

**As Reported by the House Finance and Appropriations
Committee**

**122nd General Assembly
Regular Session
1997-1998**

Sub. H. B. No. 210

**Representatives Core, Johnson, Sykes, Thomas, O'Brien, Mead, Vesper,
Thompson, Tavares, Perz, Boyd, Verich, Metzger, Cates, Fox, Corbin,
Mallory, Metelsky, Wilson, Opfer, Prentiss, Roberts, Wilson**

A B I L L

To amend sections 121.05, 121.08, 308.13, 2925.44,	1
2933.43, 3701.022, 3701.07, 3701.83, 4301.12,	2
4501.03, 4501.14, 4501.15, 4501.19, 4501.20,	3
4501.22, 4503.102, 4503.191, 4503.51, 4503.52,	4
4503.55, 4503.56, 4505.11, 4505.111, 4506.24,	5
4511.101, 4511.102, 4511.191, 4511.951, 4981.09,	6
4981.34, 5112.17, 5501.01, 5501.311, 5501.32,	7
5501.34, 5501.37, 5502.01, 5502.12, 5513.01,	8
5513.04, 5513.06, 5515.01, 5516.01, 5516.02,	9
5516.03, 5516.04, 5516.06, 5516.061, 5516.07,	10
5516.08, 5516.10, 5516.11, 5516.12, 5516.13,	11
5516.99, 5525.03, 5525.07, 5529.03, 5531.09,	12
5531.10, 5540.01, 5540.03, 5735.05, 5735.12,	13
5735.145, 5735.19, 5735.23, 5735.29, and 6101.16,	14
to enact new section 5516.09 and sections 4501.16,	15
4501.28, 4507.45, 5512.01 to 5512.11, and 5516.14,	16
and to repeal sections 3701.61, 3701.611, 3701.62,	17
3701.63, 3701.64, 3701.65, 3701.66, 3701.67,	18
3701.68, 3701.69, 4501.21, 4501.23, 4981.151,	19
4981.152, 5515.05, 5516.09, and 5735.146 of the	20
Revised Code, and to amend Sections 104 and 201 of	21

Am. Sub. H.B. 117 of the 121st General Assembly, 22
to make appropriations and reappropriations for 23
highways and transportation-related programs for 24
the 1997-1999 biennium, to provide authorizations 25
and conditions for the operation of programs 26
related to transportation and public safety, to 27
eliminate the ethanol credit allowed against the 28
motor fuel tax, to eliminate the program to 29
reimburse hospitals for indigent care using motor 30
fuel tax money, to raise the competitive bidding 31
threshold for purchases by a regional airport 32
authority or conservancy district, to require that 33
the Department of Commerce have two assistant 34
directors, and to maintain the provisions of this 35
act on and after March 4, 1998, by amending the 36
version of section 5513.01 of the Revised Code 37
that takes effect on that date. 38

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

Section 1. That sections 121.05, 121.08, 308.13, 2925.44, 39
2933.43, 3701.022, 3701.07, 3701.83, 4301.12, 4501.03, 4501.14, 40
4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 4503.51, 41
4503.52, 4503.55, 4503.56, 4505.11, 4505.111, 4506.24, 4511.101, 42
4511.102, 4511.191, 4511.951, 4981.09, 4981.34, 5112.17, 5501.01, 43
5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5513.01, 44
5513.04, 5513.06, 5515.01, 5516.01, 5516.02, 5516.03, 5516.04, 45
5516.06, 5516.061, 5516.07, 5516.08, 5516.10, 5516.11, 5516.12, 46
5516.13, 5516.99, 5525.03, 5525.07, 5529.03, 5531.09, 5531.10, 47
5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 5735.23, 48
5735.29, and 6101.16 be amended and new section 5516.09 and 49
sections 4501.16, 4501.28, 4507.45, 5512.01, 5512.02, 5512.03, 50

5512.04, 5512.05, 5512.06, 5512.07, 5512.08, 5512.09, 5512.10, 51
5512.11, and 5516.14 of the Revised Code be enacted to read as 52
follows: 53

Sec. 121.05. Except as otherwise provided in this section, in 54
each department there shall be an assistant director designated by 55
the director of that department. In the department of health there 56
shall be two assistant directors, each of whom shall be designated 57
by the director of health. In the department of transportation 58
there shall be an assistant director for business management, an 59
assistant director for field operations, and an assistant director 60
for transportation policy, each of whom shall be designated by the 61
director of transportation. In the department of insurance the 62
deputy superintendent of insurance shall be the assistant 63
director. In the department of administrative services, there 64
shall be two assistant directors, each of whom shall be designated 65
by the director of administrative services. In the department of 66
commerce, there shall be two assistant directors, each of whom 67
shall be designated by the director of commerce. In each 68
department, the assistant director shall act as director in the 69
absence or disability of the director and also shall act as 70
director when the position of director is vacant, except that in 71
the department of transportation, the department of health, the 72
department of commerce, and the department of administrative 73
services the director shall designate which assistant director 74
shall act as director in the director's absence. 75

A director may designate any of the director's assistant 77
directors or a deputy director to serve in the director's place as 78
a member of any board, committee, authority, or commission of 79
which the director is, by law, a member. The designee, when 80
present, shall be counted in determining whether a quorum is 81

present at any meeting. The ~~Such~~a designee may vote and 82
participate in all proceedings and actions of the board, 83
committee, authority, or commission, provided that the designee 84
shall not execute or cause a facsimile of the designee's signature 85
to be placed on any obligation, or execute any trust agreement or 86
indenture. Such designation shall be in writing, executed by the 87
designating director, filed with the secretary of the board, 88
committee, authority, or commission, and shall be in effect until 89
withdrawn or superseded by a new designation. 90

Sec. 121.08. (A) There is hereby created in the department of 91
commerce the position of deputy director of administration. This 92
officer shall be appointed by the director of commerce, serve 93
under the director's direction, supervision, and control, perform 94
such duties as the director prescribes, and hold office during the 95
director's pleasure. The director of commerce may designate an 96
assistant director of commerce ~~may~~ to serve as the deputy director 97
of administration. The deputy director of administration shall 98
perform such duties as are prescribed by the director of commerce 99
in supervising the activities of the division of administration of 100
the department of commerce. 101

(B) Except as provided in section 121.07 of the Revised Code, 102
the department of commerce shall have all powers and perform all 103
duties vested in the deputy director of administration, the state 104
fire marshal, the superintendent of financial institutions, the 105
superintendent of real estate, the superintendent of liquor 106
control, the superintendent of the division of industrial 107
compliance, and the commissioner of securities, and shall have all 108
powers and perform all duties vested by law in all officers, 109
deputies, and employees of such offices. Except as provided in 110
section 121.07 of the Revised Code, wherever powers are conferred 111
or duties imposed upon any of such officers, such powers and 112

duties shall be construed as vested in the department of commerce. 113

(C)(1) There is hereby created in the department of commerce 114
a division of financial institutions, which shall have all powers 115
and perform all duties vested by law in the superintendent of 116
financial institutions. Wherever powers are conferred or duties 117
imposed upon the superintendent of financial institutions, such 118
powers and duties shall be construed as vested in the division of 119
financial institutions. The division of financial institutions 120
shall be administered by a superintendent of financial 121
institutions. 122

(2) All provisions of law governing the superintendent of 123
financial institutions shall apply to and govern the 124
superintendent of financial institutions provided for in this 125
section; all authority vested by law in the superintendent of 126
financial institutions with respect to the management of the 127
division of financial institutions shall be construed as vested in 128
the superintendent of financial institutions created by this 129
section with respect to the division of financial institutions 130
provided for in this section; and all rights, privileges, and 131
emoluments conferred by law upon the superintendent of financial 132
institutions shall be construed as conferred upon the 133
superintendent of financial institutions as head of the division 134
of financial institutions. The director of commerce shall not 135
transfer from the division of financial institutions any of the 136
functions specified in division (C)(2) of this section. 137

(D) Beginning on July 1, 1997, there is hereby created in the 138
department of commerce a division of liquor control, which shall 139
have all powers and perform all duties vested by law in the 140
superintendent of liquor control. Wherever powers are conferred or 141
duties are imposed upon the superintendent of liquor control, 142
those powers and duties shall be construed as vested in the 143
division of liquor control. The division of liquor control shall 144

be administered by a superintendent of liquor control.

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(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.

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(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union that is under the supervision of the division of financial institutions, or a subsidiary of any of the preceding entities, or be interested in the business thereof.

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(G) There is hereby created in the state treasury the division of administration fund. The fund shall receive assessments on the operating funds of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management. All operating expenses of the division of administration shall be paid from the division of administration fund.

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Sec. 308.13. (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ~~five~~ fifteen thousand dollars. Except where the contract is for equipment, materials, or supplies available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, when an expenditure, other than for the acquisition of real estate, the discharge of noncontractual claims, personal services, or for the product or services of public utilities, exceeds ~~five~~ fifteen thousand

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dollars, such expenditure shall be made only after a notice 176
calling for bids has been published once a week for three 177
consecutive weeks in at least one newspaper of general circulation 178
within the territorial boundaries of the regional airport 179
authority. If the bid is for a contract for the construction, 180
demolition, alteration, repair, or reconstruction of an 181
improvement, it shall meet the requirements of section 153.54 of 182
the Revised Code. If the bid is for any other contract authorized 183
by this section, it shall be accompanied by a good and approved 184
bond with ample security conditioned on the carrying out of the 185
contract. The board may let the contract to the lowest and best 186
bidder. Such contract shall be in writing and shall be accompanied 187
by or shall refer to plans and specifications for the work to be 188
done, approved by the board. The plans and specifications shall at 189
all times be made and considered part of the contract. Said 190
contract shall be approved by the board and signed by its chief 191
executive officer and by the contractor, and shall be executed in 192
duplicate. 193

(B) Whenever a board of trustees of a regional airport 194
authority or any officer or employee designated by the board makes 195
a contract for the purchase of supplies or material or for labor 196
for any work, the cost of which is greater than one thousand 197
dollars but no more than ~~five~~ fifteen thousand dollars, the board 198
or designated officer or employee shall solicit informal estimates 199
from no fewer than three potential suppliers before awarding the 200
contract. With regard to each such contract, the board shall 201
maintain a record of such estimates, including the name of each 202
person from whom an estimate is solicited, for no less than one 203
year after the contract is awarded. 204

Sec. 2925.44. (A) If property is seized pursuant to section 205
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 206

custody of the head of the law enforcement agency that seized it, 207
and the head of that agency may do any of the following with 208
respect to that property prior to its disposition in accordance 209
with division (A)(4) or (B) of this section: 210

(1) Place the property under seal; 211

(2) Remove the property to a place that the head of that 212
agency designates; 213

(3) Request the issuance of a court order that requires any 214
other appropriate municipal corporation, county, township, park 215
district created pursuant to section 511.18 or 1545.01 of the 216
Revised Code, or state law enforcement officer or other officer to 217
take custody of the property and, if practicable, remove it to an 218
appropriate location for eventual disposition in accordance with 219
division (B) of this section; 220

(4)(a) Seek forfeiture of the property pursuant to federal 221
law. If the head of that agency seeks its forfeiture pursuant to 222
federal law, the law enforcement agency shall deposit, use, and 223
account for proceeds from a sale of the property upon its 224
forfeiture, proceeds from another disposition of the property upon 225
its forfeiture, or forfeited moneys it receives, in accordance 226
with the applicable federal law and otherwise shall comply with 227
that law. 228

(b) If the state highway patrol seized the property and if 229
the superintendent of the state highway patrol seeks its 230
forfeiture pursuant to federal law, the appropriate governmental 231
officials shall deposit into the state highway patrol contraband, 232
forfeiture, and other fund all interest or other earnings derived 233
from the investment of the proceeds from a sale of the property 234
upon its forfeiture, the proceeds from another disposition of the 235
property upon its forfeiture, or the forfeited moneys. The state 236
highway patrol shall use and account for that interest or other 237

earnings in accordance with the applicable federal law. 238

(c) If the liquor enforcement unit of the department of 239
public safety seized the property and if the director of public 240
safety seeks its forfeiture pursuant to federal law, the 241
appropriate governmental officials shall deposit into the liquor 242
enforcement contraband, forfeiture, and other fund all interest or 243
other earnings derived from the investment of the proceeds from a 244
sale of the property upon its forfeiture, the proceeds from 245
another disposition of the property upon its forfeiture, or the 246
forfeited moneys. The department shall use and account for that 247
interest or other earnings in accordance with the applicable 248
federal law. 249

(d) If the food stamp fraud unit of the department of public 250
safety seized the property and if the director of public safety 251
seeks its forfeiture pursuant to federal law, the appropriate 252
governmental officials shall deposit into the food stamp 253
contraband, forfeiture, and other fund all interest or other 254
earnings derived from the investment of the proceeds from a sale 255
of the property upon its forfeiture, the proceeds from another 256
disposition of the property upon its forfeiture, or the forfeited 257
moneys. The department shall use and account for that interest or 258
other earnings in accordance with the applicable federal law. 259

(e) Division (B) of this section and divisions (D)(1) to (3) 260
of section 2933.43 of the Revised Code do not apply to proceeds or 261
forfeited moneys received pursuant to federal law or to the 262
interest or other earnings that are derived from the investment of 263
proceeds or forfeited moneys received pursuant to federal law and 264
that are described in division (A)(4)(b) of this section. 265

(B) In addition to complying with any requirements imposed by 266
a court pursuant to section 2925.42 or 2925.43 of the Revised 267
Code, and the requirements imposed by those sections, in relation 268

to the disposition of property forfeited to the state under either 269
of those sections, the prosecuting attorney who is responsible for 270
its disposition shall dispose of the property as follows: 271

(1) Any vehicle, as defined in section 4501.01 of the Revised 272
Code, that was used in a felony drug abuse offense or in an act 273
that, if committed by an adult, would be a felony drug abuse 274
offense shall be given to the law enforcement agency of the 275
municipal corporation or county in which the offense occurred if 276
that agency desires to have the vehicle, except that, if the 277
offense occurred in a township or in a park district created 278
pursuant to section 511.18 or 1545.01 of the Revised Code and a 279
law enforcement officer employed by the township or the park 280
district was involved in the seizure of the vehicle, the vehicle 281
may be given to the law enforcement agency of that township or 282
park district if that agency desires to have the vehicle, and 283
except that, if the state highway patrol made the seizure of the 284
vehicle, the vehicle may be given to the state highway patrol if 285
it desires to have the vehicle. 286

(2) Any drug paraphernalia that was used, possessed, sold, or 287
manufactured in a violation of section 2925.14 of the Revised Code 288
that would be a felony drug abuse offense or in a violation of 289
that section committed by a juvenile that, if committed by an 290
adult, would be a felony drug abuse offense, may be given to the 291
law enforcement agency of the municipal corporation or county in 292
which the offense occurred if that agency desires to have and can 293
use the drug paraphernalia, except that, if the offense occurred 294
in a township or in a park district created pursuant to section 295
511.18 or 1545.01 of the Revised Code and a law enforcement 296
officer employed by the township or the park district was involved 297
in the seizure of the drug paraphernalia, the drug paraphernalia 298
may be given to the law enforcement agency of that township or 299
park district if that agency desires to have and can use the drug 300

paraphernalia. If the drug paraphernalia is not so given, it shall
be disposed of by sale pursuant to division (B)(8) of this section
or disposed of in another manner that the court that issued the
order of forfeiture considers proper under the circumstances.

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(3) Drugs shall be disposed of pursuant to section 3719.11 of
the Revised Code or placed in the custody of the secretary of the
treasury of the United States for disposal or use for medical or
scientific purposes under applicable federal law.

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(4) Firearms and dangerous ordnance suitable for police work
may be given to a law enforcement agency for that purpose.
Firearms suitable for sporting use, or as museum pieces or
collectors' items, may be disposed of by sale pursuant to division
(B)(8) of this section. Other firearms and dangerous ordnance
shall be destroyed by a law enforcement agency or shall be sent to
the bureau of criminal identification and investigation for
destruction by it. As used in this division, "firearms" and
"dangerous ordnance" have the same meanings as in section 2923.11
of the Revised Code.

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(5) Computers, computer networks, computer systems, and
computer software suitable for police work may be given to a law
enforcement agency for that purpose. Other computers, computer
networks, computer systems, and computer software shall be
disposed of by sale pursuant to division (B)(8) of this section or
disposed of in another manner that the court that issued the order
of forfeiture considers proper under the circumstances. As used in
this division, "computers," "computer networks," "computer
systems," and "computer software" have the same meanings as in
section 2913.01 of the Revised Code.

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(6) Obscene materials shall be destroyed. 330

(7) Beer, intoxicating liquor, and alcohol shall be disposed 331

of in accordance with division (D)(4) of section 2933.41 of the Revised Code. 332
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(8) In the case of property not described in divisions (B)(1) to (7) of this section and of property described in those divisions but not disposed of pursuant to them, the property shall be sold in accordance with division (B)(8) of this section or, in the case of forfeited moneys, disposed of in accordance with division (B)(8) of this section. If the property is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the property to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order: 334
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(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the property, the forfeiture proceeding or civil action, and, if any, the sale; 345
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(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(8)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by a person who, pursuant to division (F) of section 2925.42 of the Revised Code or division (E) of section 2925.43 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority. 349
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(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (B)(8)(a) and (b) of this section, as follows: 360
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(i) If the forfeiture was ordered in a juvenile court, ten 363
per cent to one or more alcohol and drug addiction treatment 364
programs that are certified by the department of alcohol and drug 365
addiction services under section 3793.06 of the Revised Code and 366
that are specified in the order of forfeiture. A juvenile court 367
shall not specify an alcohol or drug addiction treatment program 368
in the order of forfeiture unless the program is a certified 369
alcohol and drug addiction treatment program and, except as 370
provided in division (B)(8)(c)(i) of this section, unless the 371
program is located in the county in which the court that orders 372
the forfeiture is located or in a contiguous county. If no 373
certified alcohol and drug addiction treatment program is located 374
in any of those counties, the juvenile court may specify in the 375
order a certified alcohol and drug addiction treatment program 376
located anywhere within this state. 377

(ii) If the forfeiture was ordered in a juvenile court, 378
ninety per cent, and if the forfeiture was ordered in a court 379
other than a juvenile court, one hundred per cent to appropriate 380
funds in accordance with divisions (D)(1)(c) and (2) of section 381
2933.43 of the Revised Code. The remaining proceeds or forfeited 382
moneys so deposited shall be used only for the purposes authorized 383
by those divisions and division (D)(3)(a)(ii) of that section. 384

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 385
preclude a financial institution that possessed a valid mortgage, 386
security interest, or lien that is not satisfied prior to a sale 387
under division (B)(8) of this section or following a sale by 388
application of division (B)(8)(b) of this section, from commencing 389
a civil action in any appropriate court in this or another state 390
to obtain a deficiency judgment against the debtor if the 391
financial institution otherwise would have been entitled to do so 392
in this or another state. 393

(2) Any law enforcement agency that obtains any vehicle 394

pursuant to division (B)(1) of this section shall take the vehicle 395
subject to the outstanding amount of any security interest or lien 396
that attaches to the vehicle. 397

(3) Nothing in this section impairs a mortgage, security 398
interest, lien, or other interest of a financial institution in 399
property that was the subject of a forfeiture order under section 400
2925.42 or 2925.43 of the Revised Code and that was sold or 401
otherwise disposed of in a manner that does not conform to the 402
requirements of division (B) of this section, or any right of a 403
financial institution of that nature to commence a civil action in 404
any appropriate court in this or another state to obtain a 405
deficiency judgment against the debtor. 406

(4) Following the sale under division (B)(8) of this section 407
of any property that is required to be titled or registered under 408
the law of this state, the prosecuting attorney responsible for 409
the disposition of the property shall cause the state to issue an 410
appropriate certificate of title or registration to the purchaser 411
of the property. Additionally, if, in a disposition of property 412
pursuant to division (B) of this section, the state or a political 413
subdivision is given any property that is required to be titled or 414
registered under the law of this state, the prosecuting attorney 415
responsible for the disposition of the property shall cause the 416
state to issue an appropriate certificate of title or registration 417
to itself or to the political subdivision. 418

(D) Property that has been forfeited to the state pursuant to 419
an order of criminal forfeiture under section 2925.42 of the 420
Revised Code or an order of civil forfeiture under section 2925.43 421
of the Revised Code shall not be available for use to pay any fine 422
imposed upon a person who is convicted of or pleads guilty to a 423
felony drug abuse offense or upon any juvenile who is found by a 424
juvenile court to be a delinquent child for an act that, if 425
committed by an adult, would be a felony drug abuse offense. 426

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 427
prohibit a law enforcement officer from seeking the forfeiture of 428
contraband associated with a felony drug abuse offense pursuant to 429
section 2933.43 of the Revised Code. 430

Sec. 2933.43. (A)(1) Except as provided in this division or 431
in section 2913.34 or sections 2925.41 to 2925.45 of the Revised 432
Code, a law enforcement officer shall seize any contraband that 433
has been, is being, or is intended to be used in violation of 434
division (A) of section 2933.42 of the Revised Code. A law 435
enforcement officer shall seize contraband that is a watercraft, 436
motor vehicle, or aircraft and that has been, is being, or is 437
intended to be used in violation of division (A) of section 438
2933.42 of the Revised Code only if the watercraft, motor vehicle, 439
or aircraft is contraband because of its relationship to an 440
underlying criminal offense that is a felony. 441

Additionally, a law enforcement officer shall seize any 442
watercraft, motor vehicle, aircraft, or other personal property 443
that is classified as contraband under division (B) of section 444
2933.42 of the Revised Code if the underlying offense involved in 445
the violation of division (A) of that section that resulted in the 446
watercraft, motor vehicle, aircraft, or personal property being 447
classified as contraband, is a felony. 448

(2) If a law enforcement officer seizes property that is 449
titled or registered under law, including a motor vehicle, 450
pursuant to division (A)(1) of this section, the officer or the 451
officer's employing law enforcement agency shall notify the owner 452
of the seizure. The notification shall be given to the owner at 453
the owner's last known address within seventy-two hours after the 454
seizure, and may be given orally by any means, including 455
telephone, or by certified mail, return receipt requested. 456

If the officer or the officer's agency is unable to provide 457

the notice required by this division despite reasonable, good
faith efforts to do so, the exercise of the reasonable, good faith
efforts constitutes fulfillment of the notice requirement imposed
by this division.

