operator 9001
shall determine the actual Ohio delivery percentage for the 9002
estimated qualifying period and proceed as provided in division 9003
(F)(2)(z)(iii) of this section with respect to the calculation and 9004
recalculation of the Ohio delivery percentage. The supplier is 9005
required to file, within sixty days after receiving notice from 9006
the operator of the qualified distribution center, amended reports 9007
for the impacted calendar quarter or quarters or calendar year, 9008
whichever the case may be. Any additional tax liability or tax 9009
overpayment shall be subject to interest but shall not be subject 9010
to the imposition of any penalty so long as the amended returns 9011
are timely filed. 9012

(II) The operator of a distribution center that receives a 9013
qualifying certificate under division (F)(2)(z)(ii)(II) of this 9014
section shall make a good faith estimate of the Ohio delivery 9015
percentage that the operator estimates will apply to the 9016
distribution center at the end of the thirty-six-month period 9017
after the operator first applied for a qualifying certificate 9018
under that division. The result of the estimate shall be 9019
multiplied by a factor of one and seventy-five one-hundredths. The 9020
product of that calculation shall be the Ohio delivery percentage 9021
used by suppliers in their reports of taxable gross receipts for 9022
each qualifying year that the distribution center receives a 9023
qualifying certificate under division (F)(2)(z)(ii)(II) of this 9024
section, except that, if the product is less than five per cent, 9025
the Ohio delivery percentage used shall be five per cent and that, 9026
if the product exceeds forty-nine per cent, the Ohio delivery 9027
percentage used shall be forty-nine per cent. 9028

(v) Qualifying certificates and Ohio delivery percentages 9029
issued by the commissioner shall be open to public inspection and 9030
shall be timely published by the commissioner. A supplier relying 9031
in good faith on a certificate issued under this division shall 9032

not be subject to tax on the qualifying distribution center 9033
receipts under division (F)(2)(z) of this section. An operator 9034
receiving a qualifying certificate is liable for the ineligible 9035
operator's supplier tax liability for each year the operator 9036
received a certificate but did not qualify as a qualified 9037
distribution center. 9038

(vi) The annual fee for a qualifying certificate shall be one 9039
hundred thousand dollars for each qualified distribution center. 9040
If a qualifying certificate is not issued, the annual fee is 9041
subject to refund after the exhaustion of all appeals provided for 9042
in division (F)(2)(z)(i)(VI) of this section. The first one 9043
hundred thousand dollars of the annual application fees collected 9044
each calendar year shall be credited to the revenue enhancement 9045
fund. The remainder of the annual application fees collected shall 9046
be distributed in the same manner required under section 5751.20 9047
of the Revised Code. 9048

(vii) The tax commissioner may require that adequate security 9049
be posted by the operator of the distribution center on appeal 9050
when the commissioner disagrees that the applicant has met the 9051
minimum thresholds for a qualified distribution center as set 9052
forth in division (F)(2)(z) of this section. 9053

(aa) Receipts of an employer from payroll deductions relating 9054
to the reimbursement of the employer for advancing moneys to an 9055
unrelated third party on an employee's behalf; 9056

(bb) Cash discounts allowed and taken; 9057

(cc) Returns and allowances; 9058

(dd) Bad debts from receipts on the basis of which the tax 9059
imposed by this chapter was paid in a prior quarterly tax payment 9060
period. For the purpose of this division, "bad debts" means any 9061
debts that have become worthless or uncollectible between the 9062
preceding and current quarterly tax payment periods, have been 9063

uncollected for at least six months, and that may be claimed as a 9064
deduction under section 166 of the Internal Revenue Code and the 9065
regulations adopted under that section, or that could be claimed 9066
as such if the taxpayer kept its accounts on the accrual basis. 9067
"Bad debts" does not include repossessed property, uncollectible 9068
amounts on property that remains in the possession of the taxpayer 9069
until the full purchase price is paid, or expenses in attempting 9070
to collect any account receivable or for any portion of the debt 9071
recovered; 9072

(ee) Any amount realized from the sale of an account 9073
receivable to the extent the receipts from the underlying 9074
transaction giving rise to the account receivable were included in 9075
the gross receipts of the taxpayer; 9076

(ff) Any receipts directly attributed to a transfer agreement 9077
or to the enterprise transferred under that agreement under 9078
section 4313.02 of the Revised Code. 9079

(gg)(i) As used in this division: 9080

(I) "Qualified uranium receipts" means receipts from the 9081
sale, exchange, lease, loan, production, processing, or other 9082
disposition of uranium within a uranium enrichment zone certified 9083
by the tax commissioner under division (F)(2)(gg)(ii) of this 9084
section. "Qualified uranium receipts" does not include any 9085
receipts with a situs in this state outside a uranium enrichment 9086
zone certified by the tax commissioner under division 9087
(F)(2)(gg)(ii) of this section. 9088

(II) "Uranium enrichment zone" means all real property that 9089
is part of a uranium enrichment facility licensed by the United 9090
States nuclear regulatory commission and that was or is owned or 9091
controlled by the United States department of energy or its 9092
successor. 9093

(ii) Any person that owns, leases, or operates real or 9094

tangible personal property constituting or located within a 9095
uranium enrichment zone may apply to the tax commissioner to have 9096
the uranium enrichment zone certified for the purpose of excluding 9097
qualified uranium receipts under division (F)(2)(gg) of this 9098
section. The application shall include such information that the 9099
tax commissioner prescribes. Within sixty days after receiving the 9100
application, the tax commissioner shall certify the zone for that 9101
purpose if the commissioner determines that the property qualifies 9102
as a uranium enrichment zone as defined in division (F)(2)(gg) of 9103
this section, or, if the tax commissioner determines that the 9104
property does not qualify, the commissioner shall deny the 9105
application or request additional information from the applicant. 9106
If the tax commissioner denies an application, the commissioner 9107
shall state the reasons for the denial. The applicant may appeal 9108
the denial of an application to the board of tax appeals pursuant 9109
to section 5717.02 of the Revised Code. If the applicant files a 9110
timely appeal, the tax commissioner shall conditionally certify 9111
the applicant's property. The conditional certification shall 9112
expire when all of the applicant's appeals are exhausted. Until 9113
final resolution of the appeal, the applicant shall retain the 9114
applicant's records in accordance with section 5751.12 of the 9115
Revised Code, notwithstanding any time limit on the preservation 9116
of records under that section. 9117

(hh) In the case of amounts collected by a licensed casino 9118
operator from casino gaming, amounts in excess of the casino 9119
operator's gross casino revenue. In this division, "casino 9120
operator" and "casino gaming" have the meanings defined in section 9121
3772.01 of the Revised Code, and "gross casino revenue" has the 9122
meaning defined in section 5753.01 of the Revised Code. 9123

(ii) Receipts realized from the sale of agricultural 9124
commodities by an agricultural commodity handler, both as defined 9125
in section 926.01 of the Revised Code, that is licensed by the 9126

director of agriculture to handle agricultural commodities in this state. 9127
9128

(jj) Qualifying integrated supply chain receipts. 9129

As used in division (F)(2)(jj) of this section: 9130

(i) "Qualifying integrated supply chain receipts" means 9131
receipts of a qualified integrated supply chain vendor from the 9132
sale of qualified property delivered to, or integrated supply 9133
chain services provided to, another qualified integrated supply 9134
chain vendor or to a retailer that is a member of the integrated 9135
supply chain. "Qualifying integrated supply chain receipts" does 9136
not include receipts of a person that is not a qualified 9137
integrated supply chain vendor from the sale of raw materials to a 9138
member of an integrated supply chain, or receipts of a member of 9139
an integrated supply chain from the sale of qualified property or 9140
integrated supply chain services to a person that is not a member 9141
of the integrated supply chain. 9142

(ii) "Qualified property" means any of the following: 9143

(I) Component parts used to hold, contain, package, or 9144
dispense qualified products, excluding equipment; 9145

(II) Work-in-process inventory that will become, comprise, or 9146
form a component part of a qualified product capable of being sold 9147
at retail, excluding equipment, machinery, furniture, and 9148
fixtures; 9149

(III) Finished goods inventory that is a qualified product 9150
capable of being sold at retail in the inventory's present form. 9151

(iii) "Qualified integrated supply chain vendor" means a 9152
person that is a member of an integrated supply chain and that 9153
provides integrated supply chain services within a qualified 9154
integrated supply chain district to a retailer that is a member of 9155
the integrated supply chain or to another qualified integrated 9156

supply chain vendor that is located within the same such district 9157
as the person but does not share a common owner with that person. 9158

(iv) "Qualified product" means a personal care, health, or 9159
beauty product or an aromatic product, including a candle. 9160
"Qualified product" does not include a drug that may be dispensed 9161
only pursuant to a prescription, durable medical equipment, 9162
mobility enhancing equipment, or a prosthetic device, as those 9163
terms are defined in section 5739.01 of the Revised Code. 9164

(v) "Integrated supply chain" means two or more qualified 9165
integrated supply chain vendors certified on the most recent list 9166
certified to the tax commissioner under this division that 9167
systematically collaborate and coordinate business operations with 9168
a retailer on the flow of tangible personal property from material 9169
sourcing through manufacturing, assembly, packaging, and delivery 9170
to the retailer to improve long-term financial performance of each 9171
vendor and the supply chain that includes the retailer. 9172

For the purpose of the certification required under this 9173
division, the reporting person for each retailer, on or before the 9174
first day of October of each year, shall certify to the tax 9175
commissioner a list of the qualified integrated supply chain 9176
vendors providing or receiving integrated supply chain services 9177
within a qualified integrated supply chain district for the 9178
ensuing calendar year. On or before the following first day of 9179
November, the commissioner shall issue a certificate to the 9180
retailer and to each vendor certified to the commissioner on that 9181
list. The certificate shall include the names of the retailer and 9182
of the qualified integrated supply chain vendors. 9183

The retailer shall notify the commissioner of any changes to 9184
the list, including additions to or subtractions from the list or 9185
changes in the name or legal entity of vendors certified on the 9186
list, within sixty days after the date the retailer becomes aware 9187
of the change. Within thirty days after receiving that 9188

notification, the commissioner shall issue a revised certificate 9189
to the retailer and to each vendor certified on the list. The 9190
revised certificate shall include the effective date of the 9191
change. 9192

Each recipient of a certificate issued pursuant to this 9193
division shall maintain a copy of the certificate for four years 9194
from the date the certificate was received. 9195

(vi) "Integrated supply chain services" means procuring raw 9196
materials or manufacturing, processing, refining, assembling, 9197
packaging, or repackaging tangible personal property that will 9198
become finished goods inventory capable of being sold at retail by 9199
a retailer that is a member of an integrated supply chain. 9200

(vii) "Retailer" means a person primarily engaged in making 9201
retail sales and any member of that person's consolidated elected 9202
taxpayer group or combined taxpayer group, whether or not that 9203
member is primarily engaged in making retail sales. 9204

(viii) "Qualified integrated supply chain district" means the 9205
parcel or parcels of land from which a retailer's integrated 9206
supply chain that existed on September 29, 2015, provides or 9207
receives integrated supply chain services, and to which all of the 9208
following apply: 9209

(I) The parcel or parcels are located wholly in a county 9210
having a population of greater than one hundred sixty-five 9211
thousand but less than one hundred seventy thousand based on the 9212
2010 federal decennial census. 9213

(II) The parcel or parcels are located wholly in the 9214
corporate limits of a municipal corporation with a population 9215
greater than seven thousand five hundred and less than eight 9216
thousand based on the 2010 federal decennial census that is partly 9217
located in the county described in division (F)(2)(jj)(viii)(I) of 9218
this section, as those corporate limits existed on September 29, 9219

2015.	9220
(III) The aggregate acreage of the parcel or parcels equals	9221
or exceeds one hundred acres.	9222
(kk) In the case of a railroad company described in division	9223
(D)(9) of section 5727.01 of the Revised Code that purchases dyed	9224
diesel fuel directly from a supplier as defined by section 5736.01	9225
of the Revised Code, an amount equal to the product of the number	9226
of gallons of dyed diesel fuel purchased directly from such a	9227
supplier multiplied by the average wholesale price for a gallon of	9228
diesel fuel as determined under section 5736.02 of the Revised	9229
Code for the period during which the fuel was purchased multiplied	9230
by a fraction, the numerator of which equals the rate of tax	9231
levied by section 5736.02 of the Revised Code less the rate of tax	9232
computed in section 5751.03 of the Revised Code, and the	9233
denominator of which equals the rate of tax computed in section	9234
5751.03 of the Revised Code.	9235
(ll) Receipts realized by an out-of-state disaster business	9236
from disaster work conducted in this state during a disaster	9237
response period pursuant to a qualifying solicitation received by	9238
the business. Terms used in this division (F)(2)(ll) <u>of this</u>	9239
<u>section</u> have the same meanings as in section 5703.94 of the	9240
Revised Code.	9241
(mm) Any receipts for which the tax imposed by this chapter	9242
is prohibited by the constitution or laws of the United States or	9243
the constitution of this state.	9244
(3) In the case of a taxpayer when acting as a real estate	9245
broker, "gross receipts" includes only the portion of any fee for	9246
the service of a real estate broker, or service of a real estate	9247
salesperson associated with that broker, that is retained by the	9248
broker and not paid to an associated real estate salesperson or	9249
another real estate broker. For the purposes of this division,	9250

"real estate broker" and "real estate salesperson" have the same 9251
meanings as in section 4735.01 of the Revised Code. 9252

(4) A taxpayer's method of accounting for gross receipts for 9253
a tax period shall be the same as the taxpayer's method of 9254
accounting for federal income tax purposes for the taxpayer's 9255
federal taxable year that includes the tax period. If a taxpayer's 9256
method of accounting for federal income tax purposes changes, its 9257
method of accounting for gross receipts under this chapter shall 9258
be changed accordingly. 9259

(G) "Taxable gross receipts" means gross receipts sitused to 9260
this state under section 5751.033 of the Revised Code. 9261

(H) A person has "substantial nexus with this state" if any 9262
of the following applies. The person: 9263

(1) Owns or uses a part or all of its capital in this state; 9264

(2) Holds a certificate of compliance with the laws of this 9265
state authorizing the person to do business in this state; 9266

(3) Has bright-line presence in this state; 9267

(4) Otherwise has nexus with this state to an extent that the 9268
person can be required to remit the tax imposed under this chapter 9269
under the Constitution of the United States. 9270

(I) A person has "bright-line presence" in this state for a 9271
reporting period and for the remaining portion of the calendar 9272
year if any of the following applies. The person: 9273

(1) Has at any time during the calendar year property in this 9274
state with an aggregate value of at least fifty thousand dollars. 9275
For the purpose of division (I)(1) of this section, owned property 9276
is valued at original cost and rented property is valued at eight 9277
times the net annual rental charge. 9278

(2) Has during the calendar year payroll in this state of at 9279
least fifty thousand dollars. Payroll in this state includes all 9280

of the following:	9281
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	9282 9283
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	9284 9285 9286
(c) Any amount the person pays for services performed in this state on its behalf by another.	9287 9288
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	9289 9290
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	9291 9292 9293
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	9294 9295
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	9296 9297
(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.	9298 9299 9300 9301 9302 9303 9304 9305
(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.	9306 9307 9308
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax	9309 9310

imposed under this chapter.	9311
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	9312 9313
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	9314 9315
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	9316 9317 9318
(1) A person receiving a fee to sell financial instruments;	9319
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	9320 9321 9322
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	9323 9324
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	9325 9326
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	9327 9328
(Q) "Received" includes amounts accrued under the accrual method of accounting.	9329 9330
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	9331 9332 9333 9334 9335 9336 9337
Section 101.02. That existing sections 9.54, 107.03, 119.14, 122.14, 164.08, 307.86, 505.267, 505.71, 723.52, 723.53, 1349.61,	9338 9339

3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 9340
4501.01, 4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 9341
4506.09, 4506.11, 4506.17, 4507.01, 4507.06, 4507.13, 4507.23, 9342
4507.50, 4507.51, 4507.52, 4509.101, 4510.04, 4511.21, 4511.521, 9343
4511.76, 4513.263, 4513.34, 4549.10, 4582.12, 4582.31, 5501.21, 9344
5501.41, 5543.19, 5575.01, 5577.15, 5735.01, 5735.011, 5735.05, 9345
5735.051, 5735.053, 5735.142, 5735.27, 5736.01, and 5751.01 of the 9346
Revised Code are hereby repealed. 9347

Section 105.01. That section 9.57 of the Revised Code is 9348
hereby repealed. 9349

Section 201.10. Except as otherwise provided in this act, all 9350
appropriation items in this act are appropriated out of any moneys 9351
in the state treasury to the credit of the designated fund that 9352
are not otherwise appropriated. For all appropriations made in 9353
this act, the amounts in the first column are for fiscal year 2020 9354
and the amounts in the second column are for fiscal year 2021. 9355

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 9356
Highway Operating Fund Group 9357
2120 772426 Highway \$ 5,000,000 \$ 5,000,000 9358
Infrastructure Bank -
Federal
2120 772427 Highway \$ 15,250,000 \$ 15,250,000 9359
Infrastructure Bank -
State
2120 772430 Infrastructure Debt \$ 600,000 \$ 600,000 9360
Reserve Title 23-49
2130 772431 Roadway \$ 3,500,000 \$ 3,500,000 9361
Infrastructure Bank -
State

2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000	9362
2130	777477	Aviation Infrastructure Bank - State	\$	2,000,000	\$	2,000,000	9363
7002	770003	Transportation Facilities Lease Rental Bond Payments	\$	17,658,600	\$	20,798,000	9364
7002	771411	Planning and Research - State	\$	27,591,086	\$	28,089,039	9365
7002	771412	Planning and Research - Federal	\$	41,742,250	\$	41,742,251	9366
7002	772421	Highway Construction - State	\$	674,734,023	\$	850,604,799	9367
7002	772422	Highway Construction - Federal	\$	1,217,078,291	\$	1,232,839,103	9368
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	9369
7002	772437	Major New State Infrastructure Bond Debt Service - State	\$	27,462,900	\$	24,972,600	9370
7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$	162,741,000	\$	151,352,500	9371
7002	773431	Highway Maintenance - State	\$	603,832,334	\$	595,209,104	9372
7002	775452	Public Transportation - Federal	\$	35,143,571	\$	35,846,442	9373
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	9374
7002	776462	Grade Crossings - Federal	\$	14,172,000	\$	14,172,000	9375

7002 777472	Airport Improvements	\$	405,000	\$	405,000	9376
	- Federal					
7002 777475	Aviation	\$	7,110,974	\$	7,304,945	9377
	Administration					
7002 779491	Administration -	\$	107,815,669	\$	112,116,608	9378
	State					
TOTAL HOF Highway Operating						9379
Fund Group			\$ 3,045,987,698	\$ 3,223,952,391		9380
Dedicated Purpose Fund Group						9381
4N40 776664	Rail Transportation -	\$	2,875,800	\$	2,875,800	9382
	Other					
5W90 777615	County Airport	\$	620,000	\$	620,000	9383
	Maintenance					
TOTAL DPF Dedicated Purpose						9384
Fund Group			\$ 3,495,800	\$ 3,495,800		9385
Capital Projects Fund Group						9386
7042 772723	Highway Construction	\$	65,000,000	\$	65,000,000	9387
	- Bonds					
7045 772428	Highway	\$	40,652,556	\$	56,101,265	9388
	Infrastructure Bank -					
	Bonds					
TOTAL CPF Capital Projects						9389
Fund Group			\$ 105,652,556	\$ 121,101,265		9390
TOTAL ALL BUDGET FUND GROUPS			\$ 3,155,136,054	\$ 3,348,549,456		9391