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(B)(1) A motor vehicle seized pursuant to division (A)(1) of
this section and the contents of the vehicle may be retained for a
reasonable period of time, not to exceed seventy-two hours, for
the purpose of inspection, investigation, and the gathering of
evidence of any offense or illegal use.

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At any time prior to the expiration of the seventy-two-hour
period, the law enforcement agency that seized the motor vehicle
may petition the court of common pleas of the county that has
jurisdiction over the underlying criminal case or administrative
proceeding involved in the forfeiture for an extension of the
seventy-two-hour period if the motor vehicle or its contents are
needed as evidence or if additional time is needed for the
inspection, investigation, or gathering of evidence. Upon the
filing of such a petition, the court immediately shall schedule a
hearing to be held at a time as soon as possible after the filing,
but in no event at a time later than the end of the next business
day subsequent to the day on which the petition was filed, and
upon scheduling the hearing, immediately shall notify the owner of
the vehicle, at the address at which notification of the seizure
was provided under division (A) of this section, of the date,
time, and place of the hearing. If the court, at the hearing,
determines that the vehicle or its contents, or both, are needed
as evidence or that additional time is needed for the inspection,
investigation, or gathering of evidence, the court may grant the
petition and issue an order authorizing the retention of the
vehicle or its contents, or both, for an extended period as
specified by the court in its order. An order extending a period
of retention issued under this division may be renewed.

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If no petition for the extension of the initial 490
seventy-two-hour period has been filed, prior to the expiration of 491
that period, under this division, if the vehicle was not in the 492
custody and control of the owner at the time of its seizure, and 493
if, at the end of that seventy-two-hour period, the owner of the 494
vehicle has not been charged with an offense or administrative 495
violation that includes the use of the vehicle as an element and 496
has not been charged with any other offense or administrative 497
violation in the actual commission of which the motor vehicle was 498
used, the vehicle and its contents shall be released to its owner 499
or the owner's agent, provided that the law enforcement agency 500
that seized the vehicle may require proof of ownership of the 501
vehicle, proof of ownership or legal possession of the contents, 502
and an affidavit of the owner that the owner neither knew of nor 503
expressly or impliedly consented to the use of the vehicle that 504
resulted in its forfeiture as conditions precedent to release. If 505
a petition for the extension of the initial seventy-two-hour 506
period has been filed, prior to the expiration of that period, 507
under this division but the court does not grant the petition, if 508
the vehicle was not in the custody and control of the owner at the 509
time of its seizure, and if, at the end of that seventy-two-hour 510
period, the owner of the vehicle has not been charged with an 511
offense or administrative violation that includes the use of the 512
vehicle as an element and has not been charged with any other 513
offense or administrative violation in the actual commission of 514
which the motor vehicle was used, the vehicle and its contents 515
shall be released to its owner or the owner's agent, provided that 516
the court may require the proof and affidavit described in the 517
preceding sentence as conditions precedent to release. If the 518
initial seventy-two-hour period has been extended under this 519
division, the vehicle and its contents to which the extension 520
applies may be retained in accordance with the extension order. 521
If, at the end of that extended period, the owner of the vehicle 522

has not been charged with an offense or administrative violation 523
that includes the use of the vehicle as an element and has not 524
been charged with any other offense or administrative violation in 525
the actual commission of which the motor vehicle was used, and if 526
the vehicle was not in the custody and control of the owner at the 527
time of its seizure, the vehicle and its contents shall be 528
released to its owner or the owner's agent, provided that the 529
court may require the proof and affidavit described in the third 530
preceding sentence as conditions precedent to release. In cases in 531
which the court may require proof and affidavits as conditions 532
precedent to release, the court also may require the posting of a 533
bond, with sufficient sureties approved by the court, in an amount 534
equal to the value of the property to be released, as determined 535
by the court, and conditioned upon the return of the property to 536
the court if it is forfeited under this section, as a further 537
condition to release. If, at the end of the initial 538
seventy-two-hour period or at the end of any extended period 539
granted under this section, the owner has been charged with an 540
offense or administrative violation that includes the use of the 541
vehicle as an element or has been charged with another offense or 542
administrative violation in the actual commission of which the 543
motor vehicle was used, or if the vehicle was in the custody and 544
control of the owner at the time of its seizure, the vehicle and 545
its contents shall be retained pending disposition of the charge, 546
provided that upon the filing of a motion for release by the 547
owner, if the court determines that the motor vehicle or its 548
contents, or both, are not needed as evidence in the underlying 549
criminal case or administrative proceeding, the court may permit 550
the release of the property that is not needed as evidence to the 551
owner; as a condition precedent to a release of that nature, the 552
court may require the owner to execute a bond with the court. Any 553
bond so required shall be in an amount equal to the value of the 554
property to be released, as determined by the court, shall have 555

sufficient sureties approved by the court, and shall be 556
conditioned upon the return of the property to the court to which 557
it is forfeited under this section. 558

The final disposition of a motor vehicle seized pursuant to 559
division (A)(1) of this section shall be determined in accordance 560
with division (C) of this section. 561

(2) Pending a hearing pursuant to division (C) of this 562
section, and subject to divisions (B)(1) and (C) of this section, 563
any property lawfully seized pursuant to division (A) of this 564
section because it was contraband of a type described in division 565
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 566
2901.01 of the Revised Code shall not be subject to replevin or 567
other action in any court and shall not be subject to release upon 568
request of the owner, and no judgment shall be enforced against 569
the property. Pending the hearing, and subject to divisions (B)(1) 570
and (C) of this section, the property shall be kept in the custody 571
of the law enforcement agency responsible for its seizure. 572

Pending a hearing pursuant to division (C) of this section, 573
and notwithstanding any provisions of division (B)(1) or (C) of 574
this section to the contrary, any property lawfully seized 575
pursuant to division (A) of this section because it was contraband 576
of a type described in division (A)(13)(a) or (c) of section 577
2901.01 of the Revised Code shall not be subject to replevin or 578
other action in any court and shall not be subject to release upon 579
request of the owner, and no judgment shall be enforced against 580
the property. Pending the hearing, and notwithstanding any 581
provisions of division (B)(1) or (C) of this section to the 582
contrary, the property shall be kept in the custody of the law 583
enforcement agency responsible for its seizure. 584

A law enforcement agency that seizes property under division 585
(A) of this section because it was contraband of any type 586

described in division (A)(13) of section 2901.01 or division (B) 587
of section 2933.42 of the Revised Code shall maintain an accurate 588
record of each item of property so seized, which record shall 589
include the date on which each item was seized, the manner and 590
date of its disposition, and if applicable, the name of the person 591
who received the item; however, the record shall not identify or 592
enable the identification of the individual officer who seized the 593
item. The record of property of that nature that no longer is 594
needed as evidence shall be open to public inspection during the 595
agency's regular business hours. Each law enforcement agency that, 596
during any calendar year, seizes property under division (A) of 597
this section because it was contraband shall prepare a report 598
covering the calendar year that cumulates all of the information 599
contained in all of the records kept by the agency pursuant to 600
this division for that calendar year, and shall send a copy of the 601
cumulative report, no later than the first day of March in the 602
calendar year following the calendar year covered by the report, 603
to the attorney general. Each report received by the attorney 604
general is a public record open for inspection under section 605
149.43 of the Revised Code. The attorney general shall make copies 606
of each report received, and, no later than the fifteenth day of 607
April in the calendar year in which the report is received, shall 608
send a copy of it to the president of the senate and the speaker 609
of the house of representatives. 610

(C) The prosecuting attorney, village solicitor, city 611
director of law, or similar chief legal officer who has 612
responsibility for the prosecution of the underlying criminal case 613
or administrative proceeding, or the attorney general if the 614
attorney general has that responsibility, shall file a petition 615
for the forfeiture, to the seizing law enforcement agency of the 616
contraband seized pursuant to division (A) of this section. The 617
petition shall be filed in the court that has jurisdiction over 618

the underlying criminal case or administrative proceeding involved 619
in the forfeiture. If the property was seized on the basis of both 620
a criminal violation and an administrative regulation violation, 621
the petition shall be filed by the officer and in the court that 622
is appropriate in relation to the criminal case. 623

The petitioner shall conduct or cause to be conducted a 624
search of the appropriate public records that relate to the seized 625
property for the purpose of determining, and shall make or cause 626
to be made reasonably diligent inquiries for the purpose of 627
determining, any person having an ownership or security interest 628
in the property. The petitioner then shall give notice of the 629
forfeiture proceedings by personal service or by certified mail, 630
return receipt requested, to any persons known, because of the 631
conduct of the search, the making of the inquiries, or otherwise, 632
to have an ownership or security interest in the property, and 633
shall publish notice of the proceedings once each week for two 634
consecutive weeks in a newspaper of general circulation in the 635
county in which the seizure occurred. The notices shall be 636
personally served, mailed, and first published at least four weeks 637
before the hearing. They shall describe the property seized; state 638
the date and place of seizure; name the law enforcement agency 639
that seized the property and, if applicable, that is holding the 640
property; list the time, date, and place of the hearing; and state 641
that any person having an ownership or security interest in the 642
property may contest the forfeiture. 643

If the property seized was determined by the seizing law 644
enforcement officer to be contraband because of its relationship 645
to an underlying criminal offense or administrative violation, no 646
forfeiture hearing shall be held under this section unless the 647
person pleads guilty to or is convicted of the commission of, or 648
an attempt or conspiracy to commit, the offense or a different 649
offense arising out of the same facts and circumstances or unless 650

the person admits or is adjudicated to have committed the 651
administrative violation or a different violation arising out of 652
the same facts and circumstances; a forfeiture hearing shall be 653
held in a case of that nature no later than forty-five days after 654
the conviction or the admission or adjudication of the violation, 655
unless the time for the hearing is extended by the court for good 656
cause shown. The owner of any property seized because of its 657
relationship to an underlying criminal offense or administrative 658
violation may request the court to release the property to the 659
owner. Upon receipt of a request of that nature, if the court 660
determines that the property is not needed as evidence in the 661
underlying criminal case or administrative proceeding, the court 662
may permit the release of the property to the owner. As a 663
condition precedent to a release of that nature, the court may 664
require the owner to execute a bond with the court. Any bond so 665
required shall have sufficient sureties approved by the court, 666
shall be in a sum equal to the value of the property, as 667
determined by the court, and shall be conditioned upon the return 668
of the property to the court if the property is forfeited under 669
this section. Any property seized because of its relationship to 670
an underlying criminal offense or administrative violation shall 671
be returned to its owner if charges are not filed in relation to 672
that underlying offense or violation within thirty days after the 673
seizure, if charges of that nature are filed and subsequently are 674
dismissed, or if charges of that nature are filed and the person 675
charged does not plead guilty to and is not convicted of the 676
offense or does not admit and is not found to have committed the 677
violation. 678

If the property seized was determined by the seizing law 679
enforcement officer to be contraband other than because of a 680
relationship to an underlying criminal offense or administrative 681
violation, the forfeiture hearing under this section shall be held 682

no later than forty-five days after the seizure, unless the time 683
for the hearing is extended by the court for good cause shown. 684

Where possible, a court holding a forfeiture hearing under 685
this section shall follow the Rules of Civil Procedure. When a 686
hearing is conducted under this section, property shall be 687
forfeited upon a showing, by a preponderance of the evidence, by 688
the petitioner that the person from which the property was seized 689
was in violation of division (A) of section 2933.42 of the Revised 690
Code. If that showing is made, the court shall issue an order of 691
forfeiture. If an order of forfeiture is issued in relation to 692
contraband that was released to the owner or the owner's agent 693
pursuant to this division or division (B)(1) of this section, the 694
order shall require the owner to deliver the property, by a 695
specified date, to the law enforcement agency that employed the 696
law enforcement officer who made the seizure of the property, and 697
the court shall deliver a copy of the order to the owner or send a 698
copy of it by certified mail, return receipt requested, to the 699
owner at the address to which notice of the seizure was given 700
under division (A)(2) of this section. Except as otherwise 701
provided in this division, all rights, interest, and title to the 702
forfeited contraband vests in the state, effective from the date 703
of seizure. 704

No property shall be forfeited pursuant to this division if 705
the owner of the property establishes, by a preponderance of the 706
evidence, that the owner neither knew, nor should have known after 707
a reasonable inquiry, that the property was used, or was likely to 708
be used, in a crime or administrative violation. No bona fide 709
security interest shall be forfeited pursuant to this division if 710
the holder of the interest establishes, by a preponderance of the 711
evidence, that the holder of the interest neither knew, nor should 712
have known after a reasonable inquiry, that the property was used, 713
or likely to be used, in a crime or administrative violation, that 714

the holder of the interest did not expressly or impliedly consent 715
to the use of the property in a crime or administrative violation, 716
and that the security interest was perfected pursuant to law prior 717
to the seizure. If the holder of the interest satisfies the court 718
that these requirements are met, the interest shall be preserved 719
by the court. In a case of that nature, the court shall either 720
order that the agency to which the property is forfeited reimburse 721
the holder of the interest to the extent of the preserved interest 722
or order that the holder be paid for the interest from the 723
proceeds of any sale pursuant to division (D) of this section. 724

(D)(1) Contraband ordered forfeited pursuant to this section 725
shall be disposed of pursuant to divisions (D)(1) to (7) of 726
section 2933.41 of the Revised Code or, if the contraband is not 727
described in those divisions, may be used, with the approval of 728
the court, by the law enforcement agency that has custody of the 729
contraband pursuant to division (D)(8) of that section. In the 730
case of contraband not described in any of those divisions and of 731
contraband not disposed of pursuant to any of those divisions, the 732
contraband shall be sold in accordance with this division or, in 733
the case of forfeited moneys, disposed of in accordance with this 734
division. If the contraband is to be sold, the prosecuting 735
attorney shall cause a notice of the proposed sale of the 736
contraband to be given in accordance with law, and the property 737
shall be sold, without appraisal, at a public auction to the 738
highest bidder for cash. The proceeds of a sale and forfeited 739
moneys shall be applied in the following order: 740

(a) First, to the payment of the costs incurred in connection 741
with the seizure of, storage of, maintenance of, and provision of 742
security for the contraband, the forfeiture proceeding, and, if 743
any, the sale; 744

(b) Second, the remaining proceeds or forfeited moneys after 745
compliance with division (D)(1)(a) of this section, to the payment 746

of the balance due on any security interest preserved pursuant to 747
division (C) of this section; 748

(c) Third, the remaining proceeds or forfeited moneys after 749
compliance with divisions (D)(1)(a) and (b) of this section, as 750
follows: 751

(i) If the forfeiture was ordered in a juvenile court, ten 752
per cent to one or more alcohol and drug addiction treatment 753
programs that are certified by the department of alcohol and drug 754
addiction services under section 3793.06 of the Revised Code and 755
that are specified in the order of forfeiture. A juvenile court 756
shall not certify an alcohol or drug addiction treatment program 757
in the order of forfeiture unless the program is a certified 758
alcohol and drug addiction treatment program and, except as 759
provided in division (D)(1)(c)(i) of this section, unless the 760
program is located in the county in which the court that orders 761
the forfeiture is located or in a contiguous county. If no 762
certified alcohol and drug addiction treatment program is located 763
in any of those counties, the juvenile court may specify in the 764
order a certified alcohol and drug addiction treatment program 765
located anywhere within this state. 766

(ii) If the forfeiture was ordered in a juvenile court, 767
ninety per cent, and if the forfeiture was ordered in a court 768
other than a juvenile court, one hundred per cent to the law 769
enforcement trust fund of the prosecuting attorney and to the law 770
enforcement trust fund of the county sheriff if the county sheriff 771
made the seizure, to the law enforcement trust fund of a municipal 772
corporation if its police department made the seizure, to the law 773
enforcement trust fund of a township if the seizure was made by a 774
township police department, township police district police force, 775
or office of a township constable, to the law enforcement trust 776
fund of a park district created pursuant to section 511.18 or 777
1545.01 of the Revised Code if the seizure was made by the park 778

district police force or law enforcement department, to the state 779
highway patrol contraband, forfeiture, and other fund if the state 780
highway patrol made the seizure, to the liquor enforcement 781
contraband, forfeiture, and other fund if the liquor enforcement 782
unit of the department of public safety made the seizure, to the 783
food stamp contraband, forfeiture, and other fund if the food 784
stamp trafficking unit of the department of public safety made the 785
seizure, to the board of pharmacy drug law enforcement fund 786
created by division (B)(1) of section 4729.65 of the Revised Code 787
if the board made the seizure, or to the treasurer of state for 788
deposit into the peace officer training commission fund if a state 789
law enforcement agency, other than the state highway patrol, the 790
department of public safety, or the state board of pharmacy, made 791
the seizure. The prosecuting attorney may decline to accept any of 792
the remaining proceeds or forfeited moneys, and, if the 793
prosecuting attorney so declines, the remaining proceeds or 794
forfeited moneys shall be applied to the fund described in this 795
division that relates to the law enforcement agency that made the 796
seizure. 797

A law enforcement trust fund shall be established by the 798
prosecuting attorney of each county who intends to receive any 799
remaining proceeds or forfeited moneys pursuant to this division, 800
by the sheriff of each county, by the legislative authority of 801
each municipal corporation, by the board of township trustees of 802
each township that has a township police department, township 803
police district police force, or office of the constable, and by 804
the board of park commissioners of each park district created 805
pursuant to section 511.18 or 1545.01 of the Revised Code that has 806
a park district police force or law enforcement department, for 807
the purposes of this division. There is hereby created in the 808
state treasury the state highway patrol contraband, forfeiture, 809
and other fund, the liquor enforcement contraband, forfeiture, and 810

other fund, the food stamp contraband, forfeiture, and other fund, 811
and the peace officer training commission fund, for the purposes 812
described in this division. 813

Proceeds or forfeited moneys distributed to any municipal 814
corporation, township, or park district law enforcement trust fund 815
shall be allocated from the fund by the legislative authority only 816
to the police department of the municipal corporation, by the 817
board of township trustees only to the township police department, 818
township police district police force, or office of the constable, 819
and by the board of park commissioners only to the park district 820
police force or law enforcement department. 821

Additionally, no proceeds or forfeited moneys shall be 822
allocated to or used by the state highway patrol, the food stamp 823
trafficking unit or liquor enforcement unit of the department of 824
public safety, the state board of pharmacy, or a county sheriff, 825
prosecuting attorney, municipal corporation police department, 826
township police department, township police district police force, 827
office of the constable, or park district police force or law 828
enforcement department unless the state highway patrol, department 829
of public safety, state board of pharmacy, sheriff, prosecuting 830
attorney, municipal corporation police department, township police 831
department, township police district police force, office of the 832
constable, or park district police force or law enforcement 833
department has adopted a written internal control policy under 834
division (D)(3) of this section that addresses the use of moneys 835
received from the state highway patrol contraband, forfeiture, and 836
other fund, the liquor enforcement contraband, forfeiture, and 837
other fund, the food stamp contraband, forfeiture, and other fund, 838
the board of pharmacy drug law enforcement fund, or the 839
appropriate law enforcement trust fund. The state highway patrol 840
contraband, forfeiture, and other fund, the liquor enforcement 841
contraband, forfeiture, and other fund, the food stamp contraband, 842

forfeiture, and other fund, and a law enforcement trust fund shall 843
be expended only in accordance with the written internal control 844
policy so adopted by the recipient, and, subject to the 845
requirements specified in division (D)(3)(a)(ii) of this section, 846
only to pay the costs of protracted or complex investigations or 847
prosecutions, to provide reasonable technical training or 848
expertise, to provide matching funds to obtain federal grants to 849
aid law enforcement, in the support of DARE programs or other 850
programs designed to educate adults or children with respect to 851
the dangers associated with the use of drugs of abuse, or for 852
other law enforcement purposes that the superintendent of the 853
state highway patrol, department of public safety, prosecuting 854
attorney, county sheriff, legislative authority, board of township 855
trustees, or board of park commissioners determines to be 856
appropriate. The board of pharmacy drug law enforcement fund shall 857
be expended only in accordance with the written internal control 858
policy so adopted by the board and only in accordance with section 859
4729.65 of the Revised Code. The state highway patrol contraband, 860
forfeiture, and other fund, the liquor enforcement contraband, 861
seizure, and other fund, the food stamp contraband, forfeiture, 862
and other fund, the board of pharmacy drug law enforcement fund, 863
and a law enforcement trust fund shall not be used to meet the 864
operating costs of the state highway patrol, of the food stamp 865
trafficking unit or liquor enforcement unit of the department of 866
public safety, of the state board of pharmacy, of any political 867
subdivision, or of any office of a prosecuting attorney or county 868
sheriff that are unrelated to law enforcement. 869