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 9392

PAYMENTS 9393

The foregoing appropriation item 770003, Transportation 9394
 Facilities Lease Rental Bond Payments, shall be used to meet all 9395
 payments during the period from July 1, 2019, through June 30, 9396
 2021, by the Department of Transportation pursuant to the leases 9397
 and agreements for facilities made under Chapter 154. of the 9398

Revised Code. These appropriations are the source of funds pledged 9399
for bond service charges on related obligations issued under 9400
Chapter 154. of the Revised Code. 9401

Should the appropriation in appropriation item 770003, 9402
Transportation Facilities Lease Rental Bond Payments, exceed the 9403
associated debt service payments in either fiscal year of the 9404
biennium ending June 30, 2021, then the balance may be transferred 9405
to appropriation item 772421, Highway Construction - State, 9406
773431, Highway Maintenance - State, or 779491, Administration - 9407
State, upon the written request of the Director of Transportation 9408
and with the approval of the Director of Budget and Management. 9409
The transfers are hereby appropriated and shall be reported to the 9410
Controlling Board. 9411

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 9412
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 9413

(A) Notwithstanding section 5511.06 of the Revised Code, the 9414
Director of Transportation shall, in each fiscal year of the 9415
biennium ending June 30, 2021, determine portions of the foregoing 9416
appropriation item 772421, Highway Construction - State, which 9417
shall be used for the construction, reconstruction, or maintenance 9418
of public access roads, including support features, to and within 9419
state facilities owned or operated by the Department of Natural 9420
Resources. 9421

(B) Notwithstanding section 5511.06 of the Revised Code, of 9422
the foregoing appropriation item 772421, Highway Construction - 9423
State, \$2,562,000 in each fiscal year shall be used for the 9424
construction, reconstruction, or maintenance of park drives or 9425
park roads within the boundaries of metropolitan parks. 9426

(C) The Department of Transportation may use the foregoing 9427
appropriation item 772421, Highway Construction - State, to 9428
perform: 9429

(1) Related road work on behalf of the Ohio Expositions 9430
Commission at the state fairgrounds, including reconstruction or 9431
maintenance of public access roads and support features to and 9432
within fairgrounds facilities, as requested by the Commission and 9433
approved by the Director of Transportation; and 9434

(2) Related road work on behalf of the Ohio History 9435
Connection, including reconstruction or maintenance of public 9436
access roads and support features to and within Ohio History 9437
Connection facilities, as requested by the Ohio History Connection 9438
and approved by the Director of Transportation. 9439

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 9440

(A) Of the foregoing appropriation item 772421, Highway 9441
Construction - State, \$4,500,000 in each fiscal year shall be made 9442
available for distribution by the Director of Transportation to 9443
Transportation Improvement Districts that have facilitated funding 9444
for the cost of a project or projects in conjunction with and 9445
through other governmental agencies. 9446

(B) A Transportation Improvement District shall submit 9447
requests for project funding to the Ohio Department of 9448
Transportation not later than the first day of September in each 9449
fiscal year. The Ohio Department of Transportation shall notify 9450
the Transportation Improvement District whether the Department has 9451
approved or disapproved the project funding request within 90 days 9452
after the day the request was submitted by the Transportation 9453
Improvement District. 9454

(C) Any funding provided to a Transportation Improvement 9455
District specified in this section shall not be used for the 9456
purposes of administrative costs or administrative staffing and 9457
must be used to fund a specific project or projects within that 9458
District's area. The total amount of a specific project's cost 9459
shall not be fully funded by the amount of funds provided under 9460

this section. The total amount of funding provided for each 9461
project is limited to 25% of total project costs not to exceed 9462
\$250,000 per fiscal year. Transportation Improvement Districts 9463
that are co-sponsoring a specific project may individually apply 9464
for up to \$250,000 for that project. However, not more than 25% of 9465
a project's total costs per biennium shall be funded through 9466
moneys provided under this section. 9467

(D) Funding provided under this section may be used for 9468
preliminary engineering, detailed design, right-of-way 9469
acquisition, and construction of the specific project and such 9470
other project costs that are defined in section 5540.01 of the 9471
Revised Code and approved by the Director of Transportation. Upon 9472
receipt of a copy of an invoice for work performed on the specific 9473
project, the Director of Transportation shall reimburse a 9474
Transportation Improvement District for the expenditures described 9475
above, subject to the requirements of this section. 9476

(E) Any Transportation Improvement District that is 9477
requesting funds under this section shall register with the 9478
Director of Transportation. The Director of Transportation shall 9479
register a Transportation Improvement District only if the 9480
district has a specific, eligible project and may cancel the 9481
registration of a Transportation Improvement District that is not 9482
eligible to receive funds under this section. The Director shall 9483
not provide funds to any Transportation Improvement District under 9484
this section if the district is not registered. The Director of 9485
Transportation shall not register a Transportation Improvement 9486
District and shall cancel the registration of a currently 9487
registered Transportation Improvement District unless at least one 9488
of the following applies: 9489

(1) The Transportation Improvement District, by a resolution 9490
or resolutions, designated a project or program of projects and 9491
facilitated, including in conjunction with and through other 9492

governmental agencies, funding for costs of a project or program 9493
of projects in an aggregate amount of not less than \$10,000,000 9494
within the eight-year period commencing January 1, 2005. 9495

(2) The Transportation Improvement District, by a resolution 9496
or resolutions, designated a project or program of projects and 9497
facilitated, including in conjunction with and through other 9498
governmental agencies, funding for costs of a project or program 9499
of projects in an aggregate amount of not less than \$15,000,000 9500
from the commencement date of the project or program of projects. 9501

(3) The Transportation Improvement District has designated, 9502
by a resolution or resolutions, a project or program of projects 9503
that has estimated aggregate costs in excess of \$10,000,000 and 9504
the County Engineer of the county in which the Transportation 9505
Improvement District is located has attested by a sworn affidavit 9506
that the costs of the project or program of projects exceeds 9507
\$10,000,000 and that the Transportation Improvement District is 9508
facilitating a portion of funding for that project or program of 9509
projects. 9510

(F) For purposes of this section: 9511

(1) "Project" shall have the same meaning as in division (D) 9512
of section 5540.01 of the Revised Code. 9513

(2) "Governmental agency" shall have the same meaning as in 9514
division (B) of section 5540.01 of the Revised Code. 9515

(3) "Cost" shall have the same meaning as in division (C) of 9516
section 5540.01 of the Revised Code. 9517

Section 203.43. FLEXIBLE FHWA FUNDING FOR PUBLIC 9518
TRANSPORTATION 9519

(A) Of the foregoing appropriation item 772422, Highway 9520
Construction - Federal, \$100,000,000 in each fiscal year shall be 9521
used to support public transportation through the Federal Highway 9522

Administration (FHWA) flexible funding program. 9523

(B) Of the amount allocated under division (A) of this 9524
section from the foregoing appropriation item 772422, Highway 9525
Construction - Federal, \$18,500,000 in each fiscal year shall be 9526
allocated to the five transit systems with the highest level of 9527
elderly and disabled ridership, provided that the amount allocated 9528
to each transit system is proportional to the elderly and disabled 9529
ridership in the system divided by the aggregate total of elderly 9530
and disabled ridership among those five transit systems. 9531

Section 203.50. BOND ISSUANCE AUTHORIZATION 9532

The Treasurer of State, upon the request of the Director of 9533
Transportation, is authorized to issue and sell, in accordance 9534
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9535
151. and particularly sections 151.01 and 151.06 of the Revised 9536
Code, obligations, including bonds and notes, in the aggregate 9537
amount of \$57,000,000 in addition to the original issuance of 9538
obligations authorized by prior acts of the General Assembly. 9539

The obligations shall be issued and sold from time to time in 9540
amounts necessary to provide sufficient moneys to the credit of 9541
the Highway Capital Improvement Fund (Fund 7042) created by 9542
section 5528.53 of the Revised Code to pay costs charged to the 9543
fund when due as estimated by the Director of Transportation, 9544
provided, however, that not more than \$220,000,000 original 9545
principal amount of obligations, plus the principal amount of 9546
obligations that in prior fiscal years could have been, but were 9547
not, issued within the \$220,000,000 limit, may be issued in any 9548
fiscal year, and not more than \$1,200,000,000 original principal 9549
amount of such obligations are outstanding at any one time. 9550

Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS, 9551
APPROPRIATION INCREASES, REAPPROPRIATIONS, AND CASH TRANSFERS 9552

TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) 9553
APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9554
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9555
ADMINISTRATION 9556

The Director of Transportation may request the Controlling 9557
Board to approve of the transfer of Highway Operating Fund (Fund 9558
7002) appropriations for planning and research (appropriation 9559
items 771411 and 771412), highway construction and debt service 9560
(appropriation items 772421, 772422, 772424, 772425, 772437, 9561
772438, and 770003), highway maintenance (appropriation item 9562
773431), public transportation - federal (appropriation item 9563
775452), elderly and disabled special equipment (appropriation 9564
item 775459), rail grade crossings (appropriation item 776462), 9565
aviation (appropriation item 777475), and administration 9566
(appropriation item 779491). The Director of Transportation may 9567
not seek requests of transfers out of debt service appropriation 9568
items unless the Director determines that the appropriated amounts 9569
exceed the actual and projected debt service requirements. 9570

This transfer request authorization is intended to provide 9571
for emergency situations or for the purchase of goods and services 9572
relating to dangerous inclement weather that arise during the 9573
biennium ending June 30, 2021. It also is intended to allow the 9574
department to adjust to circumstances affecting the obligation and 9575
expenditure of federal funds. 9576

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9577
AVIATION, AND RAIL AND LOCAL TRANSIT 9578