Proceeds and forfeited moneys that are paid into the state 870
treasury to be deposited into the peace officer training 871
commission fund shall be used by the commission only to pay the 872
costs of peace officer training. 873

Any sheriff or prosecuting attorney who receives proceeds or 874

forfeited moneys pursuant to this division during any calendar year shall file a report with the county auditor, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any municipal corporation police department that is allocated proceeds or forfeited moneys from a municipal corporation law enforcement trust fund pursuant to this division during any calendar year shall file a report with the legislative authority of the municipal corporation, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any township police department, township police district police force, or office of the constable that is allocated proceeds or forfeited moneys from a township law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of township trustees of the township, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any park district police force or law enforcement department that is allocated proceeds or forfeited moneys from a park district law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of park commissioners of the park district, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this

section and specifying the amounts expended for each authorized 908
purpose. The superintendent of the state highway patrol shall file 909
a report with the attorney general, no later than the thirty-first 910
day of January of each calendar year, verifying that proceeds and 911
forfeited moneys paid into the state highway patrol contraband, 912
forfeiture, and other fund pursuant to this division during the 913
prior calendar year were used by the state highway patrol during 914
the prior calendar year only for the purposes authorized by this 915
division and specifying the amounts expended for each authorized 916
purpose. The executive director of the state board of pharmacy 917
shall file a report with the attorney general, no later than the 918
thirty-first day of January of each calendar year, verifying that 919
proceeds and forfeited moneys paid into the board of pharmacy drug 920
law enforcement fund during the prior calendar year were used only 921
in accordance with section 4729.65 of the Revised Code and 922
specifying the amounts expended for each authorized purpose. The 923
peace officer training commission shall file a report with the 924
attorney general, no later than the thirty-first day of January of 925
each calendar year, verifying that proceeds and forfeited moneys 926
paid into the peace officer training commission fund pursuant to 927
this division during the prior calendar year were used by the 928
commission during the prior calendar year only to pay the costs of 929
peace officer training and specifying the amount used for that 930
purpose. 931

(2) If more than one law enforcement agency is substantially 932
involved in the seizure of contraband that is forfeited pursuant 933
to this section, the court ordering the forfeiture shall equitably 934
divide the proceeds or forfeited moneys, after calculating any 935
distribution to the law enforcement trust fund of the prosecuting 936
attorney pursuant to division (D)(1)(c) of this section, among any 937
county sheriff whose office is determined by the court to be 938
substantially involved in the seizure, any legislative authority 939

of a municipal corporation whose police department is determined 940
by the court to be substantially involved in the seizure, any 941
board of township trustees whose law enforcement agency is 942
determined by the court to be substantially involved in the 943
seizure, any board of park commissioners of a park district whose 944
police force or law enforcement department is determined by the 945
court to be substantially involved in the seizure, the state board 946
of pharmacy if it is determined by the court to be substantially 947
involved in the seizure, the food stamp trafficking unit or liquor 948
enforcement unit of the department of public safety if it is 949
determined by the court to be substantially involved in the 950
seizure, and the state highway patrol if it is determined by the 951
court to be substantially involved in the seizure. The proceeds or 952
forfeited moneys shall be deposited in the respective law 953
enforcement trust funds of the county sheriff, municipal 954
corporation, township, and park district, the board of pharmacy 955
drug law enforcement fund, the liquor enforcement contraband, 956
forfeiture, and other fund, the food stamp contraband, forfeiture, 957
and other fund, or the state highway patrol contraband, 958
forfeiture, and other fund, in accordance with division (D)(1)(c) 959
of this section. If a state law enforcement agency, other than the 960
state highway patrol, the food stamp trafficking unit or liquor 961
enforcement unit of the department of public safety, or the state 962
board of pharmacy, is determined by the court to be substantially 963
involved in the seizure, the state agency's equitable share of the 964
proceeds and forfeited moneys shall be paid to the treasurer of 965
state for deposit into the peace officer training commission fund. 966

(3)(a)(i) Prior to being allocated or using any proceeds or 968
forfeited moneys out of the state highway patrol contraband, 969
forfeiture, and other fund, the liquor enforcement contraband, 970
forfeiture, and other fund, the food stamp contraband, seizure, 971
and other fund, the board of pharmacy drug law enforcement fund, 972

or a law enforcement trust fund under division (D)(1)(c) of this 973
section, the state highway patrol, the department of public 974
safety, the state board of pharmacy, and a county sheriff, 975
prosecuting attorney, municipal corporation police department, 976
township police department, township police district police force, 977
office of the constable, or park district police force or law 978
enforcement department shall adopt a written internal control 979
policy that addresses the state highway patrol's, department of 980
public safety's, state board of pharmacy's, sheriff's, prosecuting 981
attorney's, police department's, police force's, office of the 982
constable's, or law enforcement department's use and disposition 983
of all the proceeds and forfeited moneys received and that 984
provides for the keeping of detailed financial records of the 985
receipts of the proceeds and forfeited moneys, the general types 986
of expenditures made out of the proceeds and forfeited moneys, the 987
specific amount of each general type of expenditure, and the 988
amounts, portions, and programs described in division 989
(D)(3)(a)(ii) of this section. The policy shall not provide for or 990
permit the identification of any specific expenditure that is made 991
in an ongoing investigation. 992

All financial records of the receipts of the proceeds and 993
forfeited moneys, the general types of expenditures made out of 994
the proceeds and forfeited moneys, the specific amount of each 995
general type of expenditure by the state highway patrol, by the 996
department of public safety, by the state board of pharmacy, and 997
by a sheriff, prosecuting attorney, municipal corporation police 998
department, township police department, township police district 999
police force, office of the constable, or park district police 1000
force or law enforcement department, and the amounts, portions, 1001
and programs described in division (D)(3)(a)(ii) of this section 1002
are public records open for inspection under section 149.43 of the 1003
Revised Code. Additionally, a written internal control policy 1004

adopted under this division is a public record of that nature, and 1005
the state highway patrol, the department of public safety, the 1006
state board of pharmacy, or the sheriff, prosecuting attorney, 1007
municipal corporation police department, township police 1008
department, township police district police force, office of the 1009
constable, or park district police force or law enforcement 1010
department that adopted it shall comply with it. 1011

(ii) The written internal control policy of a county sheriff, 1012
prosecuting attorney, municipal corporation police department, 1013
township police department, township police district police force, 1014
office of the constable, or park district police force or law 1015
enforcement department shall provide that at least ten per cent of 1016
the first one hundred thousand dollars of proceeds and forfeited 1017
moneys deposited during each calendar year in the sheriff's, 1018
prosecuting attorney's, municipal corporation's, township's, or 1019
park district's law enforcement trust fund pursuant to division 1020
(B)(8)(c) of section 2925.44 of the Revised Code, and at least 1021
twenty per cent of the proceeds and forfeited moneys exceeding one 1022
hundred thousand dollars that are so deposited, shall be used in 1023
connection with community preventive education programs. The 1024
manner in which the described percentages are so used shall be 1025
determined by the sheriff, prosecuting attorney, department, 1026
police force, or office of the constable after the receipt and 1027
consideration of advice on appropriate community preventive 1028
education programs from the county's board of alcohol, drug 1029
addiction, and mental health services, from the county's alcohol 1030
and drug addiction services board, or through appropriate 1031
community dialogue. The financial records described in division 1032
(D)(3)(a)(i) of this section shall specify the amount of the 1033
proceeds and forfeited moneys deposited during each calendar year 1034
in the sheriff's, prosecuting attorney's, municipal corporation's, 1035
township's, or park district's law enforcement trust fund pursuant 1036

to division (B)(8)(c) of section 2925.44 of the Revised Code, the 1037
portion of that amount that was used pursuant to the requirements 1038
of this division, and the community preventive education programs 1039
in connection with which the portion of that amount was so used. 1040

As used in this division, "community preventive education 1041
programs" includes, but is not limited to, DARE programs and other 1042
programs designed to educate adults or children with respect to 1043
the dangers associated with the use of drugs of abuse. 1044

(b) Each sheriff, prosecuting attorney, municipal corporation 1045
police department, township police department, township police 1046
district police force, office of the constable, or park district 1047
police force or law enforcement department that receives in any 1048
calendar year any proceeds or forfeited moneys out of a law 1049
enforcement trust fund under division (D)(1)(c) of this section or 1050
uses any proceeds or forfeited moneys in its law enforcement trust 1051
fund in any calendar year shall prepare a report covering the 1052
calendar year that cumulates all of the information contained in 1053
all of the public financial records kept by the sheriff, 1054
prosecuting attorney, municipal corporation police department, 1055
township police department, township police district police force, 1056
office of the constable, or park district police force or law 1057
enforcement department pursuant to division (D)(3)(a) of this 1058
section for that calendar year, and shall send a copy of the 1059
cumulative report, no later than the first day of March in the 1060
calendar year following the calendar year covered by the report, 1061
to the attorney general. 1062

The superintendent of the state highway patrol shall prepare 1063
a report covering each calendar year in which the state highway 1064
patrol uses any proceeds or forfeited moneys in the state highway 1065
patrol contraband, forfeiture, and other fund under division 1066
(D)(1)(c) of this section, that cumulates all of the information 1067
contained in all of the public financial records kept by the state 1068

highway patrol pursuant to division (D)(3)(a) of this section for 1069
that calendar year, and shall send a copy of the cumulative 1070
report, no later than the first day of March in the calendar year 1071
following the calendar year covered by the report, to the attorney 1072
general. 1073

The department of public safety shall prepare a report 1074
covering each fiscal year in which the department uses any 1075
proceeds or forfeited moneys in the liquor enforcement contraband, 1076
seizure, and other fund and the food stamp contraband, forfeiture, 1077
and other fund under division (D)(1)(c) of this section that 1078
cumulates all of the information contained in all of the public 1079
financial records kept by the department pursuant to division 1080
(D)(3)(a) of this section for that fiscal year. The department 1081
shall send a copy of the cumulative report to the attorney general 1082
no later than the first day of August in the fiscal year following 1083
the fiscal year covered by the report. The director of public 1084
safety shall include in the report a verification that proceeds 1085
and forfeited moneys paid into the liquor enforcement contraband, 1086
seizure, and other fund and the food stamp contraband, forfeiture, 1087
and other fund under division (D)(1)(c) of this section during the 1088
preceding fiscal year were used by the department during that 1089
fiscal year only for the purposes authorized by that division and 1090
shall specify the amount used for each authorized purpose. 1091

The executive director of the state board of pharmacy shall 1092
prepare a report covering each calendar year in which the board 1093
uses any proceeds or forfeited moneys in the board of pharmacy 1094
drug law enforcement fund under division (D)(1)(c) of this 1095
section, that cumulates all of the information contained in all of 1096
the public financial records kept by the board pursuant to 1097
division (D)(3)(a) of this section for that calendar year, and 1098
shall send a copy of the cumulative report, no later than the 1099
first day of March in the calendar year following the calendar 1100

year covered by the report, to the attorney general. Each report
received by the attorney general is a public record open for
inspection under section 149.43 of the Revised Code. The attorney
general shall make copies of each report received, and, no later
than the fifteenth day of April in the calendar year in which the
report is received, shall send a copy of it to the president of
the senate and the speaker of the house of representatives.

(4)(a) A law enforcement agency that receives pursuant to
federal law proceeds from a sale of forfeited contraband, proceeds
from another disposition of forfeited contraband, or forfeited
contraband moneys shall deposit, use, and account for the proceeds
or forfeited moneys in accordance with, and otherwise comply with,
the applicable federal law.

(b) If the state highway patrol receives pursuant to federal
law proceeds from a sale of forfeited contraband, proceeds from
another disposition of forfeited contraband, or forfeited
contraband moneys, the appropriate governmental officials shall
deposit into the state highway patrol contraband, forfeiture, and
other fund all interest or other earnings derived from the
investment of the proceeds or forfeited moneys. The state highway
patrol shall use and account for that interest or other earnings
in accordance with the applicable federal law.

(c) If the liquor enforcement unit of the department of
public safety receives pursuant to federal law proceeds from a
sale of forfeited contraband, proceeds from another disposition of
forfeited contraband, or forfeited contraband moneys, the
appropriate governmental officials shall deposit into the liquor
enforcement contraband, forfeiture, and other fund all interest or
other earnings derived from the investment of the proceeds or
forfeited moneys. The department shall use and account for that
interest or other earnings in accordance with the applicable
federal law.

(d) If the food stamp fraud unit of the department of public safety receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials shall deposit into the food stamp contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law. 1133
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(e) Divisions (D)(1) to (3) of this section do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (D)(4)(b) of this section. 1142
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(E) Upon the sale pursuant to this section of any property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title pursuant to division (C) of this section and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration. 1148
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(F) Notwithstanding any provisions of this section to the contrary, any property that is lawfully seized in relation to a violation of section 2923.32 of the Revised Code shall be subject to forfeiture and disposition in accordance with sections 2923.32 to 2923.36 of the Revised Code, and any property that is forfeited pursuant to section 2925.42 or 2925.43 of the Revised Code in relation to a felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in 1155
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accordance with sections 2925.41 to 2925.45 of the Revised Code or 1165
this section. 1166

(G) Any failure of a law enforcement officer or agency, a 1167
prosecuting attorney, village solicitor, city director of law, or 1168
similar chief legal officer, a court, or the attorney general to 1169
comply with any duty imposed by this section in relation to any 1170
property seized or with any other provision of this section in 1171
relation to any property seized does not affect the validity of 1172
the seizure of the property, provided the seizure itself was made 1173
in accordance with law, and is not and shall not be considered to 1174
be the basis for the suppression of any evidence resulting from 1175
the seizure of the property, provided the seizure itself was made 1176
in accordance with law. 1177

(H) Contraband that has been forfeited pursuant to division 1178
(C) of this section shall not be available for use to pay any fine 1179
imposed upon a person who is convicted of or pleads guilty to an 1180
underlying criminal offense or a different offense arising out of 1181
the same facts and circumstances. 1182

Sec. 3701.022. As used in sections 3701.021 to 3701.028 of 1183
the Revised Code: 1184

(A) "Medically handicapped child" means an Ohio resident 1185
under twenty-one years of age who suffers primarily from an 1186
organic disease, defect, or a congenital or acquired physically 1187
handicapping and associated condition that may hinder the 1188
achievement of normal growth and development. 1189

(B) "Provider" means a health professional, hospital, medical 1190
equipment supplier, and any individual, group, or agency that is 1191
approved by the department of health pursuant to division (C) of 1192
section 3701.023 of the Revised Code and that provides or intends 1193
to provide goods or services to a child who is eligible for the 1194

program for medically handicapped children.	1195
(C) "Service coordination" means case management services provided to medically handicapped children that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.	1196 1197 1198 1199 1200
(D)(1) "Third party" means any person or government entity other than the following:	1201 1202
(a) A medically handicapped child participating in the program for medically handicapped children or his parent or guardian;	1203 1204 1205
(b) The department or any program administered by the department, including the hospital motor vehicle claims program established under sections 3701.61 to 3701.69 of the Revised Code and the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;	1206 1207 1208 1209 1210 1211
(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.	1212 1213
(2) "Third party" includes all of the following:	1214
(a) Any trust established to benefit a medically handicapped child participating in the program or his family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;	1215 1216 1217 1218
(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;	1219 1220 1221 1222
(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.	1223 1224

(E) "Third-party benefits" means any and all benefits paid by 1225
a third party to or on behalf of a medically handicapped child 1226
participating in the program or his parent or guardian for goods 1227
or services that are authorized by the department pursuant to 1228
division (B) or (D) of section 3701.023 of the Revised Code. 1229

Sec. 3701.07. (A) The public health council shall adopt rules 1230
in accordance with Chapter 119. of the Revised Code defining and 1231
classifying hospitals and dispensaries and providing for the 1232
reporting of classification information by hospitals and 1233
dispensaries. The rules may require each hospital to report 1234
information in the following categories, shall limit the 1235
information to information necessary to classify hospitals and 1236
dispensaries as general or specialty facilities, and shall not 1237
include any confidential patient data or any information 1238
concerning the financial condition, income, expenses, or net worth 1239
of the facilities other than that financial information already 1240
contained in those portions of the medicare or medicaid cost 1241
report that is necessary for the department of health to certify 1242
the per diem cost under section 3701.62 of the Revised Code: 1243

(1) Information needed to identify and classify the 1244
institution; 1245

(2) Information on facilities and type and volume of services 1246
provided by the institution; 1247

(3) The number of beds listed by category of care provided; 1248

(4) The number of licensed or certified professional 1249
employees by classification; 1250

~~(5) Information necessary for calculation of a per diem rate 1251
for reimbursement under section 3701.62 of the Revised Code; 1252~~

~~(6) The number of births that occurred at the institution the 1253
previous calendar year. 1254~~

Every hospital and dispensary, public or private, annually 1255
shall register with and report to the department of health on 1256
forms prescribed in rules adopted under this division. 1257

(B) Every governmental entity or private nonprofit 1258
corporation or association whose employees or representatives are 1259
defined as residents' rights advocates under divisions (E)(1) and 1260
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 1261
the Revised Code shall register with the department of health on 1262
forms furnished by the director of health and shall provide such 1263
reasonable identifying information as he may prescribe. 1264

The department shall compile a list of the governmental 1265
entities, corporations, or associations registering under this 1266
division and shall update the list annually. Copies of the list 1267
shall be made available to nursing home administrators as defined 1268
in division (C) of section 3721.10 of the Revised Code and to 1269
adult care facility managers as defined in section 3722.01 of the 1270
Revised Code. 1271

(C) Every governmental entity or private nonprofit 1272
corporation or association whose employees or representatives act 1273
as residents' rights advocates for community alternative homes 1274
pursuant to section 3724.08 of the Revised Code shall register 1275
with the department of health on forms furnished by the director 1276
of health and shall provide such reasonable identifying 1277
information as he may prescribe. 1278

The department shall compile a list of the governmental 1279
entities, corporations, and associations registering under this 1280
division and shall update the list annually. Copies of the list 1281
shall be made available to operators or residence managers of 1282
community alternative homes as defined in section 3724.01 of the 1283
Revised Code. 1284

Sec. 3701.83. (A) There is hereby created in the state 1285
treasury the general operations fund. Moneys in the fund shall be 1286
used for the purposes specified in sections 3701.04, 3701.344, 1287
3701.88, 3702.20, 3710.15, 3711.021, 3721.02, 3722.04, 3732.04, 1288
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 1289
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 1290
Revised Code. 1291

(B) The alcohol testing program fund is hereby created in the 1292
state treasury. The director of health shall use the fund to 1293
administer and enforce the alcohol testing and permit program 1294
authorized by section 3701.143 Of the Revised Code. 1295

The fund shall receive transfers from the liquor control fund 1296
created under section 4301.12 Of the Revised Code. All investment 1297
earnings of the alcohol testing program fund shall be credited to 1298
the fund. 1299

Sec. 4301.12. The division of liquor control shall provide 1300
for the custody, safekeeping, and deposit of all moneys, checks, 1301
and drafts received by it or any of its employees or agents prior 1302
to paying them to the treasurer of state as provided by section 1303
113.08 of the Revised Code. 1304

A sum equal to three dollars and thirty-eight cents for each 1305
gallon of spirituous liquor sold by the division during the period 1306
covered by the payment shall be paid into the state treasury to 1307
the credit of the general revenue fund. All moneys received from 1308
permit fees shall be paid to the credit of the undivided liquor 1309
permit fund established by section 4301.30 of the Revised Code. 1310

Except as otherwise provided by law, all moneys collected 1311
under Chapters 4301. and 4303. of the Revised Code shall be paid 1312
by the division into the state treasury to the credit of the 1313
liquor control fund, which is hereby created. 1314