The Director of Transportation may request the Controlling 9579
Board to approve of the transfer of appropriations between 9580
appropriation items 772422, Highway Construction - Federal, 9581
775452, Public Transportation - Federal, 775454, Public 9582
Transportation - Other, 775459, Elderly and Disabled Special 9583
Equipment, 776475, Federal Rail Administration, and 777472, 9584

Airport Improvements - Federal.	9585
TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	9586
BANK	9587
The Director of Transportation may request the Controlling	9588
Board to approve of the transfer of appropriations and cash of the	9589
Infrastructure Bank funds created in section 5531.09 of the	9590
Revised Code, including transfers between fiscal years 2020 and	9591
2021.	9592
The Director of Transportation may request the Controlling	9593
Board to approve of the transfer of appropriations and cash from	9594
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank	9595
funds created in section 5531.09 of the Revised Code. The Director	9596
of Budget and Management may transfer from the Infrastructure Bank	9597
funds to the Highway Operating Fund up to the amounts originally	9598
transferred to the Infrastructure Bank funds under this section.	9599
However, the Director may not make transfers between modes or	9600
transfers between different funding sources.	9601
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	9602
The Director of Transportation may request the Controlling	9603
Board to approve of the transfer of appropriations and cash of the	9604
Ohio Toll Fund and any subaccounts created in section 5531.14 of	9605
the Revised Code, including transfers between fiscal years 2020	9606
and 2021.	9607
INCREASING APPROPRIATIONS: STATE FUNDS	9608
In the event that receipts or unexpended balances credited to	9609
the Highway Operating Fund (Fund 7002) exceed the estimates upon	9610
which the appropriations have been made in this act, upon the	9611
request of the Director of Transportation, the Controlling Board	9612
may increase those appropriations in the manner prescribed in	9613
section 131.35 of the Revised Code.	9614

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 9615

In the event that receipts or unexpended balances credited to 9616
the Highway Operating Fund (Fund 7002) or apportionments or 9617
allocations made available from the federal and local government 9618
exceed the estimates upon which the appropriations have been made 9619
in this act, upon the request of the Director of Transportation, 9620
the Controlling Board may increase those appropriations in the 9621
manner prescribed in section 131.35 of the Revised Code. 9622

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE 9623
HIGHWAY CAPITAL IMPROVEMENT FUND 9624

Upon the request of the Director of Transportation, the 9625
Director of Budget and Management may transfer cash from the 9626
Highway Operating Fund (Fund 7002) to the Highway Capital 9627
Improvement Fund (Fund 7042) created in section 5528.53 of the 9628
Revised Code. The Director of Budget and Management may transfer 9629
cash from Fund 7042 to Fund 7002 up to the amount of cash 9630
previously transferred to Fund 7042 under this section. 9631

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 9632

On July 1, 2019, and on January 1, 2020, or as soon as 9633
possible thereafter, respectively, the Director of Budget and 9634
Management shall transfer \$200,000 in cash, for each period, from 9635
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9636
General for ODOT Fund (Fund 5FA0). 9637

On July 1, 2020, and on January 1, 2021, or as soon as 9638
possible thereafter, respectively, the Director of Budget and 9639
Management shall transfer \$200,000 in cash, for each period, from 9640
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 9641
General for ODOT Fund (Fund 5FA0). Should additional amounts be 9642
necessary, the Inspector General, with the consent of the Director 9643
of Budget and Management, may seek Controlling Board approval for 9644
additional transfers of cash and to increase the amount 9645

appropriated from appropriation item 965603, Deputy Inspector 9646
General for ODOT, in the amount of the additional cash transfers. 9647

REAPPROPRIATIONS 9648

In each fiscal year of the biennium ending June 30, 2021, the 9649
Director of Transportation may request that the Director of Budget 9650
and Management transfer any remaining unencumbered balances of 9651
prior years' appropriations to the Highway Operating Fund (Fund 9652
7002), the Highway Capital Improvement Fund (Fund 7042), and the 9653
Infrastructure Bank funds created in section 5531.09 of the 9654
Revised Code for the same purpose in the following fiscal year. In 9655
the request, the Director of Transportation shall identify the 9656
appropriate fund and appropriation item of the transfer, and the 9657
requested transfer amount. The Director of Budget and Management 9658
may request additional information necessary for evaluating the 9659
transfer request, and the Director of Transportation shall provide 9660
the requested information to the Director of Budget and 9661
Management. Based on the information provided by the Director of 9662
Transportation, the Director of Budget and Management shall 9663
determine the amount to be transferred by fund and appropriation 9664
item, and those amounts are hereby reappropriated. The Director of 9665
Transportation shall report the reappropriations to the 9666
Controlling Board. 9667

Any balances of prior years' unencumbered appropriations to 9668
the Highway Operating Fund (Fund 7002), the Highway Capital 9669
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 9670
created in section 5531.09 of the Revised Code for which the 9671
Director of Transportation requests reappropriations, and for 9672
which reappropriations are approved by the Director of Budget and 9673
Management, are subject to the availability of revenue as 9674
determined by the Director of Transportation. 9675

LIQUIDATION OF UNFORESEEN LIABILITIES 9676

Any appropriation made from the Highway Operating Fund (Fund 9677
7002) not otherwise restricted by law is available to liquidate 9678
unforeseen liabilities arising from contractual agreements of 9679
prior years when the prior year encumbrance is insufficient. 9680

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 9681

The Director of Transportation may remove snow and ice and 9682
maintain, repair, improve, or provide lighting upon interstate 9683
highways that are located within the boundaries of municipal 9684
corporations, in a manner adequate to meet the requirements of 9685
federal law. When agreed in writing by the Director of 9686
Transportation and the legislative authority of a municipal 9687
corporation and notwithstanding sections 125.01 and 125.11 of the 9688
Revised Code, the Department of Transportation may reimburse a 9689
municipal corporation for all or any part of the costs, as 9690
provided by such agreement, incurred by the municipal corporation 9691
in maintaining, repairing, lighting, and removing snow and ice 9692
from the interstate system. 9693

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9694

The Director of Transportation may use revenues from the 9695
state motor vehicle fuel tax to match approved federal grants 9696
awarded to the Department of Transportation, regional transit 9697
authorities, or eligible public transportation systems, for public 9698
transportation highway purposes, or to support local or state 9699
funded projects for public transportation highway purposes. Public 9700
transportation highway purposes include: the construction or 9701
repair of high-occupancy vehicle traffic lanes, the acquisition or 9702
construction of park-and-ride facilities, the acquisition or 9703
construction of public transportation vehicle loops, the 9704
construction or repair of bridges used by public transportation 9705
vehicles or that are the responsibility of a regional transit 9706

authority or other public transportation system, or other similar 9707
construction that is designated as an eligible public 9708
transportation highway purpose. Motor vehicle fuel tax revenues 9709
may not be used for operating assistance or for the purchase of 9710
vehicles, equipment, or maintenance facilities. 9711

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 9712
ENVIRONMENTAL REVIEW PURPOSES 9713

The Director of Transportation may enter into agreements as 9714
provided in this section with the United States or any department 9715
or agency of the United States, including, but not limited to, the 9716
United States Army Corps of Engineers, the United States Forest 9717
Service, the United States Environmental Protection Agency, and 9718
the United States Fish and Wildlife Service. An agreement entered 9719
into pursuant to this section shall be solely for the purpose of 9720
dedicating staff to the expeditious and timely review of 9721
environmentally related documents submitted by the Director of 9722
Transportation, as necessary for the approval of federal permits. 9723
The agreements may include provisions for advance payment by the 9724
Director of Transportation for labor and all other identifiable 9725
costs of the United States or any department or agency of the 9726
United States providing the services, as may be estimated by the 9727
United States, or the department or agency of the United States. 9728
The Director shall submit a request to the Controlling Board 9729
indicating the amount of the agreement, the services to be 9730
performed by the United States or the department or agency of the 9731
United States, and the circumstances giving rise to the agreement. 9732

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY 9733
CONTRACTS 9734

(A) As used in this section, "indefinite delivery indefinite 9735
quantity contract" means a contract for an indefinite quantity, 9736

within stated limits, of supplies or services that will be 9737
delivered by the awarded bidder over a defined contract period. 9738

(B) The Director of Transportation shall advertise and seek 9739
bids for, and shall award, indefinite delivery indefinite quantity 9740
contracts for not more than two projects in fiscal year 2020 and 9741
for not more than two projects in fiscal year 2021. For purposes 9742
of entering into indefinite delivery indefinite quantity 9743
contracts, the Director shall do all of the following: 9744

(1) Prepare bidding documents; 9745

(2) Establish contract forms; 9746

(3) Determine contract terms and conditions, including the 9747
following: 9748

(a) The maximum overall value of the contract, which may 9749
include an allowable increase of one hundred thousand dollars or 9750
five per cent of the advertised contract value, whichever is less; 9751

(b) The duration of the contract, including a time extension 9752
of up to one year if determined appropriate by the Director; 9753

(c) The defined geographical area to which the contract 9754
applies, which shall be not greater than the size of one district 9755
of the Department of Transportation. 9756

(4) Develop and implement a work order process in order to 9757
provide the awarded bidder adequate notice of requested supplies 9758
or services, the anticipated quantities of supplies, and work 9759
location information for each work order. 9760

(5) Take any other action necessary to fulfill the duties and 9761
obligations of the Director under this section. 9762

(C) Section 5525.01 of the Revised Code applies to indefinite 9763
delivery indefinite quantity contracts. 9764