Whenever, in the judgment of the director of budget and 1315
management, the amount in the custody of the treasurer of state to 1316
the credit of the liquor control fund is in excess of that needed 1317
to meet the maturing obligations of the division ~~and~~, as working 1318
capital for its further operations, and as required for the 1319
alcohol testing program under section 3701.143 Of the Revised 1320
Code, the director shall transfer the excess to the state treasury 1321
to the credit of the general revenue fund. 1322

Sec. 4501.03. The registrar of motor vehicles shall open an 1323
account with each county and district of registration in the 1324
state, and may assign each county and district of registration in 1325
the state a unique code for identification purposes. Except as 1326
provided in ~~division (C) of~~ section 4501.14, section 4501.044, or 1327
division (B)(1) of section 4501.045 of the Revised Code, the 1328
registrar shall pay all moneys the registrar receives under 1329
sections 4503.02, 4503.12, and 4504.09 of the Revised Code into 1330
the state treasury to the credit of the auto registration 1331
distribution fund, which is hereby created, for distribution in 1332
the manner provided for in this section and sections 4501.04, 1333
4501.041, 4501.042, and 4501.043 of the Revised Code. All other 1334
moneys received by the registrar shall be deposited in the state 1335
bureau of motor vehicles fund established in section 4501.25 of 1336
the Revised Code for the purposes enumerated in that section, 1337
unless otherwise provided by law. 1338

All moneys credited to the auto registration distribution 1339
fund shall be distributed to the counties and districts of 1340
registration, except for funds received by the registrar under 1341
section 4504.09 of the Revised Code, after receipt of 1342
certifications from the commissioners of the sinking fund 1343
certifying, as required by sections 5528.15 and 5528.35 of the 1344
Revised Code, that there are sufficient moneys to the credit of 1345

the highway improvement bond retirement fund created by section 1346
5528.12 of the Revised Code to meet in full all payments of 1347
interest, principal, and charges for the retirement of bonds and 1348
other obligations issued pursuant to Section 2g of Article VIII, 1349
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1350
Code due and payable during the current calendar year, and that 1351
there are sufficient moneys to the credit of the highway 1352
obligations bond retirement fund created by section 5528.32 of the 1353
Revised Code to meet in full all payments of interest, principal, 1354
and charges for the retirement of highway obligations issued 1355
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1356
sections 5528.30 and 5528.31 of the Revised Code due and payable 1357
during the current calendar year, in the manner provided in 1358
section 4501.04 of the Revised Code. 1359

The treasurer of state may invest any portion of the moneys 1360
credited to the auto registration distribution fund, in the same 1361
manner and subject to all the laws with respect to the investment 1362
of state funds by the treasurer of state, and all investment 1363
earnings of the fund shall be credited to the fund. 1364

Once each month the registrar shall prepare vouchers in favor 1365
of the county auditor of each county for the amount of the tax 1366
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1367
Code apportioned to the county and to the districts of 1368
registration located wholly or in part in the county auditor's 1369
county. The county auditor shall distribute the proceeds of the 1370
tax collections due the county and the districts of registration 1371
in the manner provided in section 4501.04 of the Revised Code. 1372

Once each month the registrar also shall prepare vouchers in 1373
favor of the county auditor of each county levying a county motor 1374
vehicle license tax pursuant to section 4504.02, 4504.15, or 1375
4504.16 of the Revised Code and of each county in which is located 1376
one or more townships levying a township motor vehicle license tax 1377

pursuant to section 4504.18 of the Revised Code for the amount of 1378
the tax due the county or townships in the county. 1379

All moneys received by the registrar under sections 4503.02, 1380
4503.12, and 4504.09 of the Revised Code shall be distributed to 1381
counties, townships, and municipal corporations within thirty days 1382
of the expiration of the registration year, except that a sum 1383
equal to five per cent of the total amount received under sections 1384
4503.02 and 4503.12 of the Revised Code may be reserved to make 1385
final adjustments in accordance with the formula for distribution 1386
set forth in section 4501.04 of the Revised Code. If amounts set 1387
aside to make the adjustments are inadequate, necessary 1388
adjustments shall be made immediately out of funds available for 1389
distribution for the following two registration years. 1390

Sec. 4501.14. ~~(A)~~ There is hereby created in the state 1391
treasury the central registration fund, to which shall be credited 1392
the fees charged in division (G) of section 4503.102 of the 1393
Revised Code, unless otherwise provided by law. ~~Additional~~ 1394
~~expenses~~ Expenses incurred by the registrar of motor vehicles for 1395
~~implementation of~~ the central mail-in system of motor vehicle 1396
registration renewals shall be charged to the central registration 1397
fund. The director of budget and management may transfer excess 1398
money from the central registration fund to the state bureau of 1399
motor vehicles fund established by section 4501.25 Of the Revised 1400
Code if the registrar determines the amount of money in the 1401
central registration fund exceeds the amount required to cover 1402
costs and requests the director to make the transfer. All 1403
investment earnings of the central registration fund shall be 1404
credited to the central registration fund. 1405

~~(B) By the fifteenth day of October of each year, the~~ 1406
~~registrar and the director of the office of budget and management~~ 1407
~~shall determine and certify for the preceding fiscal year the~~ 1408

~~amount, if any, by which the fees collected and paid into the
central registration fund exceed the expenses incurred by the
registrar during such year that are determined to be expenses that
would not have been incurred except for the enactment of Amended
Substitute Senate Bill No. 1 of the 117th general assembly. The
amount of the excess shall be transferred from the central
registration fund to the auto registration distribution fund
within ten days of the date on which the certification is made,
except as follows:~~

~~(1) First, the registrar and the director may determine the
amount of the excess, if any, that will be necessary to meet
anticipated expenses in the next fiscal year and that amount shall
be retained in the central registration fund;~~

~~(2) Second, the amount of the remaining excess, if any, equal
to the number of motor vehicles inspected pursuant to section
4505.061 of the Revised Code as determined and certified by the
registrar, multiplied by fifty cents shall be transferred into the
state bureau of motor vehicles fund established by section 4501.25
of the Revised Code.~~

~~(C) The director of the office of budget and management shall
determine and certify the amount of any estimated deficiency in
the central registration fund. The amount of the deficiency shall
be paid into the central registration fund from moneys received by
the registrar under section 4503.02 of the Revised Code, at such
times and in a manner determined by the director and the
registrar.~~

Sec. 4501.15. (A) The department of public safety shall not
provide social security numbers from its driver license and
vehicle registration records to any person, except local, state,
or federal governmental agencies. This ~~section~~ division does not
preclude the registrar from reporting a person's social security

number if the number was provided in the request for information. 1440

(B) The department shall not provide to any person credit 1441
card account numbers or any other information obtained when a 1442
person uses a credit card to pay motor vehicle registration taxes 1443
or fees, license fees, or other similar taxes, fees, penalties, or 1444
charges imposed or levied by the state and collected by the 1445
department, except that such information may be provided to the 1446
financial institutions and credit issuing companies directly 1447
involved in the credit transaction or to local, state, or federal 1448
governmental agencies. 1449

Sec. 4501.16. There is hereby created in the state treasury 1450
the MARCS maintenance fund. The fund shall consist of moneys 1451
received by the state highway patrol from users of the 1452
multi-agency radio communications system (MARCS). The fund shall 1453
be used to provide maintenance for MARCS-related equipment located 1454
at both the MARCS facilities and tower sites. All investment 1455
earnings on moneys in the fund shall be credited to the fund. 1456

Sec. 4501.19. There is hereby created in the state treasury 1457
the law enforcement reimbursement fund. The law enforcement 1458
reimbursement fund shall consist of ~~these~~ fees collected by the 1459
registrar of motor vehicles under division (A)(6) of section 1460
4503.233 of the Revised Code, and shall be used to make payments 1461
to law enforcement agencies in accordance with that division. 1462
However, the director of budget and management may transfer excess 1463
money from the law enforcement reimbursement fund to the bureau of 1464
motor vehicles fund created in section 4501.25 Of the Revised Code 1465
if the registrar determines that the amount of money in the law 1466
enforcement reimbursement fund exceeds the amounts required to be 1467
paid by division (A)(6) of section 4503.233 Of the Revised Code, 1468
and the registrar requests the director to make the transfer. All 1469
investment earnings of the law enforcement reimbursement fund 1470

shall be credited to the fund. 1471

Sec. 4501.20. There is hereby created in the state treasury 1472
the collegiate license plate fund. The fund shall consist of the 1473
contributions ~~and fees~~ that are paid to the registrar of motor 1474
vehicles by applicants who voluntarily choose to obtain collegiate 1475
license plates pursuant to section 4503.51 of the Revised Code. 1476

A contribution deposited in the fund shall be paid to the 1477
university or college whose name or marking or design appears on 1478
collegiate license plates that are issued to a person under 1479
section 4503.51 of the Revised Code. A university or college that 1480
receives contributions from the fund shall deposit the 1481
contributions into its general scholarship fund. ~~The fees~~ 1482
~~deposited in the fund shall be used to pay the expenses the bureau~~ 1483
~~of motor vehicles incurs in providing the additional services~~ 1484
~~required in the issuing of collegiate license plates. All~~ 1485

All investment earnings of the collegiate license plate fund 1486
shall be credited to the fund. 1487

Sec. 4501.22. There is hereby created in the state treasury 1488
the pro football hall of fame license plate fund. The fund shall 1489
consist of the contributions ~~and fees~~ that are paid to the 1490
registrar of motor vehicles by applicants who voluntarily choose 1491
to obtain pro football hall of fame license plates pursuant to 1492
section 4503.55 of the Revised Code. 1493

A contribution deposited in the fund shall be paid to the pro 1494
football hall of fame, which shall deposit the contribution into a 1495
special bank account that it establishes and that shall be 1496
separate and distinct from any other account maintained by the pro 1497
football hall of fame, to be used exclusively for the purpose of 1498
promoting the pro football hall of fame as a travel destination. 1499

~~The fees deposited in the pro football hall of fame license
plate fund shall be used to pay the expenses the bureau of motor
vehicles incurs in providing the additional services required in
the issuing of pro football hall of fame license plates.~~

All investment earnings of the pro football hall of fame
license plate fund shall be credited to the fund.

Sec. 4501.28. There is hereby created in the state treasury
the MARCS operations fund. The fund shall consist of moneys
received by the emergency management agency established under
section 5502.22 Of the Revised Code from users of the multi-agency
radio communications system (MARCS). The fund shall be used to
provide for the systems operations of MARCS. All investment
earnings on moneys in the fund shall be credited to the fund.

Sec. 4503.102. (A) The registrar of motor vehicles shall
adopt rules to establish a centralized system of motor vehicle
registration renewal by mail. Any person owning a motor vehicle
that was registered in ~~his~~ the person's name during the preceding
registration year shall renew the registration of the motor
vehicle either by mail through the centralized system of
registration established under this section or in person at a
deputy registrar's office.

(B)(1) No less than forty-five days prior to the expiration
date of any motor vehicle registration, the registrar shall mail a
renewal notice to the person in whose name the motor vehicle is
registered. The renewal notice shall clearly state that the
registration of the motor vehicle may be renewed by mail through
the centralized system of registration or in person at a deputy
registrar's office and shall be preprinted with information
including, but not limited to, the owner's name and residence
address as shown in the records of the bureau of motor vehicles, a
brief description of the motor vehicle to be registered, notice of

the license taxes and fees due on the motor vehicle, the toll-free
telephone number of the registrar as required under division
(D)(1) of section 4503.031 of the Revised Code, and any additional
information the registrar may require by rule. The renewal notice
shall be sent by regular mail to the owner's last known address as
shown in the records of the bureau of motor vehicles.

(2) If the application for renewal of the registration of a
motor vehicle is prohibited from being accepted by the registrar
or a deputy registrar by division (D) of section 2935.27, division
(A) of section 2937.221, division (B) of section 4507.168, or
division (B)(1) of section 4521.10 of the Revised Code, the
registrar is not required to send a renewal notice to the vehicle
owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the
information contained in the notice, sign it, and return it, in
person to a deputy registrar or by mail to the registrar, together
with a credit card number, when permitted by rule of the
registrar, check, or money order in the amount of the registration
taxes and fees payable on the motor vehicle and a mail fee of two
dollars and twenty-five cents plus postage as indicated on the
notice, if the registration is renewed by mail, and an inspection
certificate for the motor vehicle as provided in section 3704.14
of the Revised Code.

(D) If all registration and transfer fees for the motor
vehicle for the preceding year or the preceding period of the
current registration year have not been paid, if division (D) of
section 2935.27, division (A) of section 2937.221, division (B) of
section 4507.168, or division (B)(1) of section 4521.10 of the
Revised Code prohibits acceptance of the renewal notice, or if the
owner or lessee does not have an inspection certificate for the
motor vehicle as provided in section 3704.14 of the Revised Code,
if that section is applicable, the license shall be refused and

the registrar or deputy registrar shall so notify the owner. This 1563
section does not require the payment of license or registration 1564
taxes on a motor vehicle for any preceding year, or for any 1565
preceding period of a year, if the motor vehicle was not taxable 1566
for that preceding year or period under section 4503.02, 4503.04, 1567
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code. 1568

(E)(1) Failure to receive a renewal notice does not relieve a 1569
motor vehicle owner from the responsibility to renew the 1570
registration for the motor vehicle. Any person who has a motor 1571
vehicle registered in this state and who does not receive a 1572
renewal notice as provided in division (B) of this section prior 1573
to the expiration date of the registration shall request an 1574
application for registration from the registrar or a deputy 1575
registrar and return the signed application and any applicable 1576
license taxes and fees to the registrar or deputy registrar. 1577

(2) If the owner of a motor vehicle submits an application 1578
for registration and the registrar is prohibited by division (D) 1579
of section 2935.27, division (A) of section 2937.221, division (B) 1580
of section 4507.168, or division (B)(1) of section 4521.10 of the 1581
Revised Code from accepting the application, the registrar shall 1582
return the application and the payment to the owner and also shall 1583
include an explanatory notice as described in division (B)(2) of 1584
this section. 1585

(F) Every deputy registrar shall post in a prominent place at 1586
the deputy's office a notice informing the public of the mail 1587
registration system required by this section, and also shall post 1588
a notice that every owner of a motor vehicle and every chauffeur 1589
holding a certificate of registration is required to notify the 1590
registrar in writing of any change of residence within ten days 1591
after the change occurs. The notice shall be in such form as the 1592
registrar prescribes by rule. 1593

(G) The two dollars and twenty-five cents fee, plus postage 1594
and any credit card surcharge collected by the registrar for 1595
registration by mail, shall be paid to the credit of the central 1596
registration fund established by section 4501.14 of the Revised 1597
Code. 1598

(H) ~~No later than January 1, 1991, the registrar shall~~ 1599
~~implement the initial phase of a credit card payment program~~ 1600
~~permitting payment of motor vehicle renewal registration taxes and~~ 1601
~~fees by means of a credit card when such renewal is made by mail.~~ 1602
~~No later than January 1, 1993, the~~ The registrar ~~shall~~ may 1603
implement the final phase of the credit card payment a program 1604
permitting payment of motor vehicle registration taxes and fees, 1605
driver's license and commercial driver's license fees, and any 1606
other taxes, fees, penalties, or charges imposed or levied by the 1607
state ~~relating to such registrations and licenses that are~~ 1608
~~collected by the registrar or a deputy registrar by means of a~~ 1609
~~credit card when such motor vehicle registrations, license~~ 1610
~~applications, or other similar state related transactions are made~~ 1611
~~in person at the office of the registrar or at a deputy~~ 1612
~~registrar's office. The registrar shall~~ may adopt rules as 1613
necessary for this purpose. ~~No deputy registrar shall accept a~~ 1614
~~credit card as payment for the purchase of any goods sold by the~~ 1615
~~deputy registrar and any tax imposed by Chapter 5739. of the~~ 1616
~~Revised Code on the sale of such goods.~~ 1617

If a person uses a credit card to pay motor vehicle 1618
registration taxes or fees, license fees, or other similar taxes, 1619
fees, penalties, or charges imposed or levied by the state as 1620
provided in this section, a surcharge sufficient to pay the 1621
required service charge of the financial institution or credit 1622
card company shall be paid by the person using the credit card. 1623

(I) For persons who reside in counties where tailpipe 1624
emissions inspections are required under the motor vehicle 1625

inspection and maintenance program, the notice required by 1626
division (B) of this section shall also include the toll-free 1627
telephone number maintained by the Ohio environmental protection 1628
agency to provide information concerning the locations of 1629
emissions testing centers. 1630

Sec. 4503.191. (A) The identification license plate shall be 1631
issued for a multi-year period as determined by the director of 1632
public safety, and shall be accompanied by a validation sticker, 1633
to be attached to the license plate. The validation sticker shall 1634
indicate the expiration of the registration period to which the 1635
motor vehicle for which the license plate is issued is assigned, 1636
in accordance with rules adopted by the registrar. During each 1637
succeeding year of the multi-year period following the issuance of 1638
the plate and validation sticker, upon the filing of an 1639
application for registration and the payment of the tax therefor, 1640
a validation sticker alone shall be issued. The validation 1641
stickers required under this section shall be of different colors 1642
or shades each year, the new colors or shades to be selected by 1643
the director. 1644

(B) Identification license plates and, validation stickers 1645
required under this section, and county identification stickers 1646
shall be produced by Ohio penal industries. However, the registrar 1647
and Ohio penal industries may enter into an agreement under which 1648
the bureau of motor vehicles at certain times may produce certain 1649
types of validation and county identification stickers. The 1650
agreement shall specify those times and types of stickers. 1651

Sec. 4503.51. (A) The owner of any passenger car, 1653
noncommercial motor vehicle, or recreational vehicle may 1654
voluntarily choose to submit an application to the registrar of 1655

motor vehicles for registration of such motor vehicle and for 1656
issuance of collegiate license plates. The request for a 1657
collegiate license plate may be combined with a request for a 1658
special reserved license plate under section 4503.40 or 4503.42 of 1659
the Revised Code. 1660

Upon receipt of an application for registration of a 1661
passenger car, noncommercial motor vehicle, or recreational 1662
vehicle in accordance with any rules adopted under this section 1663
and upon compliance with division (B) of this section, the 1664
registrar shall issue to the applicant appropriate vehicle 1665
registration and a set of collegiate license plates with a 1666
validation sticker, or a validation sticker alone when required by 1667
section 4503.191 of the Revised Code. 1668

In addition to the letters and numbers ordinarily inscribed 1669
thereon, collegiate license plates shall be inscribed with the 1670
name of a university or college that is participating with the 1671
registrar in the issuance of collegiate license plates, or any 1672
other identifying marking or design selected by such a university 1673
or college and approved by the registrar. Collegiate license 1674
plates shall bear county identification stickers unless the 1675
registrar approves a design for the license plates that does not 1676
allow for the placement of the county identification sticker. 1677

(B) The collegiate license plates and validation sticker 1678
shall be issued upon receipt of a contribution as provided in 1679
division (C) of this section and payment of the regular license 1680
fees as prescribed under section 4503.04 of the Revised Code, any 1681
applicable motor vehicle tax levied under Chapter 4504. of the 1682
Revised Code, a fee not to exceed ten dollars for the purpose of 1683
compensating the bureau of motor vehicles for additional services 1684
required in the issuing of collegiate license plates, and 1685
compliance with all other applicable laws relating to the 1686

registration of motor vehicles, including presentation of any 1687
inspection certificate required to be obtained for the motor 1688
vehicle under section 3704.14 of the Revised Code. If the 1689
application for a collegiate license plate is combined with a 1690
request for a special reserved license plate under section 4503.40 1691
or 4503.42 of the Revised Code, the license plate and validation 1692
sticker shall be issued upon payment of the contribution, fees, 1693
and taxes referred to in this division, the additional fee 1694
prescribed under section 4503.40 or 4503.42 of the Revised Code, 1695
and compliance with all other laws relating to the registration of 1696
motor vehicles, including presentation of any inspection 1697
certificate required to be obtained for the motor vehicle under 1698
section 3704.14 of the Revised Code. 1699

(C) The registrar shall collect a contribution of forty 1700
dollars for each application for registration and registration 1701
renewal notice under this section. 1702

The registrar shall transmit this contribution ~~and the~~ to the 1703
treasurer of state for deposit into the collegiate license plate 1704
fund created by section 4501.20 Of the Revised Code. The 1705
additional fee not to exceed ten dollars that the applicant for 1706
registration voluntarily pays for the purpose of compensating the 1707
bureau for the additional services required in the issuing of ~~his~~ 1708
the collegiate license plates shall be transmitted into the state 1709
treasury to the ~~treasurer credit of the state for deposit in the~~ 1710
collegiate license plate bureau of motor vehicles fund created in 1711
section ~~4501.20~~ 4501.25 of the Revised Code. 1712

(D) The registrar, in accordance with Chapter 119. of the 1713
Revised Code, shall adopt rules necessary for the efficient 1714
administration of the collegiate license plate program. 1715

(E) As used in this section, "university or college" means a 1716
state university or college or a private university or college 1717

located in this state that possesses a certificate of 1718
authorization issued by the Ohio board of regents pursuant to 1719
Chapter 1713. of the Revised Code. "University or college" also 1720
includes community colleges created pursuant to Chapter 3354. of 1721
the Revised Code, university branches created pursuant to Chapter 1722
3355. of the Revised Code, technical colleges created pursuant to 1723
Chapter 3357. of the Revised Code, and state community colleges 1724
created pursuant to Chapter 3358. of the Revised Code. 1725

Sec. 4503.52. (A) The owner of any passenger car, 1726
noncommercial motor vehicle, or recreational vehicle may apply to 1727
the registrar of motor vehicles for the registration of the 1728
vehicle and issuance of Lake Erie license plates. The application 1729
for Lake Erie license plates may be combined with a request for a 1730
special reserved license plate under section 4503.40 or 4503.42 of 1731
the Revised Code. Upon receipt of the completed application and 1732
compliance with division (B) of this section, the registrar shall 1733
issue to the applicant the appropriate vehicle registration and a 1734
set of Lake Erie license plates with a validation sticker or a 1735
validation sticker alone when required by section 4503.191 of the 1736
Revised Code. 1737

In addition to the letters and numbers ordinarily inscribed 1738
thereon, Lake Erie license plates shall be inscribed with 1739
identifying words or markings designed by the Ohio Lake Erie 1740
commission and approved by the registrar. Lake Erie license plates 1741
shall bear county identification stickers unless the registrar 1742
approves a design for the license plates that does not allow for 1743
the placement of the county identification sticker. 1744

(B) The Lake Erie license plates and validation sticker shall 1745
be issued upon receipt of a contribution as provided in division 1746
(C) of this section and upon payment of the regular license fees 1747
as prescribed under section 4503.04 of the Revised Code, a fee not 1748

to exceed ten dollars for the purpose of compensating the bureau 1749
of motor vehicles for additional services required in the issuing 1750
of the Lake Erie license plates, any applicable motor vehicle tax 1751
levied under Chapter 4504. of the Revised Code, and compliance 1752
with all other applicable laws relating to the registration of 1753
motor vehicles. If the application for Lake Erie license plates is 1754
combined with a request for a special reserved license plate under 1755
section 4503.40 or 4503.42 of the Revised Code, the license plate 1756
and validation sticker shall be issued upon payment of the 1757
contribution, fees, and taxes contained in this division and the 1758
additional fee prescribed under section 4503.40 or 4503.42 of the 1759
Revised Code. 1760

(C) For each application for registration and registration 1761
renewal ~~he receives~~ received under this section, the registrar 1762
shall collect a contribution in an amount not to exceed forty 1763
dollars as determined by the Ohio Lake Erie commission. The 1764
registrar shall transmit this contribution to the treasurer of 1765
state for deposit in the Lake Erie protection fund created in 1766
section 1506.23 of the Revised Code. 1767

The registrar shall deposit the additional fee not to exceed 1768
ten dollars specified in division (B) of this section that the 1769
applicant for registration voluntarily pays for the purpose of 1770
compensating the bureau for the additional services required in 1771
the issuing of ~~his~~ the Lake Erie license plates in the ~~Lake Erie~~ 1772
~~license plate~~ state bureau of motor vehicles fund created in 1773
section ~~4501.21~~ 4501.25 of the Revised Code. 1774

Sec. 4503.55. (A) The owner of any passenger car, 1775
noncommercial motor vehicle, or recreational vehicle may apply to 1776
the registrar of motor vehicles for the registration of the 1777
vehicle and issuance of pro football hall of fame license plates. 1778
The application for pro football hall of fame license plates may 1779

be combined with a request for a special reserved license plate 1780
under section 4503.40 or 4503.42 of the Revised Code. Upon receipt 1781
of the completed application and compliance with division (B) of 1782
this section, the registrar shall issue to the applicant the 1783
appropriate vehicle registration and a set of pro football hall of 1784
fame license plates with a validation sticker or a validation 1785
sticker alone when required by section 4503.191 of the Revised 1786
Code. 1787

In addition to the letters and numbers ordinarily inscribed 1788
thereon, pro football hall of fame license plates shall be 1789
inscribed with identifying words or markings designed by the pro 1790
football hall of fame and approved by the registrar. Pro football 1791
hall of fame plates shall bear county identification stickers 1792
unless the registrar approves a design for the license plates that 1793
does not allow for the placement of the county identification 1794
sticker. 1795

(B) The pro football hall of fame license plates and 1796
validation sticker shall be issued upon receipt of a contribution 1797
as provided in division (C) of this section and upon payment of 1798
the regular license fees as prescribed under section 4503.04 of 1799
the Revised Code, a fee not to exceed ten dollars for the purpose 1800
of compensating the bureau of motor vehicles for additional 1801
services required in the issuing of the pro football hall of fame 1802
license plates, any applicable motor vehicle tax levied under 1803
Chapter 4504. of the Revised Code, and compliance with all other 1804
applicable laws relating to the registration of motor vehicles. If 1805
the application for pro football hall of fame license plates is 1806
combined with a request for a special reserved license plate under 1807
section 4503.40 or 4503.42 of the Revised Code, the license plate 1808
and validation sticker shall be issued upon payment of the 1809
contribution, fees, and taxes contained in this division and the 1810
additional fee prescribed under section 4503.40 or 4503.42 of the 1811

Revised Code. 1812

(C) For each application for registration and registration 1813
renewal under this section, the registrar shall collect a 1814
contribution of fifteen dollars. The registrar shall transmit this 1815
contribution to the treasurer of state for deposit in the pro 1816
football hall of fame license plate fund created in section 1817
4501.22 of the Revised Code. 1818

The registrar shall deposit the additional fee not to exceed 1819
ten dollars specified in division (B) of this section that the 1820
applicant for registration voluntarily pays for the purpose of 1821
compensating the bureau for the additional services required in 1822
the issuing of ~~his~~ the applicant's pro football hall of fame 1823
license plates in the ~~pro football hall of fame license plate~~ 1824
state bureau of motor vehicles fund created in section ~~4501.22~~ 1825
4501.25 of the Revised Code. 1826

Sec. 4503.56. (A) The owner of any passenger car, 1827
noncommercial motor vehicle, or recreational vehicle may apply to 1828
the registrar of motor vehicles for the registration of the 1829
vehicle and issuance of scenic rivers license plates. The 1830
application for scenic rivers license plates may be combined with 1831
a request for a special reserved license plate under section 1832
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 1833
completed application and compliance with division (B) of this 1834
section, the registrar shall issue to the applicant the 1835
appropriate vehicle registration and a set of scenic rivers 1836
license plates with a validation sticker or a validation sticker 1837
alone when required by section 4503.191 of the Revised Code. 1838

In addition to the letters and numbers ordinarily inscribed 1839
thereon, scenic rivers license plates shall be inscribed with 1840
identifying words or markings designed by the department of 1841
natural resources and approved by the registrar. Scenic rivers 1842

license plates shall bear county identification stickers unless 1843
the registrar approves a design for the license plates that does 1844
not allow for the placement of the county identification sticker. 1845

(B) The scenic rivers license plates and validation sticker 1846
shall be issued upon receipt of a contribution as provided in 1847
division (C) of this section and upon payment of the regular 1848
license fees as prescribed under section 4503.04 of the Revised 1849
Code, a fee not to exceed ten dollars for the purpose of 1850
compensating the bureau of motor vehicles for additional services 1851
required in the issuing of the scenic rivers license plates, any 1852
applicable motor vehicle tax levied under Chapter 4504. of the 1853
Revised Code, and compliance with all other applicable laws 1854
relating to the registration of motor vehicles. If the application 1855
for scenic rivers license plates is combined with a request for a 1856
special reserved license plate under section 4503.40 or 4503.42 of 1857
the Revised Code, the license plate and validation sticker shall 1858
be issued upon payment of the contribution, fees, and taxes 1859
contained in this division and the additional fee prescribed under 1860
section 4503.40 or 4503.42 of the Revised Code. 1861

(C) For each application for registration and registration 1862
renewal under this section, the registrar shall collect a 1863
contribution in an amount not to exceed forty dollars as 1864
determined by the department of natural resources. The registrar 1865
shall transmit this contribution to the treasurer of state for 1866
deposit in the scenic rivers protection fund created in section 1867
4501.24 of the Revised Code. 1868

The registrar shall deposit the additional fee not to exceed 1869
ten dollars specified in division (B) of this section that the 1870
applicant for registration voluntarily pays for the purpose of 1871
compensating the bureau for the additional services required in 1872
the issuing of ~~his~~ the applicant's scenic rivers license plates in 1873
the ~~scenic rivers protection license plate~~ state bureau of motor 1874

vehicles fund created in section ~~4501.23~~ 4501.25 of the Revised Code. 1875
1876

Sec. 4505.11. (A) Each owner of a motor vehicle and each 1877
person mentioned as owner in the last certificate of title, when 1878
the motor vehicle is dismantled, destroyed, or changed in such 1879
manner that it loses its character as a motor vehicle, or changed 1880
in such manner that it is not the motor vehicle described in the 1881
certificate of title, shall surrender the certificate of title to 1882
that motor vehicle to the clerk of the court of common pleas who 1883
issued it, and thereupon the clerk, with the consent of any 1884
holders of any liens noted thereon, shall enter a cancellation 1885
upon the clerk's records and shall notify the registrar of motor 1886
vehicles of the cancellation. 1887

Upon the cancellation of a certificate of title in the manner 1888
prescribed by this section, the clerk and the registrar of motor 1889
vehicles may cancel and destroy all certificates and all 1890
memorandum certificates in that chain of title. 1891

(B) Where an Ohio certificate of title or salvage certificate 1892
of title to a motor vehicle is assigned to a salvage dealer, the 1893
dealer is not required to obtain an Ohio certificate of title or a 1894
salvage certificate of title to the motor vehicle in the dealer's 1895
own name if the dealer dismantles or destroys the motor vehicle, 1896
indicates the number of the dealer's motor vehicle salvage 1897
dealer's license thereon, marks "FOR DESTRUCTION" across the face 1898
of the certificate of title or salvage certificate of title, and 1899
surrenders the certificate of title or salvage certificate of 1900
title to the clerk of the court of common pleas as provided in 1901
division (A) of this section. If the salvage dealer retains the 1902
motor vehicle for resale, the dealer shall make application for a 1903
salvage certificate of title to the motor vehicle in the dealer's 1904
own name as provided in division (C)(1) of this section. 1905

1906

(C)(1) When an insurance company declares it economically 1907
impractical to repair such a motor vehicle and has paid an agreed 1908
price for the purchase of the motor vehicle to any insured or 1909
claimant owner, the insurance company shall receive the 1910
certificate of title and the motor vehicle and, except as provided 1911
in division (C)(2) of this section, proceed as follows. Within 1912
thirty days the insurance company shall deliver the certificate of 1913
title to the clerk of the court of common pleas and shall make 1914
application for a salvage certificate of title. The clerk shall 1915
issue the salvage certificate of title on a form, prescribed by 1916
the registrar, that shall be easily distinguishable from the 1917
original certificate of title and shall bear the same number and 1918
information as the original certificate of title. The salvage 1919
certificate of title shall be assigned by the insurance company to 1920
a salvage dealer or any other person for use as evidence of 1921
ownership upon the sale or other disposition of the motor vehicle, 1922
and the salvage certificate of title shall be transferrable to any 1923
other person. The clerk shall charge a fee of four dollars for the 1924
cost of processing each salvage certificate of title. 1925

(2) If an insurance company considers a motor vehicle as 1926
described in division (C)(1) of this section to be impossible to 1927
restore for highway operation, the insurance company may assign 1928
the certificate of title to the motor vehicle to a salvage dealer 1929
or scrap metal processing facility and send the assigned 1930
certificate of title to the clerk of the court of common pleas of 1931
the county in which the salvage dealer or scrap metal processing 1932
facility is located. The insurance company shall mark the face of 1933
the certificate of title "FOR DESTRUCTION" and shall deliver a 1934
photocopy of the certificate of title to the salvage dealer or 1935
scrap metal processing facility for its records. 1936

(3) If an insurance company declares it economically 1937

impractical to repair a motor vehicle, agrees to pay to the 1938
insured or claimant owner an amount in settlement of a claim 1939
against a policy of motor vehicle insurance covering the motor 1940
vehicle, and agrees to permit the insured or claimant owner to 1941
retain possession of the motor vehicle, the insurance company 1942
shall not pay the insured or claimant owner any amount in 1943
settlement of the insurance claim until the owner obtains a 1944
salvage certificate of title to the vehicle and furnishes a copy 1945
of the salvage certificate of title to the insurance company. 1946

(D) When a self-insured organization, rental or leasing 1947
company, or secured creditor becomes the owner of a motor vehicle 1948
that is burned, damaged, or dismantled and is determined to be 1949
economically impractical to repair, the self-insured organization, 1950
rental or leasing company, or secured creditor shall do one of the 1951
following: 1952

(1) Mark the face of the certificate of title to the motor 1953
vehicle "FOR DESTRUCTION" and surrender the certificate of title 1954
to the clerk of the court of common pleas for cancellation as 1955
described in division (A) of this section. The self-insured 1956
organization, rental or leasing company, or secured creditor 1957
thereupon shall deliver the motor vehicle, together with a 1958
photocopy of the certificate of title, to a salvage dealer or 1959
scrap metal processing facility and shall cause the motor vehicle 1960
to be dismantled, flattened, crushed, or destroyed. 1961

(2) Obtain a salvage certificate of title to the motor 1962
vehicle in the name of the self-insured organization, rental or 1963
leasing company, or secured creditor, as provided in division 1964
(C)(1) of this section, and then sell or otherwise dispose of the 1965
motor vehicle. If the motor vehicle is sold, the self-insured 1966
organization, rental or leasing company, or secured creditor shall 1967
obtain a salvage certificate of title to the motor vehicle in the 1968
name of the purchaser from the clerk of the court of common pleas 1969

of the county in which the purchaser resides. 1970

(E) If a motor vehicle titled with a salvage certificate of 1971
title is restored for operation upon the highways, application 1972
shall be made to the clerk of the court of common pleas for a 1973
certificate of title. Upon inspection by the state highway patrol, 1974
which shall include establishing proof of ownership and an 1975
inspection of the motor number and vehicle identification number 1976
of the motor vehicle and of documentation or receipts for the 1977
materials used in restoration by the owner of the motor vehicle 1978
being inspected, which documentation or receipts shall be 1979
presented at the time of inspection, the clerk, upon surrender of 1980
the salvage certificate of title, shall issue a certificate of 1981
title for a fee prescribed by the registrar. The certificate of 1982
title shall be in the same form as the original certificate of 1983
title, shall bear the same number as the salvage certificate of 1984
title and the original certificate of title, and shall bear the 1985
words "REBUILT SALVAGE" in black boldface letters on its face. 1986
Every subsequent certificate of title, memorandum certificate of 1987
title, or duplicate certificate of title issued for the motor 1988
vehicle also shall bear the words "REBUILT SALVAGE" in black 1989
boldface letters on its face. The exact location on the face of 1990
the certificate of title of the words "REBUILT SALVAGE" shall be 1991
determined by the registrar, who shall develop an automated 1992
procedure within the automated title processing system to comply 1993
with this division. The clerk shall use reasonable care in 1994
performing the duties imposed on the clerk by this division in 1995
issuing a certificate of title pursuant to this division, but the 1996
clerk is not liable for any of the clerk's errors or omissions or 1997
those of the clerk's deputies, or the automated title processing 1998
system in the performance of those duties. A fee of ~~twenty-five~~ 1999
forty dollars in fiscal year 1998 and fifty dollars in fiscal year 2000
1999 and thereafter shall be assessed by the state highway patrol 2001

for each inspection made pursuant to this division and shall be 2002
deposited into the state highway safety fund established by 2003
section 4501.06 of the Revised Code. 2004

(F) No person shall operate upon the highways in this state a 2005
motor vehicle, title to which is evidenced by a salvage 2006
certificate of title, except to deliver the motor vehicle pursuant 2007
to an appointment for an inspection under this section. 2008

(G) No motor vehicle the certificate of title to which has 2009
been marked "FOR DESTRUCTION" and surrendered to the clerk of the 2010
court of common pleas shall be used for anything except parts and 2011
scrap metal. 2012

Sec. 4505.111. Every motor vehicle, other than a motor 2013
vehicle as provided in divisions (C), (D), and (E) of section 2014
4505.11 of the Revised Code, that is assembled from component 2015
parts by a person other than the manufacturer, shall be inspected 2016
by the state highway patrol prior to issuance of title to the 2017
motor vehicle. The inspection shall include establishing proof of 2018
ownership and an inspection of the motor number and vehicle 2019
identification number of the motor vehicle, and any items of 2020
equipment the director of public safety considers advisable and 2021
requires to be inspected by rule. A fee of ~~twenty-five~~ forty 2022
dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 2023
and thereafter shall be assessed by the state highway patrol for 2024
each inspection made pursuant to this section, and shall be 2025
deposited in the state highway safety fund established by section 2026
4501.06 of the Revised Code. 2027

Sec. 4506.24. (A) ~~Until January 1, 1997,~~ a A restricted 2028
commercial driver's license and waiver for farm-related service 2029
industries may be issued by the registrar of motor vehicles to 2030
allow a person to operate a commercial motor vehicle during 2031

seasonal periods determined by the registrar and subject to the 2032
restrictions set forth in this section. 2033

(B) Upon receiving an application for a restricted commercial 2034
driver's license under section 4506.07 of the Revised Code and 2035
payment of a fee as provided in section 4506.08 of the Revised 2036
Code, the registrar may issue such license to any person who meets 2037
all of the following requirements: 2038

(1) Has at least one year of driving experience in any type 2039
of vehicle; 2040

(2) Holds a valid driver's license, other than a restricted 2041
license, issued under Chapter 4507. of the Revised Code; 2042

(3) Certifies that during the one-year period immediately 2043
preceding ~~his~~ application, all of the following apply: 2044

(a) ~~He~~ The person has not had more than one license; 2045

(b) ~~He~~ The person has not had any license suspended, revoked, 2046
or canceled; 2047

(c) ~~He~~ The person has not had any convictions for any type of 2048
motor vehicle for the offenses for which disqualification is 2049
prescribed in section 4506.16 of the Revised Code; 2050

(d) ~~He~~ The person has not had any violation of a state or 2051
local law relating to motor vehicle traffic control other than a 2052
parking violation arising in connection with any traffic accident 2053
and has no record of an accident in which ~~he~~ the person was at 2054
fault. 2055

(4) Certifies and also provides evidence that ~~he~~ the person 2056
is employed in one or more of the following farm-related service 2057
industries requiring ~~him~~ the person to operate a commercial motor 2058
vehicle: 2059

(a) Custom harvesters; 2060

(b) Farm retail outlets and suppliers;	2061
(c) Agri-chemical business;	2062
(d) Livestock feeders.	2063
(C) An annual waiver for farm-related service industries may	2064
be issued to authorize the holder of a restricted commercial	2065
driver's license to operate a commercial motor vehicle during	2066
seasonal periods designated by the registrar. The registrar shall	2067
determine the format of the waiver. The total number of days that	2068
a person may operate a commercial motor vehicle pursuant to a	2069
waiver for farm-related service industries shall not exceed one	2070
hundred eighty days in any twelve-month period. Each time the	2071
holder of a restricted commercial driver's license applies for a	2072
waiver for farm-related service industries, the registrar shall	2073
verify that the person meets all of the requirements set forth in	2074
division (B) of this section. The restricted commercial driver's	2075
license and waiver shall be carried at all times when a commercial	2076
motor vehicle is being operated by the holder of the license and	2077
waiver.	2078
(D) The holder of a restricted commercial driver's license	2079
and valid waiver for farm-related service industries may operate a	2080
class B or C commercial motor vehicle subject to all of the	2081
following restrictions:	2082
(1) The commercial motor vehicle is operated within a	2083
distance of no more than one hundred fifty miles of the employer's	2084
place of business or the farm currently being served;	2085
(2) The operation of the commercial motor vehicle does not	2086
involve transporting hazardous materials for which placarding is	2087
required, except as follows:	2088
(a) Diesel fuel in quantities of one thousand gallons or	2089
less;	2090

(b) Liquid fertilizers in vehicles or implements of husbandry 2091
with total capacities of three thousand gallons or less; 2092

(c) Solid fertilizers that are not transported with any 2093
organic substance. 2094

(E) Except as otherwise provided in this section an applicant 2095
for or holder of a restricted commercial driver's license and 2096
waiver for farm-related service industries is subject to the 2097
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 2098
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 2099
not apply to an applicant for a restricted commercial driver's 2100
license and waiver. 2101