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 9765

General Revenue Fund				9766
GRF	761408	Highway Patrol	\$ 0 \$ 35,000,000	9767
Operating Expenses				
TOTAL GRF	General Revenue Fund		\$ 0 \$ 35,000,000	9768
Highway Safety Fund Group				9769
5TM0	761401	Public Safety	\$ 1,595,800 \$ 1,598,300	9770
Facilities Lease				
Rental Bond Payments				
5TM0	762321	Operating Expense - BMV	\$ 108,178,738 \$ 111,822,673	9771
5TM0	762636	Financial Responsibility Compliance	\$ 5,463,977 \$ 5,540,059	9772
5TM0	762637	Local Immobilization Reimbursement	\$ 200,000 \$ 200,000	9773
5TM0	764321	Operating Expense - Highway Patrol	\$ 345,534,531 \$ 349,339,662	9774
5TM0	764605	Motor Carrier Enforcement Expenses	\$ 4,283,940 \$ 4,308,088	9775
5TM0	769636	Administrative Expenses - Highway Purposes	\$ 48,326,950 \$ 49,020,261	9776
8370	764602	Turnpike Policing	\$ 12,720,330 \$ 12,840,263	9777
83C0	764630	Contraband, Forfeiture, and Other	\$ 1,210,917 \$ 1,213,407	9778
83F0	764657	Law Enforcement Automated Data System	\$ 6,903,824 \$ 6,441,735	9779
83G0	764633	OMVI Enforcement/Education	\$ 593,518 \$ 596,799	9780
83M0	765624	Operating - EMS	\$ 5,281,688 \$ 5,521,843	9781
83M0	765640	EMS - Grants	\$ 2,900,000 \$ 2,900,000	9782
8400	764607	State Fair Security	\$ 1,533,397 \$ 1,549,094	9783

8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782	9784
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143	9785
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000	9786
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	9787
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	9788
TOTAL HSF Highway Safety Fund Group			\$	584,493,868	\$	592,807,136	9789
Dedicated Purpose Fund Group							9790
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	9791
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	9792
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	9793
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000	9794
Fiduciary Fund Group							9795
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	9796
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	9797
TOTAL FID Fiduciary Fund Group			\$	3,450,000	\$	3,450,000	9798
Holding Account Fund Group							9799
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	9800
R052	762623	Security Deposits	\$	50,000	\$	50,000	9801
TOTAL HLD Holding Account Fund			\$	1,935,000	\$	1,935,000	9802

Group

Federal Fund Group					9803	
3DU0 762628	BMV Grants	\$	1,150,000	\$	1,150,000	9804
3GR0 764693	Highway Patrol	\$	1,230,549	\$	1,234,258	9805
	Justice Contraband					
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000	9806
	Treasury Contraband					
3GU0 761610	Information and	\$	300,000	\$	300,000	9807
	Education Grant					
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000	9808
	Report System Grant					
3GU0 764610	Highway Safety	\$	4,036,721	\$	4,071,387	9809
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	9810
	Assistance Program					
	Grant					
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	9811
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	9812
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	9813
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	678,658,897	9814

Section 205.20. MOTOR VEHICLE REGISTRATION 9816

The Director of Public Safety may deposit revenues to meet 9817
the cash needs of the Public Safety - Highway Purposes Fund (Fund 9818
5TM0) established in section 4501.06 of the Revised Code, obtained 9819
under section 4503.02 of the Revised Code, less all other 9820
available cash. Revenue deposited pursuant to this paragraph shall 9821
support in part appropriations for the administration and 9822
enforcement of laws relative to the operation and registration of 9823
motor vehicles, for payment of highway obligations and other 9824
statutory highway purposes. Notwithstanding section 4501.03 of the 9825
Revised Code, the revenues shall be paid into Fund 5TM0 before any 9826

revenues obtained pursuant to section 4503.02 of the Revised Code 9827
are paid into any other fund. The deposit of revenues to meet the 9828
aforementioned cash needs shall be in approximately equal amounts 9829
on a monthly basis or as otherwise approved by the Director of 9830
Budget and Management. Prior to July 1 of each fiscal year, the 9831
Director of Public Safety shall submit a plan to the Director of 9832
Budget and Management requesting approval of the anticipated 9833
revenue amounts to be deposited into Fund 5TM0 pursuant to this 9834
paragraph. If during the fiscal year changes to the plan as 9835
approved by the Director of Budget and Management are necessary, 9836
the Director of Public Safety shall submit a revised plan to the 9837
Director of Budget and Management for approval prior to any change 9838
in the deposit of revenues. 9839

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 9840

The foregoing appropriation item 761401, Public Safety 9841
Facilities Lease Rental Bond Payments, shall be used to meet all 9842
payments during the period July 1, 2019, through June 30, 2021, by 9843
the Department of Public Safety under the leases and agreements 9844
for facilities under Chapters 152. and 154. of the Revised Code. 9845
The appropriations are the source of funds pledged for bond 9846
service charges on related obligations issued under Chapters 152. 9847
and 154. of the Revised Code. 9848

CASH TRANSFERS - HIGHWAY PATROL 9849

Upon written request of the Director of Public Safety, and 9850
subject to the approval of the Controlling Board, the Director of 9851
Budget and Management may transfer cash from the State Highway 9852
Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 9853
Security, Investigations and Policing Fund (Fund 8400). 9854

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 9855
SHIPLEY UPGRADES 9856

Pursuant to a plan submitted by the Director of Public 9857

Safety, or as otherwise determined by the Director of Budget and 9858
Management, the Director of Budget and Management, upon approval 9859
of the Controlling Board, may make appropriate cash transfers on a 9860
pro-rata basis as approved by the Director of Budget and 9861
Management from other funds used by the Department of Public 9862
Safety, excluding the Public Safety Building Fund (Fund 7025), to 9863
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 9864
reimburse expenditures for capital upgrades to the Shipley 9865
Building. 9866

COLLECTIVE BARGAINING INCREASES 9867

Notwithstanding division (D) of section 127.14 and division 9868
(B) of section 131.35 of the Revised Code, except for the General 9869
Revenue Fund, the Controlling Board may, upon the request of 9870
either the Director of Budget and Management, or the Department of 9871
Public Safety with the approval of the Director of Budget and 9872
Management, authorize expenditures in excess of appropriations and 9873
transfer appropriations, as necessary, for any fund used by the 9874
Department of Public Safety, to assist in paying the costs of 9875
increases in employee compensation that have occurred pursuant to 9876
collective bargaining agreements under Chapter 4117. of the 9877
Revised Code and, for exempt employees, under section 124.152 of 9878
the Revised Code. Any money approved for expenditure under this 9879
paragraph is hereby appropriated. 9880

CASH BALANCE FUND REVIEW 9881

The Director of Public Safety shall review the cash balances 9882
for each fund in the State Highway Safety Fund Group, and may 9883
submit a request in writing to the Director of Budget and 9884
Management to transfer amounts from any fund in the State Highway 9885
Safety Fund Group to the credit of the Public Safety - Highway 9886
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 9887
request, and subject to the approval of the Controlling Board, the 9888
Director of Budget and Management may make appropriate transfers 9889

as requested by the Director of Public Safety or as otherwise 9890
determined by the Director of Budget and Management. 9891

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 9892

Dedicated Purpose Fund Group 9893

4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 9894

TOTAL DPF Dedicated Purpose 9895

Fund Group \$ 15,200,000 \$ 15,200,000 9896

TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 9897

Section 207.20. ROADWORK DEVELOPMENT FUND 9899

The Roadwork Development Fund shall be used for road 9900
improvements associated with economic development opportunities 9901
that will retain or attract businesses for Ohio, including the 9902
construction, reconstruction, maintenance, or repair of public 9903
roads that provide access to a public airport or are located 9904
within a public airport. "Road improvements" are improvements to 9905
public roadway facilities located on, or serving or capable of 9906
serving, a project site. 9907

The Department of Transportation, under the direction of the 9908
Development Services Agency, shall provide these funds in 9909
accordance with all guidelines and requirements established for 9910
other Development Services Agency programs, including Controlling 9911
Board review and approval as well as the requirements for usage of 9912
motor vehicle fuel tax revenue prescribed in Section 5a of Article 9913
XII, Ohio Constitution. Should the Development Services Agency 9914
require the assistance of the Department of Transportation to 9915
bring a project to completion, the Department of Transportation 9916
shall use its authority under Title 55 of the Revised Code to 9917
provide such assistance and may enter into contracts on behalf of 9918
the Development Services Agency. These funds may be used in 9919
conjunction with any other state funds appropriated for 9920

infrastructure improvements. 9921

The Director of Budget and Management, pursuant to a plan 9922
submitted by the Director of Development Services or as otherwise 9923
determined by the Director of Budget and Management, shall set a 9924
cash transfer schedule to meet the cash needs of the Roadwork 9925
Development Fund (Fund 4W00) used by the Development Services 9926
Agency, less any other available cash. The Director of Budget and 9927
Management shall transfer such cash amounts from the Highway 9928
Operating Fund (Fund 7002) established in section 5735.051 of the 9929
Revised Code to Fund 4W00 at such times as determined by the 9930
transfer schedule. 9931

Section 209.10. PWC PUBLIC WORKS COMMISSION 9932

Dedicated Purpose Fund Group 9933

7052 150402	Local Transportation	\$	374,938	\$	303,311	9934
	Improvement Program -					
	Operating					

7052 150701	Local Transportation	\$	63,000,000	\$	63,000,000	9935
	Improvement Program					

TOTAL DPF Dedicated Purpose 9936

Fund Group	\$	63,374,938	\$	63,303,311	9937
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TOTAL ALL BUDGET FUND GROUPS	\$	63,374,938	\$	63,303,311	9938
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Section 209.20. REAPPROPRIATIONS 9939

All capital appropriations from the Local Transportation 9940
Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 9941
General Assembly remaining unencumbered as of June 30, 2019, are 9942
reappropriated for use during the period July 1, 2019, through 9943
June 30, 2020, for the same purpose. 9944

Notwithstanding division (B) of section 127.14 of the Revised 9945
Code, all capital appropriations and reappropriations from the 9946
Local Transportation Improvement Program Fund (Fund 7052) in this 9947

act remaining unencumbered as of June 30, 2020, are reappropriated 9948
for use during the period July 1, 2020, through June 30, 2021, for 9949
the same purposes, subject to the availability of revenue as 9950
determined by the Director of the Public Works Commission. 9951

TEMPORARY TRANSFERS 9952

Notwithstanding section 127.14 of the Revised Code, the 9953
Director of the Public Works Commission may request that the 9954
Director of Budget and Management transfer cash from the Local 9955
Transportation Improvement Fund (Fund 7052) to the State Capital 9956
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 9957
(Fund 7056). The Director of Budget and Management may approve 9958
temporary cash transfers if such transfers are needed for capital 9959
outlays for which notes or bonds will be issued. When there is a 9960
sufficient cash balance in the fund that receives a cash transfer 9961
under this section, the Director of Budget and Management shall 9962
transfer cash from the fund to Fund 7052 in order to repay Fund 9963
7052 for the amount of the temporary cash transfers made under 9964
this section. Any transfers executed under this section shall be 9965
reported to the Controlling Board by June 30 of the fiscal year in 9966
which the transfer occurred. 9967

Section 501.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 9968

The capital appropriations made in this act for buildings or 9969
structures, including remodeling and renovations, are limited to: 9970

(A) Acquisition of real property or interests in real 9971
property; 9972

(B) Buildings and structures, which includes construction, 9973
demolition, complete heating and cooling, lighting and lighting 9974
fixtures, and all necessary utilities, ventilating, plumbing, 9975
sprinkling, water, and sewer systems, when such systems are 9976
authorized or necessary; 9977

(C) Architectural, engineering, and professional services expenses directly related to the projects;	9978 9979
(D) Machinery that is a part of structures at the time of initial acquisition or construction;	9980 9981
(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;	9982 9983 9984 9985
(F) Furniture, fixtures, or equipment that meets all the following criteria:	9986 9987
(1) Is essential in bringing the facility up to its intended use or is necessary for the functioning of the particular facility or project;	9988 9989 9990
(2) Has a unit cost, and not the individual parts of a unit, of about \$100 or more; and	9991 9992
(3) Has a useful life of five years or more.	9993
Furniture, fixtures, or equipment that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated shall not be paid from these appropriations.	9994 9995 9996 9997
Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION	9998
If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.	9999 10000 10001 10002 10003 10004 10005 10006 10007

Payments for this purpose shall be approved and vouchered by 10008
the Office of Budget and Management. 10009

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 10010
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 10011

The Office of Budget and Management shall process payments 10012
from lease rental payment appropriation items during the period 10013
from July 1, 2019, to June 30, 2021, pursuant to the lease and 10014
other agreements relating to bonds or notes issued under Section 10015
2i of Article VIII of the Ohio Constitution and Chapters 152. and 10016
154. of the Revised Code, and acts of the General Assembly. 10017
Payments shall be made upon certification by the Treasurer of 10018
State of the dates and amounts due on those dates. 10019

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 10020

Certain appropriations are in this act for the purpose of 10021
paying debt service and financing costs on general obligation 10022
bonds or notes of the state and for the purpose of making lease 10023
rental and other payments under leases and agreements relating to 10024
bonds or notes issued under the Ohio Constitution, Revised Code, 10025
and acts of the General Assembly. If it is determined that 10026
additional appropriations are necessary for this purpose, such 10027
amounts are hereby appropriated. 10028

Section 512.10. TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM 10029
THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE 10030
BUILDING FUND 10031

On July 1, 2019, or as soon as possible thereafter, the 10032
Director of Budget and Management shall transfer the unencumbered 10033
and unallotted balance, as of June 30, 2019, of all capital 10034
appropriation items from the Public Safety - Highway Purposes Fund 10035
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 10036

July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against capital appropriation items in Fund 5TM0 and reestablish them in Fund 7026. The reestablished encumbrance amounts are hereby appropriated.

The Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this section, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this section shall be accounted for as though made in H.B. 529 of the 132nd General Assembly.

The appropriations made in this section are subject to all provisions of H.B. 529 of the 132nd General Assembly that are generally applicable to such appropriations.

Section 610.03. That Section 213.20 of H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be amended to read as follows:

Sec. 213.20. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, Chapter 154. of the Revised Code, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$112,800,000~~ 122,800,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Administrative Building Fund (Fund 7026) to pay costs associated with previously authorized capital facilities for the housing of branches and

agencies of state government or their functions. 10067

Section 610.04. That existing Section 213.20 of H.B. 529 of 10068
the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 10069
132nd General Assembly, is hereby repealed. 10070

Section 610.05. That Section 223.15 of H.B. 529 of the 132nd 10071
General Assembly, as most recently amended by Am. Sub. S.B. 51 of 10072
the 132nd General Assembly, be amended to read as follows: 10073

Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION 10074
PROJECTS 10075

Of the foregoing appropriation item C725E2, Local Parks, 10076
Recreation, and Conservation Projects, an amount equal to two per 10077
cent of the projects listed may be used by the Department of 10078
Natural Resources for the administration of local projects. 10079

Project Description	Amount	
Cuyahoga Franklin Hill Stabilization	\$ 2,500,000	10081
Quarry Trails Project	\$ 1,250,000	10082
Bridge Park Center	\$ 1,000,000	10083
Canal Fulton Community Park	\$ 750,000	10084
North Canton Parks Upgrades	\$ 750,000	10085
The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion	\$ 700,000	10086
John F. Wolfe Palm House Renovation and Improvements	\$ 600,000	10087
The REC at Crawford Commons Facility	\$ 500,000	10088
Prairie Township Artificial Turf Soccer Fields	\$ 500,000	10089
Jackson Township North Park Activity Complex	\$ 500,000	10090
Westward Ho National Monument	\$ 500,000	10091
City of Sheffield Lake Regional Watershed Initiative	\$ 450,000	10092
Buckeye Lake Feeder Channel Restoration	\$ 400,000	10093
Chagrin Riverbank Stabilization	\$ 400,000	10094

Buckeye Lake Public Pier	\$ 400,000	10095
Mill Creek Conservation and Flood Control Area in North Ridgeville	\$ 400,000	10096
Danny Thomas Park Renovation	\$ 400,000	10097
Lincoln Park Stadium and Field Restoration	\$ 400,000	10098
New Philadelphia South Side Community Park	\$ 400,000	10099
Mason Common Ground Park	\$ 400,000	10100
Grand River Conservation Campus	\$ 385,000	10101
Stanbery Park Pavilion	\$ 360,000	10102
Miami Canal Trail Extension at Gilmore MetroPark	\$ 350,000	10103
Voice of America Park Turf Fields	\$ 350,000	10104
Dover Riverfront Trailhead Connector	\$ 350,000	10105
Montpelier Rails to Trails	\$ 325,000	10106
Ashland Brookside Tennis Courts	\$ 300,000	10107
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000	10108
Ohio to Erie Trail Land Acquisition	\$ 300,000	10109
Grove City Gantz Park Improvements	\$ 300,000	10110
Symmes Township Home of the Brave Phase 2	\$ 300,000	10111
Wadsworth City Park	\$ 300,000	10112
Piqua Great Miami River Trail Bridge Replacement Project	\$ 300,000	10113
Chudzinski Johannsen Conservancy Park Improvements	\$ 300,000	10114
Tiffin Recreation, Arts and Learning Park	\$ 300,000	10115
Wooster Venture Boulevard Park Project	\$ 300,000	10116
Pierce Park Learning and History Trail Improvements	\$ 275,000	10117
Versailles Poultry Days Amphitheater	\$ 275,000	10118
Adams County Splash Pad	\$ 250,000	10119
New Bremen Bike Path	\$ 250,000	10120
Grand Lake Shoreline Water Quality Improvements	\$ 250,000	10121
Clinton County to Little Miami Scenic Trail Connector	\$ 250,000	10122
Jeffrey Mansion Expansion Project	\$ 250,000	10123
Chardon Mel Harder Park Improvements	\$ 250,000	10124
Montgomery Gateway Keystone Park	\$ 250,000	10125

Hocking Valley Scenic Trail	\$ 250,000	10126
Sheffield Village Walking Trails	\$ 250,000	10127
Magnolia Flouring Mills Restoration	\$ 250,000	10128
Wilmington Parks	\$ 250,000	10129
Eastlake Field and Press Box	\$ 225,000	10130
Cleveland Zoological Society	\$ 200,000	10131
Powhatan Point Marina Improvement Project	\$ 200,000	10132
Chagrin Falls Chagrin River Retaining Walls	\$ 200,000	10133
Avon Veterans Memorial and Ice Rink	\$ 200,000	10134
London Access Cowling Playground	\$ 200,000	10135
Plum Creek Recreation, Conservation, and Flood Control Project	\$ 200,000	10136
Dayton Webster Station Landing	\$ 200,000	10137
Village of New Paris Community Park Splash Pad Development	\$ 200,000	10138
Waynesburg Park	\$ 200,000	10139
Little Miami State Park / Little Miami Trail	\$ 200,000	10140
James E. Carnes Convention Center	\$ 200,000	10141
Sharonville Sharon Woods Park Improvements	\$ 175,000	10142
Monroe Crossings Park	\$ 165,000	10143
Ottawa Corridor Improvements	\$ 150,000	10144
Harrisburg Baseball Complex	\$ 150,000	10145
Hilliard Miracle Field	\$ 150,000	10146
Mill Creek Valley Conservancy District Corridor Revitalization	\$ 150,000	10147
Moberly Branch Connector Trail-Pedestrian Bridge	\$ 150,000	10148
Willard Reservoir Recreation and Safety Upgrades	\$ 150,000	10149
Merrick Hutchinson Memorial Park	\$ 150,000	10150
Montville Township Park Improvements	\$ 150,000	10151
Medina County Rocky River Trail West Branch	\$ 150,000	10152
Middle Point Ballpark Improvements	\$ 150,000	10153
Redskin Memorial Park Playground	\$ 145,000	10154
Cahoon Memorial Park Improvements	\$ 130,000	10155