Sec. 4507.45. If a person's driver's license, commercial 2102
driver's license, or nonresident operating privilege is suspended, 2103
disqualified, or revoked for an indefinite period of time or for a 2104
period of at least sixty days, and if at the end of the period of 2105
suspension, disqualification, or revocation the person is eligible 2106
to have the license or privilege reinstated, the registrar shall 2107
collect a reinstatement fee of thirty dollars when the person 2108
requests reinstatement. However, the registrar shall not collect 2109
the fee prescribed by this section if a different driver's 2110
license, commercial driver's license, or nonresident operating 2111
privilege reinstatement fee is prescribed by law. 2112

Sec. 4511.101. (A) The director of transportation, in 2113
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 2114
shall establish a program for the placement of business logos for 2115
identification purposes on state directional signs within the 2116
rights-of-way of divided, multi-lane highways ~~on the interstate~~ 2117
~~system~~ in rural areas, except when any of the following conditions 2118
applies: 2119

(1) Upon approval by the director, a business logo sign may 2120

be located in an urban area if the land contiguous to the highway 2121
is sparsely populated and appears to be rural in character; 2122

(2) A business logo sign may be located in a rural or urban 2123
area, if the interchange providing access to the businesses 2124
indicated on the sign has been constructed and paid for primarily 2125
with private funds. 2126

(B) All direct and indirect costs of the business logo sign 2127
program established pursuant to this section shall be fully paid 2128
by the businesses applying for participation in the program. At 2129
any interchange where a business logo sign is erected, such costs 2130
shall be divided equally among the participating businesses. The 2131
direct and indirect costs of the program shall include, but not be 2132
limited to, the cost of capital, directional signs, blanks, posts, 2133
logos, installation, repair, engineering, design, insurance, 2134
removal, replacement, and administration. Nothing in this chapter 2135
shall be construed to prohibit the director from establishing such 2136
a program. 2137

(C) The director, in accordance with rules adopted pursuant 2138
to Chapter 119. of the Revised Code, may contract with any private 2139
person to operate, maintain, and market the business logo sign 2140
program. The rules shall describe the terms of the contract, and 2141
shall allow for a reasonable profit to be earned by the successful 2142
applicant. In awarding the contract, the director shall consider 2143
the skill, expertise, prior experience, and other qualifications 2144
of each applicant. 2145

(D) There is hereby created the motorists services signing 2146
advisory board. The board shall consist of thirteen members, as 2147
follows: 2148

(1) Eleven members shall be appointed by the governor, with 2149
the advice and consent of the senate, one of whom shall be a 2150
township trustee, one of whom shall be an elected official from a 2151

municipal corporation, two of whom shall represent environmental 2152
interests, one of whom shall represent the business community in 2153
general, one of whom shall represent retail merchants, one of whom 2154
shall represent hotel and motel interests, one of whom shall 2155
represent the petroleum industry, one of whom shall represent 2156
off-premises outdoor advertisers, one of whom shall represent 2157
camping interests, and one of whom shall represent restaurant 2158
interests; 2159

(2) The director, who shall be a nonvoting member ex officio; 2160
2161

(3) The deputy director of travel and tourism, who shall be a 2162
nonvoting member ex officio. 2163

(E) Terms of office of each appointed member of the board 2164
shall be for two years. Each member shall hold office from the 2165
date of the member's appointment until the end of the term for 2166
which the member was appointed. In case of a vacancy occurring on 2167
the board, the governor shall fill the vacancy by appointing a 2168
member. Any member appointed to fill a vacancy occurring prior to 2169
the expiration of the term for which the member's predecessor was 2170
appointed shall hold office for the remainder of the term. Any 2171
member shall continue in office subsequent to the expiration date 2172
of the member's term until the member's successor takes office, or 2173
until a period of sixty days has elapsed, whichever occurs first. 2174

The board shall hold meetings in a manner and at times 2175
prescribed by rules adopted by the board. A majority of the board 2176
constitutes a quorum and no action shall be taken by the board 2177
unless approved by at least six members. At its first meeting the 2178
board shall adopt rules for the conduct of its business and the 2179
election of its officers, and shall organize by selecting a 2180
chairperson and other officers as it considers necessary. Board 2181
members shall serve without compensation. 2182

(F) The board may adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in division (G) of this section.	2183 2184 2185
(G) The board shall:	2186
(1) Make recommendations to the director concerning the statewide implementation of the business logo sign program established pursuant to division (A) of this section;	2187 2188 2189
(2) Act as liaison between the department of transportation and the businesses that wish to participate in the business logo sign program.	2190 2191 2192
(H) As used in this section, "urban area" means an area having a population of fifty thousand or more according to the most recent federal census and designated as such on urban maps prepared by the department.	2193 2194 2195 2196
(I) Neither the motorists services signing advisory board nor the department or director shall do any <u>either</u> of the following:	2197 2198 2199
(1) Limit the right of any person to erect, maintain, repair, remove, or utilize any off-premises or on-premises advertising device;	2200 2201 2202
(2) Make participation in the business logo sign program conditional upon a business agreeing to limit, discontinue, withdraw, modify, alter, or change any advertising or sign;	2203 2204 2205
(3) Establish any program for the placement of business logos on state directional signs on highways that are not part of the interstate highway system.	2206 2207 2208
(J) In accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, and notwithstanding division (I)(3) of this section, the director shall establish a test program for the placement of business logos on state directional signs within the rights of way	2209 2210 2211 2212

~~of state highways. The initial location of the test program shall 2213
be in Stark county at the intersection of United States route 2214
number thirty and state highway number twenty one. Business logo 2215
signs shall be placed at that location not later than sixty days 2216
after June 30, 1993. The second location of the test program shall 2217
be in Union county at the intersection of United States routes 2218
thirty three and thirty six. Business logo signs shall be placed 2219
at that location not later than sixty days after the effective 2220
date of this amendment. The third location of the test program 2221
shall be in Cuyahoga county at the intersection of United States 2222
route four hundred twenty two and Harper road. Business logo signs 2223
shall be placed at that location not later than sixty days after 2224
the effective date of this amendment. In accordance with division 2225
(B) of this section, the direct and indirect costs of the test 2226
program shall be fully paid by businesses applying for 2227
participation in the program. 2228~~

Sec. 4511.102. As used in sections 4511.102 to 4511.106 of 2229
the Revised Code: 2230

(A) "Tourist-oriented activity" includes any lawful cultural, 2231
historical, recreational, educational, or commercial activity, 2232
such as a farm market or winery, a major portion of whose income 2233
or visitors are derived during the normal business season from 2234
motorists not residing in the immediate area of the activity and 2235
attendance at which is no less than two thousand visitors in any 2236
consecutive twelve-month period. 2237

(B) "Eligible attraction" means any tourist-oriented activity 2238
that meets all of the following criteria: 2239

(1) Is not eligible for inclusion ~~either~~ in the business logo 2240
sign program ~~or the pilot logo sign program~~ established under 2241
section 4511.101 of the Revised Code; 2242

(2) If currently advertised by signs adjacent to a highway on 2243
the interstate system or state system, those signs are consistent 2244
with Chapter 5516. of the Revised Code and the "National Highway 2245
Beautification Act of 1965," 79 Stat. 1028, 23 U.S.C. 131 and the 2246
national standards, criteria, and rules adopted pursuant to that 2247
act; 2248

(3) Is within ten miles of the highway for which signing is 2249
sought under sections 4511.102 to 4511.105 of the Revised Code; 2250

(4) Meets any additional criteria developed by the director 2251
of transportation and adopted by the director as rules in 2252
accordance with Chapter 119. of the Revised Code. 2253

(C) "Interstate system" has the same meaning as in section 2254
5516.01 of the Revised Code. 2255

Sec. 4511.191. (A) Any person who operates a vehicle upon a 2256
highway or any public or private property used by the public for 2257
vehicular travel or parking within this state shall be deemed to 2258
have given consent to a chemical test or tests of the person's 2259
blood, breath, or urine for the purpose of determining the 2260
alcohol, drug, or alcohol and drug content of the person's blood, 2261
breath, or urine if arrested for operating a vehicle while under 2262
the influence of alcohol, a drug of abuse, or alcohol and a drug 2263
of abuse or for operating a vehicle with a prohibited 2264
concentration of alcohol in the blood, breath, or urine. The 2265
chemical test or tests shall be administered at the request of a 2266
police officer having reasonable grounds to believe the person to 2267
have been operating a vehicle upon a highway or any public or 2268
private property used by the public for vehicular travel or 2269
parking in this state while under the influence of alcohol, a drug 2270
of abuse, or alcohol and a drug of abuse or with a prohibited 2271
concentration of alcohol in the blood, breath, or urine. The law 2272
enforcement agency by which the officer is employed shall 2273

designate which of the tests shall be administered. 2274

(B) Any person who is dead or unconscious, or who is 2275
otherwise in a condition rendering the person incapable of 2276
refusal, shall be deemed not to have withdrawn consent as provided 2277
by division (A) of this section and the test or tests may be 2278
administered, subject to sections 313.12 to 313.16 of the Revised 2279
Code. 2280

(C)(1) Any person under arrest for operating a vehicle while 2281
under the influence of alcohol, a drug of abuse, or alcohol and a 2282
drug of abuse or for operating a vehicle with a prohibited 2283
concentration of alcohol in the blood, breath, or urine shall be 2284
advised at a police station, or at a hospital, first-aid station, 2285
or clinic to which the person has been taken for first-aid or 2286
medical treatment, of both of the following: 2287

(a) The consequences, as specified in division (E) of this 2288
section, of the person's refusal to submit upon request to a 2289
chemical test designated by the law enforcement agency as provided 2290
in division (A) of this section; 2291

(b) The consequences, as specified in division (F) of this 2292
section, of the person's submission to the designated chemical 2293
test if the person is found to have a prohibited concentration of 2294
alcohol in the blood, breath, or urine. 2295

(2)(a) The advice given pursuant to division (C)(1) of this 2296
section shall be in a written form containing the information 2297
described in division (C)(2)(b) of this section and shall be read 2298
to the person. The form shall contain a statement that the form 2299
was shown to the person under arrest and read to the person in the 2300
presence of the arresting officer and either another police 2301
officer, a civilian police employee, or an employee of a hospital, 2302
first-aid station, or clinic, if any, to which the person has been 2303
taken for first-aid or medical treatment. The witnesses shall 2304

certify to this fact by signing the form. 2305

(b) The form required by division (C)(2)(a) of this section 2306
shall read as follows: 2307

"You now are under arrest for operating a vehicle while under 2308
the influence of alcohol, a drug of abuse, or both alcohol and a 2309
drug of abuse and will be requested by a police officer to submit 2310
to a chemical test to determine the concentration of alcohol, 2311
drugs of abuse, or alcohol and drugs of abuse in your blood, 2312
breath, or urine. 2313

If you refuse to submit to the requested test or if you 2314
submit to the requested test and are found to have a prohibited 2315
concentration of alcohol in your blood, breath, or urine, your 2316
driver's or commercial driver's license or permit or nonresident 2317
operating privilege immediately will be suspended for the period 2318
of time specified by law by the officer, on behalf of the 2319
registrar of motor vehicles. You may appeal this suspension at 2320
your initial appearance before the court that hears the charges 2321
against you resulting from the arrest, and your initial appearance 2322
will be conducted no later than five days after the arrest. This 2323
suspension is independent of the penalties for the offense, and 2324
you may be subject to other penalties upon conviction." 2325

(D)(1) If a person under arrest as described in division 2326
(C)(1) of this section is not asked by a police officer to submit 2327
to a chemical test designated as provided in division (A) of this 2328
section, the arresting officer shall seize the Ohio or 2329
out-of-state driver's or commercial driver's license or permit of 2330
the person and immediately forward the seized license or permit to 2331
the court in which the arrested person is to appear on the charge 2332
for which the person was arrested. If the arrested person does not 2333
have the person's driver's or commercial driver's license or 2334
permit on his or her person or in his or her vehicle, the 2335

arresting officer shall order the arrested person to surrender it 2336
to the law enforcement agency that employs the officer within 2337
twenty-four hours after the arrest, and, upon the surrender, the 2338
officer's employing agency immediately shall forward the license 2339
or permit to the court in which the arrested person is to appear 2340
on the charge for which the person was arrested. Upon receipt of 2341
the license or permit, the court shall retain it pending the 2342
initial appearance of the arrested person and any action taken 2343
under section 4511.196 of the Revised Code. 2344

If a person under arrest as described in division (C)(1) of 2345
this section is asked by a police officer to submit to a chemical 2346
test designated as provided in division (A) of this section and is 2347
advised of the consequences of the person's refusal or submission 2348
as provided in division (C) of this section and if the person 2349
either refuses to submit to the designated chemical test or the 2350
person submits to the designated chemical test and the test 2351
results indicate that the person's blood contained a concentration 2352
of ten-hundredths of one per cent or more by weight of alcohol, 2353
the person's breath contained a concentration of ten-hundredths of 2354
one gram or more by weight of alcohol per two hundred ten liters 2355
of the person's breath, or the person's urine contained a 2356
concentration of fourteen-hundredths of one gram or more by weight 2357
of alcohol per one hundred milliliters of the person's urine at 2358
the time of the alleged offense, the arresting officer shall do 2359
all of the following: 2360

(a) On behalf of the registrar, serve a notice of suspension 2361
upon the person that advises the person that, independent of any 2362
penalties or sanctions imposed upon the person pursuant to any 2363
other section of the Revised Code or any other municipal 2364
ordinance, the person's driver's or commercial driver's license or 2365
permit or nonresident operating privilege is suspended, that the 2366
suspension takes effect immediately, that the suspension will last 2367

at least until the person's initial appearance on the charge that 2368
will be held within five days after the date of the person's 2369
arrest or the issuance of a citation to the person, and that the 2370
person may appeal the suspension at the initial appearance; seize 2371
the Ohio or out-of-state driver's or commercial driver's license 2372
or permit of the person; and immediately forward the seized 2373
license or permit to the registrar. If the arrested person does 2374
not have the person's driver's or commercial driver's license or 2375
permit on his or her person or in his or her vehicle, the 2376
arresting officer shall order the person to surrender it to the 2377
law enforcement agency that employs the officer within twenty-four 2378
hours after the service of the notice of suspension, and, upon the 2379
surrender, the officer's employing agency immediately shall 2380
forward the license or permit to the registrar. 2381

(b) Verify the current residence of the person and, if it 2382
differs from that on the person's driver's or commercial driver's 2383
license or permit, notify the registrar of the change; 2384

(c) In addition to forwarding the arrested person's driver's 2385
or commercial driver's license or permit to the registrar, send to 2386
the registrar, within forty-eight hours after the arrest of the 2387
person, a sworn report that includes all of the following 2388
statements: 2389

(i) That the officer had reasonable grounds to believe that, 2390
at the time of the arrest, the arrested person was operating a 2391
vehicle upon a highway or public or private property used by the 2392
public for vehicular travel or parking within this state while 2393
under the influence of alcohol, a drug of abuse, or alcohol and a 2394
drug of abuse or with a prohibited concentration of alcohol in the 2395
blood, breath, or urine; 2396

(ii) That the person was arrested and charged with operating 2397
a vehicle while under the influence of alcohol, a drug of abuse, 2398

or alcohol and a drug of abuse or with operating a vehicle with a
prohibited concentration of alcohol in the blood, breath, or
urine;

(iii) That the officer asked the person to take the
designated chemical test, advised the person of the consequences
of submitting to the chemical test or refusing to take the
chemical test, and gave the person the form described in division
(C)(2) of this section;

(iv) That the person refused to submit to the chemical test
or that the person submitted to the chemical test and the test
results indicate that the person's blood contained a concentration
of ten-hundredths of one per cent or more by weight of alcohol,
the person's breath contained a concentration of ten-hundredths of
one gram or more by weight of alcohol per two hundred ten liters
of the person's breath, or the person's urine contained a
concentration of fourteen-hundredths of one gram or more by weight
of alcohol per one hundred milliliters of the person's urine at
the time of the alleged offense;

(v) That the officer served a notice of suspension upon the
person as described in division (D)(1)(a) of this section.

(2) The sworn report of an arresting officer completed under
division (D)(1)(c) of this section shall be given by the officer
to the arrested person at the time of the arrest or sent to the
person by regular first class mail by the registrar as soon
thereafter as possible, but no later than fourteen days after
receipt of the report. An arresting officer may give an unsworn
report to the arrested person at the time of the arrest provided
the report is complete when given to the arrested person and
subsequently is sworn to by the arresting officer. As soon as
possible, but no later than forty-eight hours after the arrest of
the person, the arresting officer shall send a copy of the sworn

report to the court in which the arrested person is to appear on 2430
the charge for which the person was arrested. 2431

(3) The sworn report of an arresting officer completed and 2432
sent to the registrar and the court under divisions (D)(1)(c) and 2433
(D)(2) of this section is prima-facie proof of the information and 2434
statements that it contains and shall be admitted and considered 2435
as prima-facie proof of the information and statements that it 2436
contains in any appeal under division (H) of this section relative 2437
to any suspension of a person's driver's or commercial driver's 2438
license or permit or nonresident operating privilege that results 2439
from the arrest covered by the report. 2440

(E)(1) Upon receipt of the sworn report of an arresting 2441
officer completed and sent to the registrar and a court pursuant 2442
to divisions (D)(1)(c) and (D)(2) of this section in regard to a 2443
person who refused to take the designated chemical test, the 2444
registrar shall enter into the registrar's records the fact that 2445
the person's driver's or commercial driver's license or permit or 2446
nonresident operating privilege was suspended by the arresting 2447
officer under division (D)(1)(a) of this section and the period of 2448
the suspension, as determined under divisions (E)(1)(a) to (d) of 2449
this section. The suspension shall be subject to appeal as 2450
provided in this section and shall be for whichever of the 2451
following periods applies: 2452

(a) If the arrested person, within five years of the date on 2453
which the person refused the request to consent to the chemical 2454
test, had not refused a previous request to consent to a chemical 2455
test of the person's blood, breath, or urine to determine its 2456
alcohol content, the period of suspension shall be one year. If 2457
the person is a resident without a license or permit to operate a 2458
vehicle within this state, the registrar shall deny to the person 2459
the issuance of a driver's or commercial driver's license or 2460
permit for a period of one year after the date of the alleged 2461

violation. 2462

(b) If the arrested person, within five years of the date on 2463
which the person refused the request to consent to the chemical 2464
test, had refused one previous request to consent to a chemical 2465
test of the person's blood, breath, or urine to determine its 2466
alcohol content, the period of suspension or denial shall be two 2467
years. 2468

(c) If the arrested person, within five years of the date on 2469
which the person refused the request to consent to the chemical 2470
test, had refused two previous requests to consent to a chemical 2471
test of the person's blood, breath, or urine to determine its 2472
alcohol content, the period of suspension or denial shall be three 2473
years. 2474

(d) If the arrested person, within five years of the date on 2475
which the person refused the request to consent to the chemical 2476
test, had refused three or more previous requests to consent to a 2477
chemical test of the person's blood, breath, or urine to determine 2478
its alcohol content, the period of suspension or denial shall be 2479
five years. 2480

(2) The suspension or denial imposed under division (E)(1) of 2481
this section shall continue for the entire one-year, two-year, 2482
three-year, or five-year period, subject to appeal as provided in 2483
this section and subject to termination as provided in division 2484
(K) of this section. 2485

(F) Upon receipt of the sworn report of an arresting officer 2486
completed and sent to the registrar and a court pursuant to 2487
divisions (D)(1)(c) and (D)(2) of this section in regard to a 2488
person whose test results indicate that the person's blood 2489
contained a concentration of ten-hundredths of one per cent or 2490
more by weight of alcohol, the person's breath contained a 2491
concentration of ten-hundredths of one gram or more by weight of 2492

alcohol per two hundred ten liters of the person's breath, or the
person's urine contained a concentration of fourteen-hundredths of
one gram or more by weight of alcohol per one hundred milliliters
of the person's urine at the time of the alleged offense, the
registrar shall enter into the registrar's records the fact that
the person's driver's or commercial driver's license or permit or
nonresident operating privilege was suspended by the arresting
officer under division (D)(1)(a) of this section and the period of
the suspension, as determined under divisions (F)(1) to (4) of
this section. The suspension shall be subject to appeal as
provided in this section and shall be for whichever of the
following periods that applies:

(1) Except when division (F)(2), (3), or (4) of this section
applies and specifies a different period of suspension or denial,
the period of the suspension or denial shall be ninety days.