Valley View Outdoor Classroom	\$ 125,000	10156
Schines Park Stage	\$ 125,000	10157
McIntyre Park Bike Path	\$ 125,000	10158
Fairlawn Gully Water Quality Basins	\$ 125,000	10159
Fremont Upland Reservoir Trail	\$ 123,000	10160
St. Mary's Splash Pad	\$ 100,000	10161
Fairview Park Indoor Pool and Aquatics Center	\$ 100,000	10162
Maple Heights Recreation Improvements	\$ 100,000	10163
Greenville Parks Projects	\$ 100,000	10164
Concord Township History and Community Trail	\$ 100,000	10165
Upper Arlington Multi-modal Transportation Project	\$ 100,000	10166
Blue Ash Summit Park Nature Playscape	\$ 100,000	10167
Deer Park Community Center Renovation & Trailhead	\$ 100,000	10168
Fairfax Ziegler Park Improvements	\$ 100,000	10169
Filview Bike/Hike Trail-Green Township	\$ 100,000	10170
Findlay Miracle Field Upgrades	\$ 100,000	10171
Sally Buffalo Park Playground Improvement	\$ 100,000	10172
Norwalk Alex Waite Trail Project	\$ 100,000	10173
Steubenville Ohio River Marina Improvement Project	\$ 100,000	10174
City of Sylvania SOMO Project	\$ 100,000	10175
Brunswick Hills Township Park	\$ 100,000	10176
Westfield Center Village Park Improvements	\$ 100,000	10177
Racine Star Mill Park Splash Pad	\$ 100,000	10178
Meadowbrook and Clayton Community Center Renovations	\$ 100,000	10179
Earl Thomas Conley Splash Pad	\$ 100,000	10180
Akron Finish Line Park	\$ 100,000	10181
Richwood Beach and Shelter House	\$ 100,000	10182
Lebanon Countryside YMCA Trail Realignment	\$ 100,000	10183
Muskingum Township River Road Streambank Stabilization	\$ 100,000	10184
Rails to Trails of Wayne County	\$ 100,000	10185
<u>Van Wert Jubilee Park Improvements</u>	<u>\$ 100,000</u>	10186
Sandusky River Sand Dock	\$ 78,000	10187

2019 Loudonville Swimming Pool Improvements Project	\$ 75,000	10188
Jackson Street Pier and Shoreline Drive Revitalization Project	\$ 75,000	10189
Holmes County Rails to Trails Maintenance Building	\$ 75,000	10190
Jackson Manpower Park Improvements	\$ 75,000	10191
Leipsic Parks Tennis Courts and Boat Dock	\$ 75,000	10192
Western Reserve Greenway Bike Trail	\$ 75,000	10193
Smiley Park Ball Field Updates	\$ 75,000	10194
Miracle League of Northwest Ohio Restroom & Concession Building	\$ 75,000	10195
Delhi Township Bicentennial Pavilion	\$ 62,000	10196
Indian Mound Park & Cultural Education Project	\$ 60,000	10197
Plymouth Game Room and Spray Park	\$ 60,000	10198
James Day Park Splash Pad	\$ 50,000	10199
Jefferson Park Recreation Upgrades	\$ 50,000	10200
Fairborn Fairfield Park Enhancements	\$ 50,000	10201
Napoleon Buckeye Trail Connections	\$ 50,000	10202
Rocky Fork State Park Water and Electrical Upgrade	\$ 50,000	10203
Manry Park Exercise Trail Improvements	\$ 50,000	10204
Avon Lake Veterans Park Gazebo	\$ 50,000	10205
Camp Sherman Park	\$ 50,000	10206
Roger Young & Biggs Kettner Parks Tennis Courts	\$ 50,000	10207
Hinton/Humiston Fitness Park	\$ 50,000	10208
Van Wert Jubilee Park Improvements	\$ 50,000	10209
Van Wert Rotary Athletic Complex Improvements	\$ 50,000	10210
Little Hocking Riverfront Park Enhancements	\$ 50,000	10211
Upper Sandusky Bicentennial Park	\$ 50,000	10212
Kelley Nature Preserve Boat Ramp	\$ 50,000	10213
Swanton Village Memorial Park Pavilion Improvements	\$ 45,000	10214
Carroll Community Park	\$ 40,000	10215
Michael A. Reis Park Playground	\$ 35,000	10216
Monroeville Clark Park - North Coast Inland Trail Connection	\$ 33,000	10217

Sam Kerr Campground Expansion	\$ 25,000	10218
Crestline Park Lighting	\$ 25,000	10219
Sandusky County North Inland Trail Hub	\$ 25,000	10220
Miami Erie Canal Towpath Trail	\$ 25,000	10221
Delphos Swimming Pool Renovations	\$ 25,000	10222
Orr Pool Bathhouse Renovations	\$ 25,000	10223
Ohio City Warrior Trail Extension Phase 2	\$ 22,000	10224
Epworth Park Walking Trail Project	\$ 20,000	10225
Clifton to Yellow Springs Bike Trail	\$ 20,000	10226
Village of Roseville Park Improvements	\$ 20,000	10227
Waverly Canal Park	\$ 20,000	10228
Seville Memorial Park Public Restroom Facilities	\$ 15,000	10229
Hinkley Township Park	\$ 13,000	10230
Van Wert County Park District Trail Improvements	\$ 13,000	10231
Shiloh Firestone Park Restoration	\$ 12,000	10232

Section 610.06. That existing Section 223.15 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 51 of the 132nd General Assembly, is hereby repealed.

Section 610.20. That Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as most recently amended by Am. Sub. H.B. 163 of the 123rd General Assembly, is hereby repealed effective January 1, 2020. However, the rules adopted by the Registrar of Motor Vehicles pertaining to the Financial Responsibility Random Verification program established under Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as amended, continue to apply after January 1, 2020, with respect to any vehicle owner who is randomly selected to submit proof of financial responsibility through written notification sent prior to January 1, 2020.

Section 703.50. Any county that has a population greater than 300,000 but less than 350,000 as of the most recent decennial

census and has not established a Board of Alcohol, Drug Addiction, 10248
and Mental Health Services under section 340.02 of the Revised 10249
Code shall establish its Board. The Board shall receive 10250
appointments of membership from the Director of Mental Health and 10251
Addiction Services and the board of county commissioners as 10252
provided in division (B) of section 340.02 of the Revised Code. In 10253
addition to the requirements for appointments under section 340.02 10254
of the Revised Code, for initial appointments made by the board of 10255
county commissioners to any Board established under this section, 10256
the ten members appointed by the board of county commissioners 10257
shall be members who have served not less than one year as a 10258
member of the Board of Mental Health or the Board of Alcohol and 10259
Drug Addiction Services established under former section 340.02 of 10260
the Revised Code. This section expires at the end of December 31, 10261
2019. 10262

Section 741.10. The amendments made to sections 4111.03, 10263
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under 10264
Section 101.01 of this act do not apply to any claim or cause of 10265
action pending under Chapter 4111., 4121., 4123., or 4141. of the 10266
Revised Code on the effective date of this section. 10267

Section 755.20. (A) There is hereby created the Ohio's Road 10268
to Our Future Joint Legislative Study Committee, composed of the 10269
following members: 10270

(1) Five members of the Senate appointed by the President of 10271
the Senate, three of whom are members of the majority party and 10272
two of whom are members of the minority party; 10273

(2) Five members of the House of Representatives appointed by 10274
the Speaker of the House of Representatives, three of whom are 10275
members of the majority party and two of whom are members of the 10276
minority party. 10277

From the members appointed, the Speaker shall appoint one 10278
member of the House of Representatives as co-chairperson and the 10279
President shall appoint one member of the Senate as 10280
co-chairperson. 10281

(B) The Department of Transportation shall provide the Study 10282
Committee any administrative assistance the Study Committee 10283
requests. 10284

(C) The purpose of the Study Committee is to review all of 10285
the following as they pertain to the Department: 10286

(1) Alternative sources of revenue; 10287

(2) Expense mitigation; 10288

(3) Evolving technology; 10289

(4) Exploration of innovative finance techniques; 10290

(5) Asset leverage and conditions; 10291

(6) The demographics of employees within the Department. 10292

(D) To accomplish the purpose of the Study Committee, the 10293
Study Committee shall conduct all of the following: 10294

(1) An analysis of the future needs of the Department and the 10295
state's infrastructure, including local infrastructure; 10296

(2) An analysis of all Department personnel, with an emphasis 10297
on future retirements and possible attrition. The analysis shall 10298
include a list of technology that will provide greater efficiency 10299
for the Department. 10300

(3) A cost-benefit analysis of leasing vehicles versus 10301
purchasing vehicles weighing more than 12,000 pounds gross vehicle 10302
weight; 10303

(4) A cost-benefit analysis of leasing versus purchasing 10304
construction equipment that has a lifespan of five years or more; 10305

(5) A review of evolving technology and its incorporation 10306

into traditional engineering and infrastructure solutions, as 10307
applied to planning, capacity enhancement, risk management, system 10308
operations, safety, and system reliability; 10309

(6) An analysis of the Department's debt policies, 10310
structures, and practices; 10311

(7) An analysis of methods for leveraging state assets, 10312
including cell towers, light poles, rights-of-way, rest areas, 10313
buildings, and garages. The analysis shall include the methods the 10314
Department is currently using to leverage its assets and whether 10315
there are any impediments to leveraging assets, such as 10316
restrictions in advertising, constraints in renting spaces, or 10317
other impediments. 10318

(8) An analysis of all Department-maintained transportation 10319
systems. The analysis shall include an inventory of the structure 10320
ratings versus the Department's target ratings; the urban, rural, 10321
general, and priority pavement condition ratings versus the 10322
Department's target ratings; and a cost analysis of the funds that 10323
are necessary to maintain, improve, and expand the current 10324
transportation system under the Department's jurisdiction; 10325

(9) An analysis of using a vehicle-miles-traveled approach to 10326
transportation funding in Ohio and the feasibility of either 10327
starting a pilot program or fully using the vehicle-miles-traveled 10328
approach in this state; 10329

(10) A review of all Department functions and whether such 10330
functions accomplish and further the Department's mission. 10331

(E) Not later than October 1, 2019, the Study Committee shall 10332
complete a report of its findings. At the completion of the 10333
report, the Study Committee shall present it to the Speaker of the 10334
House of Representatives and the President of the Senate. 10335

(F) The presentation shall occur at the call of the Speaker 10336
and President. 10337

(G) Upon presentation of the report, the Study Committee 10338
shall cease to exist. 10339

Section 755.50. Any agency or entity, including a local 10340
government entity, that receives funding derived from the motor 10341
fuel tax levied under Chapter 5735. of the Revised Code, and 10342
expends \$100,000 or more of the funds, shall include on that 10343
agency or entity's web site annual status updates on how the funds 10344
are being used. Such information may include how much money is 10345
spent, when the money is spent, on what projects the money is 10346
spent, and similar information demonstrating to the public the use 10347
of funds received. 10348

Section 755.70. (A) The Director of Transportation shall 10349
conduct a study of the economic impact of the Ohio River on the 10350
State of Ohio. As part of the study, the Director shall do all of 10351
the following as it relates to Ohio's economy: 10352

(1) Determine the tonnage of steel delivered by barges on the 10353
Ohio River; 10354

(2) Determine the tonnage of fertilizer delivered by barges 10355
on the Ohio River; and 10356

(3) Determine the tonnage of coal delivered by barges that 10357
travel on the Ohio River and the megawatt capacity generated by 10358
that coal. 10359

(B) Not later than one hundred eighty days after the 10360
effective date of this section, the Director shall submit a report 10361
of the study's findings to the Governor, the Speaker of the House 10362
of Representatives, and the President of the Senate. 10363

Section 755.80. (A) The Director of Transportation shall 10364
conduct a study of the fees charged for overweight vehicle permits 10365
granted under section 4513.34 of the Revised Code and the general 10366

impact of overweight vehicles on Ohio's infrastructure. As part of 10367
the study, the Director shall determine all of the following: 10368

(1) The additional highway, bridge, and safety infrastructure 10369
design requirements, and their associated costs, that are 10370
necessary because of the operation of overweight vehicles; 10371

(2) The extent of the wear that such vehicles cause on roads, 10372
bridges, and safety infrastructure; 10373

(3) The overall construction and maintenance costs associated 10374
with such vehicles; 10375

(4) Whether the current permit fees are sufficient to pay for 10376
the additional highway, bridge, and safety infrastructure costs 10377
caused by the operation of overweight vehicles; if not sufficient, 10378
then determine the amount the fees need to be increased to offset 10379
those additional costs. 10380

(B) Not later than October 1, 2019, the Director shall submit 10381
a report of the study's findings and recommendations for changes 10382
to the existing permit fee structure to the Governor, the Speaker 10383
of the House of Representatives, and the President of the Senate. 10384

Section 755.90. Not later than October 1, 2019, the Auditor 10385
of State shall complete a performance audit of the Ohio Department 10386
of Transportation. The performance audit shall be conducted in 10387
accordance with the requirements applicable to performance audits 10388
under Chapter 117. of the Revised Code. 10389

Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY 10390
OPERATING FUND 10391

(A) Except as provided in division (B) of this section, on 10392
the last day of each month in the biennium ending June 30, 2021, 10393
before making any of the distributions specified in section 10394
5735.051 of the Revised Code but after any transfers to the tax 10395

refund fund as required by that section and section 5703.052 of 10396
the Revised Code, the Treasurer of State shall deposit the first 10397
two per cent of the amount of motor fuel tax received for the 10398
preceding calendar month to the credit of the Highway Operating 10399
Fund (Fund 7002). 10400

(B) Beginning October 2019, the deposit required under 10401
division (A) of this section shall be computed based only on the 10402
portion of motor fuel tax receipts for the preceding calendar 10403
month that are attributable to the first twenty-eight cents per 10404
gallon of the rates prescribed by section 5735.05 of the Revised 10405
Code. 10406

Section 757.20. MOTOR FUEL DEALER REFUNDS 10407

Notwithstanding Chapter 5735. of the Revised Code, the 10408
following apply for the period of July 1, 2019, through June 30, 10409
2021: 10410

(A) For the discount under section 5735.06 of the Revised 10411
Code, if the monthly report is timely filed and the tax is timely 10412
paid, one per cent of the total number of gallons of motor fuel 10413
received by the motor fuel dealer within the state during the 10414
preceding calendar month, less the total number of gallons 10415
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10416
the Revised Code, less one-half of one per cent of the total 10417
number of gallons of motor fuel that were sold to a retail dealer 10418
during the preceding calendar month. 10419

(B) For the semiannual periods ending December 31, 2019, June 10420
30, 2020, December 31, 2020, and June 30, 2021, the refund 10421
provided to retail dealers under section 5735.141 of the Revised 10422
Code shall be one-half of one per cent of the Ohio motor fuel 10423
taxes paid on fuel purchased during those semiannual periods. 10424

Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 10425

The Director of Budget and Management shall transfer cash in 10426
equal monthly increments totaling \$170,437,584 in fiscal year 2020 10427
and in equal monthly increments totaling \$172,360,236 in fiscal 10428
year 2021 from the Highway Operating Fund (Fund 7002) to the 10429
Gasoline Excise Tax Fund (Fund 7060). The monthly amounts 10430
transferred under this section shall be distributed as follows: 10431

(A) 42.86 per cent shall be distributed among the municipal 10432
corporations within the state under division (A)(2)(b)(i) of 10433
section 5735.051 of the Revised Code; 10434

(B) 37.14 per cent shall be distributed among the counties 10435
within the state under division (A)(2)(b)(ii) of section 5735.051 10436
of the Revised Code; and 10437

(C) 20 per cent shall be distributed among the townships 10438
within the state under division (A)(2)(b)(iii) of section 5735.051 10439
of the Revised Code. 10440

Section 757.40. The amendment by this act of section 5735.053 10441
of the Revised Code applies on and after July 1, 2019. 10442

Section 757.50. The amendment by this act of sections 10443
5735.01, 5735.011, 5736.01, and 5751.01 of the Revised Code 10444
applies on and after October 1, 2019. 10445

Section 757.60. The enactment by this act of section 4926.06 10446
of the Revised Code, designating peer-to-peer car sharing programs 10447
as vendors for the purposes of Chapter 5739. of the Revised Code, 10448
is intended to clarify the status of such programs under that 10449
chapter and is not intended to change the existing application of 10450
that chapter to such programs. 10451

Section 757.90. For the purposes of section 5735.50 of the 10452
Revised Code, as enacted by this act, the first adjustment date is 10453

the effective date of the enactment of that section. 10454

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 10455
APPROPRIATIONS 10456

Law contained in the main operating appropriations act of the 10457
133rd General Assembly that is generally applicable to the 10458
appropriations made in the main operating appropriations act also 10459
is generally applicable to the appropriations made in this act. 10460

Section 806.10. SEVERABILITY 10461

The items of law contained in this act, and their 10462
applications, are severable. If any item of law contained in this 10463
act, or if any application of any item of law contained in this 10464
act, is held invalid, the invalidity does not affect other items 10465
of law contained in this act and their applications that can be 10466
given effect without the invalid item or application. 10467

Section 812.10. LAWS AND REFERENDUM 10468

Except as otherwise provided in this act, the amendment, 10469
enactment, or repeal by this act of a section of law is subject to 10470
the referendum under Ohio Constitution, Article II, Section 1c and 10471
therefore takes effect on the ninety-first day after this act is 10472
filed with the Secretary of State or, if a later effective date is 10473
specified below, on that date. 10474

Section 812.20. APPROPRIATIONS AND REFERENDUM 10475

In this section, an "appropriation" includes another 10476
provision of law in this act that relates to the subject of the 10477
appropriation. 10478

An appropriation of money made in this act is not subject to 10479
the referendum insofar as a contemplated expenditure authorized 10480
thereby is wholly to meet a current expense within the meaning of 10481

Ohio Constitution, Article II, Section 1d. To that extent, the 10482
appropriation takes effect immediately when this act becomes law. 10483
Conversely, the appropriation is subject to the referendum insofar 10484
as a contemplated expenditure authorized thereby is wholly or 10485
partly not to meet a current expense within the meaning of Ohio 10486
Constitution, Article II, Section 1d. To that extent, the 10487
appropriation takes effect on the ninety-first day after this act 10488
is filed with the Secretary of State. 10489

Section 812.30. Sections 5735.01, 5735.011, 5735.05, and 10490
5736.01 of the Revised Code are exempt from the referendum under 10491
Ohio Constitution, Article II, Section 1d and therefore take 10492
effect immediately when this act becomes law. 10493

Section 812.40. The amendment, enactment, or repeal by this 10494
act of divisions (A), (D), and (L) of section 4509.101 and of 10495
section 4510.04 of the Revised Code takes effect January 1, 2020. 10496

Section 815.10. The General Assembly, applying the principle 10497
stated in division (B) of section 1.52 of the Revised Code that 10498
amendments are to be harmonized if reasonably capable of 10499
simultaneous operation, finds that the following sections, 10500
presented in this act as composites of the sections as amended by 10501
the acts indicated, are the resulting versions of the sections in 10502
effect prior to the effective date of the sections as presented in 10503
this act: 10504

Section 4511.21 of the Revised Code as amended by both Sub. 10505
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 10506

Section 4511.54 of the Revised Code as amended by both Sub. 10507
H.B. 95 and Am. Sub. H.B. 250 of the 132nd General Assembly. 10508