(2) If the person has been convicted, within ten years of the
date the test was conducted, of one violation of division (A) or
(B) of section 4511.19 of the Revised Code, a municipal ordinance
relating to operating a vehicle while under the influence of
alcohol, a drug of abuse, or alcohol and a drug of abuse, a
municipal ordinance relating to operating a vehicle with a
prohibited concentration of alcohol in the blood, breath, or
urine, section 2903.04 of the Revised Code in a case in which the
offender was subject to the sanctions described in division (D) of
that section, or section 2903.06, 2903.07, or 2903.08 of the
Revised Code or a municipal ordinance that is substantially
similar to section 2903.07 of the Revised Code in a case in which
the jury or judge found that at the time of the commission of the
offense the offender was under the influence of alcohol, a drug of
abuse, or alcohol and a drug of abuse, or a statute of any other
state or a municipal ordinance of a municipal corporation located
in any other state that is substantially similar to division (A)

or (B) of section 4511.19 of the Revised Code, the period of the suspension or denial shall be one year.

(3) If the person has been convicted, within ten years of the date the test was conducted, of two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be two years.

(4) If the person has been convicted, within ten years of the date the test was conducted, of more than two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be three years.

(G)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under division (D)(1)(a) of this section for the period of time described in division (E) or (F) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take, or in the person taking, the chemical test or tests under division (A) of this section affects the suspension only as described in division (H)(2) of this section.

(2) If a person is arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (E) or (F) of this section, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by

the court pursuant to division (H)(1) of this section regarding 2556
the issues specified in that division. 2557

(H)(1) If a person is arrested for operating a vehicle while 2558
under the influence of alcohol, a drug of abuse, or alcohol and a 2559
drug of abuse or for operating a vehicle with a prohibited 2560
concentration of alcohol in the blood, breath, or urine and if the 2561
person's driver's or commercial driver's license or permit or 2562
nonresident operating privilege is suspended under division (E) or 2563
(F) of this section, the person may appeal the suspension at the 2564
person's initial appearance on the charge resulting from the 2565
arrest in the court in which the person will appear on that 2566
charge. If the person appeals the suspension at the person's 2567
initial appearance, the appeal does not stay the operation of the 2568
suspension. Subject to division (H)(2) of this section, no court 2569
has jurisdiction to grant a stay of a suspension imposed under 2570
division (E) or (F) of this section, and any order issued by any 2571
court that purports to grant a stay of any suspension imposed 2572
under either of those divisions shall not be given administrative 2573
effect. 2574

If the person appeals the suspension at the person's initial 2575
appearance, either the person or the registrar may request a 2576
continuance of the appeal. Either the person or the registrar 2577
shall make the request for a continuance of the appeal at the same 2578
time as the making of the appeal. If either the person or the 2579
registrar requests a continuance of the appeal, the court may 2580
grant the continuance. The court also may continue the appeal on 2581
its own motion. The granting of a continuance applies only to the 2582
conduct of the appeal of the suspension and does not extend the 2583
time within which the initial appearance must be conducted, and 2584
the court shall proceed with all other aspects of the initial 2585
appearance in accordance with its normal procedures. Neither the 2586
request for nor the granting of a continuance stays the operation 2587

of the suspension that is the subject of the appeal. 2588

If the person appeals the suspension at the person's initial 2589
appearance, the scope of the appeal is limited to determining 2590
whether one or more of the following conditions have not been met: 2591

(a) Whether the law enforcement officer had reasonable ground 2592
to believe the arrested person was operating a vehicle upon a 2593
highway or public or private property used by the public for 2594
vehicular travel or parking within this state while under the 2595
influence of alcohol, a drug of abuse, or alcohol and a drug of 2596
abuse or with a prohibited concentration of alcohol in the blood, 2597
breath, or urine and whether the arrested person was in fact 2598
placed under arrest; 2599

(b) Whether the law enforcement officer requested the 2600
arrested person to submit to the chemical test designated pursuant 2601
to division (A) of this section; 2602

(c) Whether the arresting officer informed the arrested 2603
person of the consequences of refusing to be tested or of 2604
submitting to the test; 2605

(d) Whichever of the following is applicable: 2606

(i) Whether the arrested person refused to submit to the 2607
chemical test requested by the officer; 2608

(ii) Whether the chemical test results indicate that the 2609
arrested person's blood contained a concentration of 2610
ten-hundredths of one per cent or more by weight of alcohol, the 2611
person's breath contained a concentration of ten-hundredths of one 2612
gram or more by weight of alcohol per two hundred ten liters of 2613
the person's breath, or the person's urine contained a 2614
concentration of fourteen-hundredths of one gram or more by weight 2615
of alcohol per one hundred milliliters of the person's urine at 2616
the time of the alleged offense. 2617

(2) If the person appeals the suspension at the initial appearance, the judge or referee of the court or the mayor of the mayor's court shall determine whether one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met. The person who appeals the suspension has the burden of proving, by a preponderance of the evidence, that one or more of the specified conditions has not been met. If during the appeal at the initial appearance the judge or referee of the court or the mayor of the mayor's court determines that all of those conditions have been met, the judge, referee, or mayor shall uphold the suspension, shall continue the suspension, and shall notify the registrar of the decision on a form approved by the registrar. Except as otherwise provided in division (H)(2) of this section, if the suspension is upheld or if the person does not appeal the suspension at the person's initial appearance under division (H)(1) of this section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits by the judge or referee of the trial court or by the mayor of the mayor's court. If the suspension was imposed under division (E) of this section and it is continued under this division, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not terminate or otherwise affect the suspension. If the suspension was imposed under division (F) of this section and it is continued under this division, the suspension shall terminate if, for any reason, the person subsequently is found not guilty of the charge that resulted in the person taking the chemical test or tests under division (A) of this section.

If, during the appeal at the initial appearance, the judge or referee of the trial court or the mayor of the mayor's court

determines that one or more of the conditions specified in 2650
divisions (H)(1)(a) to (d) of this section have not been met, the 2651
judge, referee, or mayor shall terminate the suspension, subject 2652
to the imposition of a new suspension under division (B) of 2653
section 4511.196 of the Revised Code; shall notify the registrar 2654
of the decision on a form approved by the registrar; and, except 2655
as provided in division (B) of section 4511.196 of the Revised 2656
Code, shall order the registrar to return the driver's or 2657
commercial driver's license or permit to the person or to take 2658
such measures as may be necessary, if the license or permit was 2659
destroyed under section 4507.55 of the Revised Code, to permit the 2660
person to obtain a replacement driver's or commercial driver's 2661
license or permit from the registrar or a deputy registrar in 2662
accordance with that section. The court also shall issue to the 2663
person a court order, valid for not more than ten days from the 2664
date of issuance, granting the person operating privileges for 2665
that period of time. 2666

If the person appeals the suspension at the initial 2667
appearance, the registrar shall be represented by the prosecuting 2668
attorney of the county in which the arrest occurred if the initial 2669
appearance is conducted in a juvenile court or county court, 2670
except that if the arrest occurred within a city or village within 2671
the jurisdiction of the county court in which the appeal is 2672
conducted, the city director of law or village solicitor of that 2673
city or village shall represent the registrar. If the appeal is 2674
conducted in a municipal court, the registrar shall be represented 2675
as provided in section 1901.34 of the Revised Code. If the appeal 2676
is conducted in a mayor's court, the registrar shall be 2677
represented by the city director of law, village solicitor, or 2678
other chief legal officer of the municipal corporation that 2679
operates that mayor's court. 2680

(I)(1) If a person's driver's or commercial driver's license 2681

or permit or nonresident operating privilege has been suspended 2682
pursuant to division (E) of this section, and the person, within 2683
the preceding seven years, has refused three previous requests to 2684
consent to a chemical test of the person's blood, breath, or urine 2685
to determine its alcohol content or has been convicted of or 2686
pleaded guilty to three or more violations of division (A) or (B) 2687
of section 4511.19 of the Revised Code, a municipal ordinance 2688
relating to operating a vehicle while under the influence of 2689
alcohol, a drug of abuse, or alcohol and a drug of abuse, a 2690
municipal ordinance relating to operating a vehicle with a 2691
prohibited concentration of alcohol in the blood, breath, or 2692
urine, section 2903.04 of the Revised Code in a case in which the 2693
person was subject to the sanctions described in division (D) of 2694
that section, or section 2903.06, 2903.07, or 2903.08 of the 2695
Revised Code or a municipal ordinance that is substantially 2696
similar to section 2903.07 of the Revised Code in a case in which 2697
the jury or judge found that the person was under the influence of 2698
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a 2699
statute of any other state or a municipal ordinance of a municipal 2700
corporation located in any other state that is substantially 2701
similar to division (A) or (B) of section 4511.19 of the Revised 2702
Code, the person is not entitled to request, and the court shall 2703
not grant to the person, occupational driving privileges under 2704
this division. Any other person whose driver's or commercial 2705
driver's license or nonresident operating privilege has been 2706
suspended pursuant to division (E) of this section may file a 2707
petition requesting occupational driving privileges in the 2708
municipal court, county court, or, if the person is a minor, 2709
juvenile court with jurisdiction over the place at which the 2710
arrest occurred. The petition may be filed at any time subsequent 2711
to the date on which the arresting officer serves the notice of 2712
suspension upon the arrested person. The person shall pay the 2713
costs of the proceeding, notify the registrar of the filing of the 2714

petition, and send the registrar a copy of the petition. 2715

In the proceedings, the registrar shall be represented by the 2716
prosecuting attorney of the county in which the arrest occurred if 2717
the petition is filed in the juvenile court or county court, 2718
except that, if the arrest occurred within a city or village 2719
within the jurisdiction of the county court in which the petition 2720
is filed, the city director of law or village solicitor of that 2721
city or village shall represent the registrar. If the petition is 2722
filed in the municipal court, the registrar shall be represented 2723
as provided in section 1901.34 of the Revised Code. 2724

The court, if it finds reasonable cause to believe that 2725
suspension would seriously affect the person's ability to continue 2726
in the person's employment, may grant the person occupational 2727
driving privileges during the period of suspension imposed 2728
pursuant to division (E) of this section, subject to the 2729
limitations contained in this division and division (I)(2) of this 2730
section. The court may grant the occupational driving privileges, 2731
subject to the limitations contained in this division and division 2732
(I)(2) of this section, regardless of whether the person appeals 2733
the suspension at the person's initial appearance under division 2734
(H)(1) of this section or appeals the decision of the court made 2735
pursuant to the appeal conducted at the initial appearance, and, 2736
if the person has appealed the suspension or decision, regardless 2737
of whether the matter at issue has been heard or decided by the 2738
court. The court shall not grant occupational driving privileges 2739
to any person who, within seven years of the filing of the 2740
petition, has refused three previous requests to consent to a 2741
chemical test of the person's blood, breath, or urine to determine 2742
its alcohol content or has been convicted of or pleaded guilty to 2743
three or more violations of division (A) or (B) of section 4511.19 2744
of the Revised Code, a municipal ordinance relating to operating a 2745
vehicle while under the influence of alcohol, a drug of abuse, or 2746

alcohol and a drug of abuse, a municipal ordinance relating to 2747
operating a vehicle with a prohibited concentration of alcohol in 2748
the blood, breath, or urine, section 2903.04 of the Revised Code 2749
in a case in which the person was subject to the sanctions 2750
described in division (D) of that section, or section 2903.06, 2751
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 2752
that is substantially similar to section 2903.07 of the Revised 2753
Code in a case in which the jury or judge found that the person 2754
was under the influence of alcohol, a drug of abuse, or alcohol 2755
and a drug of abuse, or a statute of any other state or a 2756
municipal ordinance of a municipal corporation located in any 2757
other state that is substantially similar to division (A) or (B) 2758
of section 4511.19 of the Revised Code, and shall not grant 2759
occupational driving privileges for employment as a driver of 2760
commercial motor vehicles to any person who is disqualified from 2761
operating a commercial motor vehicle under section 2301.374 or 2762
4506.16 of the Revised Code. 2763

(2)(a) In granting occupational driving privileges under 2764
division (I)(1) of this section, the court may impose any 2765
condition it considers reasonable and necessary to limit the use 2766
of a vehicle by the person. The court shall deliver to the person 2767
a permit card, in a form to be prescribed by the court, setting 2768
forth the time, place, and other conditions limiting the 2769
defendant's use of a vehicle. The grant of occupational driving 2770
privileges shall be conditioned upon the person's having the 2771
permit in the person's possession at all times during which the 2772
person is operating a vehicle. 2773

A person granted occupational driving privileges who operates 2774
a vehicle for other than occupational purposes, in violation of 2775
any condition imposed by the court, or without having the permit 2776
in the person's possession, is guilty of a violation of section 2777
4507.02 of the Revised Code. 2778

(b) The court may not grant a person occupational driving 2779
privileges under division (I)(1) of this section when prohibited 2780
by a limitation contained in that division or during any of the 2781
following periods of time: 2782

(i) The first thirty days of suspension imposed upon a person 2783
who, within five years of the date on which the person refused the 2784
request to consent to a chemical test of the person's blood, 2785
breath, or urine to determine its alcohol content and for which 2786
refusal the suspension was imposed, had not refused a previous 2787
request to consent to a chemical test of the person's blood, 2788
breath, or urine to determine its alcohol content; 2789

(ii) The first ninety days of suspension imposed upon a 2790
person who, within five years of the date on which the person 2791
refused the request to consent to a chemical test of the person's 2792
blood, breath, or urine to determine its alcohol content and for 2793
which refusal the suspension was imposed, had refused one previous 2794
request to consent to a chemical test of the person's blood, 2795
breath, or urine to determine its alcohol content; 2796

(iii) The first year of suspension imposed upon a person who, 2797
within five years of the date on which the person refused the 2798
request to consent to a chemical test of the person's blood, 2799
breath, or urine to determine its alcohol content and for which 2800
refusal the suspension was imposed, had refused two previous 2801
requests to consent to a chemical test of the person's blood, 2802
breath, or urine to determine its alcohol content; 2803

(iv) The first three years of suspension imposed upon a 2804
person who, within five years of the date on which the person 2805
refused the request to consent to a chemical test of the person's 2806
blood, breath, or urine to determine its alcohol content and for 2807
which refusal the suspension was imposed, had refused three or 2808
more previous requests to consent to a chemical test of the 2809

person's blood, breath, or urine to determine its alcohol content. 2810

(3) The court shall give information in writing of any action 2811
taken under this section to the registrar. 2812

(4) If a person's driver's or commercial driver's license or 2813
permit or nonresident operating privilege has been suspended 2814
pursuant to division (F) of this section, and the person, within 2815
the preceding seven years, has been convicted of or pleaded guilty 2816
to three or more violations of division (A) or (B) of section 2817
4511.19 of the Revised Code, a municipal ordinance relating to 2818
operating a vehicle while under the influence of alcohol, a drug 2819
of abuse, or alcohol and a drug of abuse, a municipal ordinance 2820
relating to operating a vehicle with a prohibited concentration of 2821
alcohol in the blood, breath, or urine, section 2903.04 of the 2822
Revised Code in a case in which the person was subject to the 2823
sanctions described in division (D) of that section, or section 2824
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 2825
ordinance that is substantially similar to section 2903.07 of the 2826
Revised Code in a case in which the jury or judge found that the 2827
person was under the influence of alcohol, a drug of abuse, or 2828
alcohol and a drug of abuse, or a statute of any other state or a 2829
municipal ordinance of a municipal corporation located in any 2830
other state that is substantially similar to division (A) or (B) 2831
of section 4511.19 of the Revised Code, the person is not entitled 2832
to request, and the court shall not grant to the person, 2833
occupational driving privileges under this division. Any other 2834
person whose driver's or commercial driver's license or 2835
nonresident operating privilege has been suspended pursuant to 2836
division (F) of this section may file in the court specified in 2837
division (I)(1) of this section a petition requesting occupational 2838
driving privileges in accordance with section 4507.16 of the 2839
Revised Code. The petition may be filed at any time subsequent to 2840
the date on which the arresting officer serves the notice of 2841

suspension upon the arrested person. Upon the making of the
request, occupational driving privileges may be granted in
accordance with section 4507.16 of the Revised Code. The court may
grant the occupational driving privileges, subject to the
limitations contained in section 4507.16 of the Revised Code,
regardless of whether the person appeals the suspension at the
person's initial appearance under division (H)(1) of this section
or appeals the decision of the court made pursuant to the appeal
conducted at the initial appearance, and, if the person has
appealed the suspension or decision, regardless of whether the
matter at issue has been heard or decided by the court.

(J) When it finally has been determined under the procedures
of this section that a nonresident's privilege to operate a
vehicle within this state has been suspended, the registrar shall
give information in writing of the action taken to the motor
vehicle administrator of the state of the person's residence and
of any state in which the person has a license.

(K) A suspension of the driver's or commercial driver's
license or permit of a resident, a suspension of the operating
privilege of a nonresident, or a denial of a driver's or
commercial driver's license or permit for refusal to submit to a
chemical test to determine the alcohol, drug, or alcohol and drug
content of the person's blood, breath, or urine pursuant to
division (E) of this section, shall be terminated by the registrar
upon receipt of notice of the person's entering a plea of guilty
to, or of the person's conviction after entering a plea of no
contest under Criminal Rule 11 to, operating a vehicle while under
the influence of alcohol, a drug of abuse, or alcohol and a drug
of abuse or with a prohibited concentration of alcohol in the
blood, breath, or urine, if the offense for which the plea is
entered arose from the same incident that led to the suspension or
denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to division (B) or (E) of section 4507.16 of the Revised Code any time during which the person serves a related suspension imposed pursuant to division (E) or (F) of this section.

(L) At the end of a suspension period under this section, section 4511.196, or division (B) of section 4507.16 of the Revised Code and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, revocation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the following:

(1) A showing by the person that the person had proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Payment by the person of a license reinstatement fee of two hundred ~~fifty~~ eighty dollars to the bureau of motor vehicles, which fee shall be deposited in the state treasury and credited as follows:

(a) Seventy-five dollars shall be credited to the drivers' treatment and intervention fund, which is hereby established. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is

to be allocated to alcohol and drug addiction programs authorized 2905
by section 3793.02 of the Revised Code, and the share of the fund 2906
that is to be allocated to drivers' intervention programs 2907
authorized by section 3793.10 of the Revised Code. 2908

(b) Fifty dollars shall be credited to the reparations fund 2909
created by section 2743.191 of the Revised Code. 2910

(c) Twenty-five dollars shall be credited to the indigent 2911
drivers alcohol treatment fund, which is hereby established. 2912
Except as otherwise provided in division (L)(2)(c) of this 2913
section, moneys in the fund shall be distributed by the department 2914
of alcohol and drug addiction services to the county indigent 2915
drivers alcohol treatment funds, the county juvenile indigent 2916
drivers alcohol treatment funds, and the municipal indigent 2917
drivers treatment funds that are required to be established by 2918
counties and municipal corporations pursuant to division (N) of 2919
this section, and shall be used only to pay the cost of an alcohol 2920
and drug addiction treatment program attended by an offender or 2921
juvenile traffic offender who is ordered to attend an alcohol and 2922
drug addiction treatment program by a county, juvenile, or 2923
municipal court judge and who is determined by the county, 2924
juvenile, or municipal court judge not to have the means to pay 2925
for attendance at the program. Moneys in the fund that are not 2926
distributed to a county indigent drivers alcohol treatment fund, a 2927
county juvenile indigent drivers alcohol treatment fund, or a 2928
municipal indigent drivers alcohol treatment fund under division 2929
(N) of this section because the director of alcohol and drug 2930
addiction services does not have the information necessary to 2931
identify the county or municipal corporation where the offender or 2932
juvenile offender was arrested may be transferred by the director 2933
of budget and management to the drivers' treatment and 2934
intervention fund, created in division (L)(2)(a) of this section, 2935
upon certification of the amount by the director of alcohol and 2936

drug addiction services. 2937

(d) Fifty dollars shall be credited to the Ohio 2938
rehabilitation services commission established by section 3304.12 2939
of the Revised Code, to the services for rehabilitation fund, 2940
which is hereby established. The fund shall be used to match 2941
available federal matching funds where appropriate, and for any 2942
other purpose or program of the commission to rehabilitate people 2943
with disabilities to help them become employed and independent. 2944

(e) Fifty dollars shall be deposited into the state treasury 2945
and credited to the drug abuse resistance education programs fund, 2946
which is hereby established, to be used by the attorney general 2947
for the purposes specified in division (L)(2)(e) of this section. 2948

(f) Thirty dollars shall be credited to the state bureau of 2949
motor vehicles fund created by section 4501.25 Of the Revised 2950
Code. 2951

The attorney general shall use amounts in the drug abuse 2952
resistance education programs fund to award grants to law 2953
enforcement agencies to establish and implement drug abuse 2954
resistance education programs in public schools. Grants awarded to 2955
a law enforcement agency under division (L)(2)(e) of this section 2956
shall be used by the agency to pay for not more than fifty per 2957
cent of the amount of the salaries of law enforcement officers who 2958
conduct drug abuse resistance education programs in public 2959
schools. The attorney general shall not use more than six per cent 2960
of the amounts the attorney general's office receives under 2961
division (L)(2)(e) of this section to pay the costs it incurs in 2962
administering the grant program established by division (L)(2)(e) 2963
of this section and in providing training and materials relating 2964
to drug abuse resistance education programs. 2965

The attorney general shall report to the governor and the 2966
general assembly each fiscal year on the progress made in 2967

establishing and implementing drug abuse resistance education 2968
programs. These reports shall include an evaluation of the 2969
effectiveness of these programs. 2970

(M) Suspension of a commercial driver's license under 2971
division (E) or (F) of this section shall be concurrent with any 2972
period of disqualification under section 2301.374 or 4506.16 of 2973
the Revised Code. No person who is disqualified for life from 2974
holding a commercial driver's license under section 4506.16 of the 2975
Revised Code shall be issued a driver's license under Chapter 2976
4507. of the Revised Code during the period for which the 2977
commercial driver's license was suspended under division (E) or 2978
(F) of this section, and no person whose commercial driver's 2979
license is suspended under division (E) or (F) of this section 2980
shall be issued a driver's license under that chapter during the 2981
period of the suspension. 2982

(N)(1) Each county shall establish an indigent drivers 2983
alcohol treatment fund, each county shall establish a juvenile 2984
indigent drivers alcohol treatment fund, and each municipal 2985
corporation in which there is a municipal court shall establish an 2986
indigent drivers alcohol treatment fund. All revenue that the 2987
general assembly appropriates to the indigent drivers alcohol 2988
treatment fund for transfer to a county indigent drivers alcohol 2989
treatment fund, a county juvenile indigent drivers alcohol 2990
treatment fund, or a municipal indigent drivers alcohol treatment 2991
fund, all portions of fees that are paid under division (L) of 2992
this section and that are credited under that division to the 2993
indigent drivers alcohol treatment fund in the state treasury for 2994
a county indigent drivers alcohol treatment fund, a county 2995
juvenile indigent drivers alcohol treatment fund, or a municipal 2996
indigent drivers alcohol treatment fund, and all portions of fines 2997
that are specified for deposit into a county or municipal indigent 2998
drivers alcohol treatment fund by section 4511.193 of the Revised 2999

Code shall be deposited into that county indigent drivers alcohol 3000
treatment fund, county juvenile indigent drivers alcohol treatment 3001
fund, or municipal indigent drivers alcohol treatment fund in 3002
accordance with division (N)(2) of this section. Additionally, all 3003
portions of fines that are paid for a violation of section 4511.19 3004
of the Revised Code or division (B)(2) of section 4507.02 of the 3005
Revised Code, and that are required under division (A)(1) or (2) 3006
of section 4511.99 or division (B)(5) of section 4507.99 of the 3007
Revised Code to be deposited into a county indigent drivers 3008
alcohol treatment fund or municipal indigent drivers alcohol 3009
treatment fund shall be deposited into the appropriate fund in 3010
accordance with the applicable division. 3011

(2) That portion of the license reinstatement fee that is 3012
paid under division (L) of this section and that is credited under 3013
that division to the indigent drivers alcohol treatment fund shall 3014
be deposited into a county indigent drivers alcohol treatment 3015
fund, a county juvenile indigent drivers alcohol treatment fund, 3016
or a municipal indigent drivers alcohol treatment fund as follows: 3017

(a) If the suspension in question was imposed under this 3018
section, that portion of the fee shall be deposited as follows: 3019

(i) If the fee is paid by a person who was charged in a 3020
county court with the violation that resulted in the suspension, 3021
the portion shall be deposited into the county indigent drivers 3022
alcohol treatment fund under the control of that court; 3023

(ii) If the fee is paid by a person who was charged in a 3024
juvenile court with the violation that resulted in the suspension, 3025
the portion shall be deposited into the county juvenile indigent 3026
drivers alcohol treatment fund established in the county served by 3027
the court; 3028

(iii) If the fee is paid by a person who was charged in a 3029
municipal court with the violation that resulted in the 3030

suspension, the portion shall be deposited into the municipal
indigent drivers alcohol treatment fund under the control of that
court.

(b) If the suspension in question was imposed under division
(B) of section 4507.16 of the Revised Code, that portion of the
fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit
was suspended by a county court, the portion shall be deposited
into the county indigent drivers alcohol treatment fund under the
control of that court;

(ii) If the fee is paid by a person whose license or permit
was suspended by a municipal court, the portion shall be deposited
into the municipal indigent drivers alcohol treatment fund under
the control of that court.

(3) Expenditures from a county indigent drivers alcohol
treatment fund, a county juvenile indigent drivers alcohol
treatment fund, or a municipal indigent drivers alcohol treatment
fund shall be made only upon the order of a county, juvenile, or
municipal court judge and only for payment of the cost of the
attendance at an alcohol and drug addiction treatment program of a
person who is convicted of, or found to be a juvenile traffic
offender by reason of, a violation of division (A) of section
4511.19 of the Revised Code or a substantially similar municipal
ordinance, who is ordered by the court to attend the alcohol and
drug addiction treatment program, and who is determined by the
court to be unable to pay the cost of attendance at the treatment
program. The board of alcohol, drug addiction, and mental health
services established pursuant to section 340.02 of the Revised
Code serving the alcohol, drug addiction, and mental health
service district in which the court is located shall administer
the indigent drivers alcohol treatment program of the court. When

a court orders an offender or juvenile traffic offender to attend 3062
an alcohol and drug addiction treatment program, the board shall 3063
determine which program is suitable to meet the needs of the 3064
offender or juvenile traffic offender, and when a suitable program 3065
is located and space is available at the program, the offender or 3066
juvenile traffic offender shall attend the program designated by 3067
the board. A reasonable amount not to exceed five per cent of the 3068
amounts credited to and deposited into the county indigent drivers 3069
alcohol treatment fund, the county juvenile indigent drivers 3070
alcohol treatment fund, or the municipal indigent drivers alcohol 3071
treatment fund serving every court whose program is administered 3072
by that board shall be paid to the board to cover the costs it 3073
incurs in administering those indigent drivers alcohol treatment 3074
programs. 3075

Sec. 4511.951. (A) A fee of ~~twelve~~ thirty dollars ~~and fifty~~ 3076
~~cents~~ shall be charged by the registrar of motor vehicles for the 3077
reinstatement of any driver's license suspended pursuant to 3078
division (A) of Article IV of the compact enacted in section 3079
4511.95 of the Revised Code. 3080

(B) Pursuant to division (A) of Article VI of the nonresident 3081
violin compact of 1977 enacted in section 4511.95 of the Revised 3082
Code, the director of public safety shall serve as the compact 3083
administrator for Ohio. 3084

Sec. 4981.09. (A) There is hereby created in the state 3085
treasury the rail development fund. The fund shall consist of such 3086
moneys as may be provided by law, including moneys received from 3087
the sale, transfer, or lease of any rail property pursuant to 3088
section 4981.08 of the Revised Code, and amounts transferred 3089
pursuant to division (B) of this section. Moneys in the fund shall 3090
be used for the purpose of acquiring, rehabilitating, or 3091

developing rail property or service, or for participation in the 3092
acquisition of rail property with the federal government, 3093
municipal corporations, townships, counties, or other governmental 3094
agencies. For the purpose of acquiring such rail property, the 3095
Ohio rail development commission may obtain acquisition loans from 3096
the federal government or from any other source. 3097

The fund shall also be used to promote, plan, design, 3098
construct, operate, and maintain passenger and freight rail 3099
transportation systems, and may be used to pay the administrative 3100
costs of the Ohio rail development commission associated with 3101
conducting any authorized rail program, and for any purpose 3102
authorized by sections 4981.03 and 5501.56 of the Revised Code. 3103
The fund shall not be used to provide loan guarantees. 3104

(B) Twice each year~~+~~, by the last day of ~~January~~ March for 3105
the immediately preceding June through December~~+~~ and by the last 3106
day of ~~June~~ August for the immediately preceding January through 3107
May, the tax commissioner shall certify to the director of budget 3108
and management the ~~identified~~ amounts paid into the general 3109
revenue fund pursuant to Chapter 5733. of the Revised Code during 3110
those months by taxpayers engaged in the business of owning or 3111
operating a railroad either wholly or partially within this state 3112
~~on rights of way acquired and held exclusively by such taxpayer.~~ 3113
The certifications shall not include amounts refunded to such 3114
taxpayers. Upon receipt of each certification, the director of 3115
budget and management shall transfer seventy-five per cent of the 3116
amount certified from the general revenue fund to the rail 3117
development fund. 3118

Sec. 4981.34. (A) On behalf of a franchisee and pursuant to 3119
section 4981.15 of the Revised Code, the Ohio rail development 3120
commission may issue bonds for loans to finance development and 3121
construction of a franchisee's portion of a rail system. 3122

~~Notwithstanding section 4981.151 of the Revised Code, any any~~ 3123
bonds issued pursuant to this section do not, and shall state that 3124
they do not, represent or constitute a debt or pledge of the faith 3125
and credit of the state, nor do such bonds grant to the 3126
bondholders or noteholders any right to have the general assembly 3127
levy any taxes or appropriate any funds for the payment of the 3128
principal or interest thereon. Such bonds shall be payable solely 3129
from the loan repayments the commission receives from the 3130
franchisee to which the loan was made. The loan repayments shall 3131
be made from revenues that the franchisee receives from the 3132
operation of its portion of the rail system and that shall be 3133
pledged to repay the commission, or from such other credit sources 3134
as the franchisee may arrange. 3135

(B) The portion of the rail system awarded to a franchisee, 3136
any elements thereof, or the land upon which a franchise is 3137
situated may be owned by the franchisee or owned by the commission 3138
and leased to the franchisee for the term of the franchise. 3139

(C) The rail system may be financed partially by the 3140
commission and partially by franchisees. With respect to that 3141
portion of the rail system financed by the commission, the 3142
commission may utilize all of the bonding and financial authority 3143
contained in sections 4981.01 to 4981.26 of the Revised Code and 3144
also may seek to obtain state funding or federal financing on 3145
behalf of the rail system. Commission financing, credit support, 3146
and financial assistance may not be commingled with private 3147
financing obtained by the franchisee, and any moneys of the 3148
commission to be expended by the commission to finance a portion 3149
of a rail system shall be kept in accounts that are separate and 3150
apart from and not a part of the accounts in which are kept any 3151
moneys to be expended by a franchisee to finance its portion of a 3152
rail system. 3153

(D) The franchisee may arrange financing and refinancing of 3154
the system through any combination of debt, equity, and public 3155
sources available to it that it determines in its sole discretion. 3156
A franchisee shall not be precluded from utilizing any type of 3157
public or private assistance available to it in connection with 3158
the development of its franchise. A franchisee shall furnish the 3159
commission all relevant and necessary information with respect to 3160
financing terms to enable the commission to exercise its oversight 3161
responsibilities with respect to the franchisee's reasonable 3162
return on its investment. 3163

(E) When requested by a franchisee, the commission shall seek 3164
from the office of budget and management an allotment of proceeds 3165
from the issuance of private activity bonds. The commission shall 3166
distribute those proceeds to franchisees in such proportions and 3167
amounts as it determines in its discretion. 3168

(F)(1) The commission may levy and collect special 3169
assessments upon all parcels of real property, other than real 3170
property owned by a railroad corporation, in the immediate 3171
vicinity of any rail system station or terminal of the commission 3172
or a franchisee, including, without limitation, parcels that abut, 3173
are adjacent or contiguous to, or otherwise increase in value due 3174
to the existence of, the station or terminal. An assessment levied 3175
under this division shall be for the purpose of enabling the 3176
commission to collect a portion of the increase in the true value 3177
in money of any such parcel of property subsequent to the 3178
commencement of operation of a rail system station or terminal. 3179
All assessments shall be applied, directly or indirectly, to the 3180
development and financing of the portion of the rail system of 3181
which the station or terminal is a part. 3182

(2) Upon written request of the commission, the county 3183
auditor of a county in which a rail system station or terminal 3184
commences operation shall assess each parcel of real property that 3185

is located in the immediate vicinity of the station or terminal 3186
and that the commission has reasonable cause to believe has 3187
increased in true value in money because of the existence of the 3188
station or terminal. The county auditor shall utilize appropriate 3189
assessment techniques specified in rules adopted by the tax 3190
commissioner pursuant to Chapter 5713. of the Revised Code to 3191
determine the increase in true value, if any, of the real 3192
property. Any increase shall be measured by comparing the true 3193
value of the real property in the year in which the commission 3194
adopted the resolution designating the location of the station or 3195
terminal, as reflected on the tax list for that year, with the 3196
highest true value of the real property as of the month in which 3197
rail system operations commenced at the station or terminal. The 3198
county auditor shall then determine what percentage of the true 3199
value increase, if any, is directly attributable to the existence 3200
of and commencement of operations at the station or terminal. The 3201
county auditor shall convert the percentage increase to an amount 3202
certain, and certify the results of the assessments to the 3203
commission. Within thirty days after receipt of the certified 3204
results, the commission shall reimburse the county auditor for the 3205
actual cost to the auditor of making the assessments. 3206

(3) In no case shall any special assessment levied by the 3207
commission upon a parcel of real property exceed twenty per cent 3208
of the increase in the true value of the property that the county 3209
auditor certifies to the commission as being directly attributable 3210
to the existence of and commencement of operations at the station 3211
or terminal. A special assessment shall constitute a lien against 3212
the property and shall be added to the tax list and duplicate for 3213
collection. Payments on the special assessment shall be made 3214
semiannually at the same time as real property taxes are required 3215
to be paid, but upon written request of the owner of the real 3216
property assessed, the county auditor may permit the owner to pay 3217

the assessment in equal installments over a period of not longer than ten years. 3218
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(4) An owner of real property upon which a special assessment is levied under this section may file a petition in the court of common pleas of the county in which the real property is located challenging any aspect of the assessment, including the fact of the special assessment itself or the amount. The filing of such a petition shall stay the collection of any part of the special assessment, and collection shall not commence until a decision on the merits is rendered by the court. 3220
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(G) Nothing in this section shall be construed as limiting the power of the commission to issue bonds pursuant to section 4981.15 of the Revised Code for the purposes stated in that section. 3228
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Sec. 5112.17. (A) As used in this section: 3232

(1) "Federal poverty guideline" means the official poverty guideline as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 3233
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(2) "Third-party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital. 3239
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(B) Each hospital that receives payments under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the medical assistance program, and 3243
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whose income is at or below the federal poverty guideline. 3248
Recipients of disability assistance under Chapter 5115. of the 3249
Revised Code qualify for services under this section. The 3250
department of human services shall adopt rules under section 3251
5112.03 of the Revised Code specifying the hospital services to be 3252
provided under this section. 3253

(C) Hospitals may bill any third-party payer for services 3254
rendered under this section. Hospitals may bill the medical 3255
assistance program, in accordance with Chapter 5111. of the 3256
Revised Code and the rules adopted under that chapter, for 3257
services rendered under this section if the individual becomes a 3258
recipient of the program. Hospitals may bill individuals for 3259
services under this section if all of the following apply: 3260

(1) The hospital has an established post-billing procedure 3261
for determining the individual's income and canceling the charges 3262
if the individual is found to qualify for services under this 3263
section. 3264

(2) The initial bill, and at least the first follow-up bill, 3265
is accompanied by a written statement that does all of the 3266
following: 3267

(a) Explains that individuals with income at or below the 3268
federal poverty guideline are eligible for services without 3269
charge; 3270

(b) Specifies the federal poverty guideline for individuals 3271
and families of various sizes at the time the bill is sent; 3272

(c) Describes the procedure required by division (C)(1) of 3273
this section. 3274

(3) The hospital complies with any additional rules the 3275
department adopts under section 5112.03 of the Revised Code. 3276

Notwithstanding division (B) of this section, a hospital 3277

providing care to an individual under this section is subrogated 3278
to the rights of any individual to receive compensation or 3279
benefits from any person or governmental entity for the hospital 3280
goods and services rendered. 3281

(D) Each hospital shall collect and report to the department, 3282
in the form and manner prescribed by the department, information 3283
on the number and identity of patients served pursuant to this 3284
section. 3285

(E) This section applies beginning May 22, 1992, regardless 3286
of whether the department has adopted rules specifying the 3287
services to be provided. Nothing in this section alters the scope 3288
or limits the obligation of any governmental entity or program, 3289
including the program awarding reparations to victims of crime 3290
under sections 2743.51 to 2743.72 of the Revised Code, and the 3291
program for medically handicapped children established under 3292
section 3701.023 of the Revised Code, ~~and the hospital motor~~ 3293
~~vehicle claims program established under sections 3701.61 to~~ 3294
~~3701.69 of the Revised Code,~~ to pay for hospital services in 3295
accordance with state or local law. 3296

Sec. 5501.01. As used in Chapters 5501., 5503., 5511., 5513., 3297
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 3298
5529., 5531., 5533., and 5535. of the Revised Code: 3299

(A) "Transportation facilities" means all publicly owned 3300
modes and means of transporting people and goods, including the 3301
physical facilities, garages, district offices, radio towers, and 3302
other buildings or fixtures therefor, and including, but not 3303
limited to, highways, rights-of-way, roads and bridges, parking 3304
facilities, aviation facilities, port facilities, rail facilities, 3305
~~and~~ public transportation facilities, rest areas, and roadside 3306
parks. 3307

(B) "Public transportation" means publicly owned or operated transportation by bus, rail, or other conveyance, which provides to the public transit or paratransit service on a regular and continuing basis within the state, and may include demand-responsive transportation, subscription bus service, shared-ride taxi service, car pools, van pools, or jitney service. "Public transportation" does not include school bus transportation or charter or sightseeing services.

(C) "Road" or "highway" includes bridges, viaducts, grade separations, appurtenances, and approaches on or to such road or highway.

(D) "Right-of-way" has the same meaning as in division (UU)(2) of section 4511.01 of the Revised Code.

(E) "Telecommunications service" means a telecommunications company that charges for the provision of telecommunications services, including wireless transmission of interactive, two-way, voice or data communications.

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 of the Revised Code the director of transportation may lease all or any part of a transportation facility to or from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination thereof, and, in conjunction therewith, may grant leases, easements, or licenses for lands under the control of the department of transportation. The director ~~shall~~ may adopt ~~such~~ rules ~~as are~~ necessary to give effect to this section.

(B) Plans and specifications for the construction of a transportation facility under a lease agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.

(C) Any lease agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department independent of all other duties under the agreement without set-off or deduction or any other similar rights or defenses. Any such agreement may provide for renewal of the agreement at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department may lawfully pay rentals under such agreement. Any such lease agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such lease agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the lessor shall have no right to have taxes or excises levied by the general assembly, or the taxing authority of any political subdivision of the state, for the payment of rentals thereunder. Any such lease agreement shall contain a statement to that effect.

(D)(1) Pursuant to 47 U.S.C. 332, the director may grant a lease, easement, or license in a transportation facility to a telecommunications service for construction, placement, or operation of a wireless transmission tower or other wireless transmission equipment. The transportation facility must be owned

in fee simple by this state at the time the director grants the 3370
lease, easement, or license. The director shall adopt rules 3371
prescribing competitive procedures for granting such a lease, 3372
easement, or license, and shall make any grant to the highest 3373
bidder in accordance with those procedures. The director shall 3374
require indemnity agreements in favor of the department as a 3375
condition of the lease, easement, or license. The indemnity 3376
agreement shall secure this state and its agents from liability 3377
for damages arising out of safety hazards, zoning, and any other 3378
matter of public interest the director requires. A lease, 3379
easement, or license granted under this division is subject to all 3380
of the following conditions: 3381

(a) The director may require the tower or other equipment to 3382
be designed to accommodate the department's radio communication 3383
system and intelligent transportation system, the state's 3384
multi-agency radio communication system, or any other 3385
communication system the director determines necessary for highway 3386
purposes. 3387

(b) If technically feasible as determined by the director, 3388
the director may require the tower or other equipment to be 3389
designed to accommodate the wireless transmission equipment of one 3390
or more other telecommunications services in addition to the 3391
equipment of the telecommunications service granted the lease, 3392
easement, or license. 3393

(c) If required by the director, the telecommunications 3394
service granted the lease, easement, or license shall permit other 3395
telecommunications services to co-locate on the tower or other 3396
equipment, under terms and conditions that are reasonable and that 3397
comply with any rules adopted by the director under this section. 3398

(d) The telecommunications service shall comply with the 3399
conditions of any permit issued under section 5515.01 of the 3400

Revised Code pertaining to land that is the subject of the lease,
easement, or license. 3401
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(e) All plans and specifications for a tower or other
equipment shall be approved by the director prior to construction
or placement. 3403
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(f) Any other conditions the director determines necessary. 3406

(2) Money received by the department under division (D)(1) of
this section shall be deposited to the credit of the highway
operating fund. 3407
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(3) A lease, easement, or license granted under division
(D)(1) of this section, and any wireless transmission tower or
other wireless transmission equipment relating to such a lease,
easement, or license, is hereby deemed to further the essential
highway purpose of building and maintaining a safe, efficient, and
accessible transportation system. 3410
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Sec. 5501.32. The director of transportation may purchase 3416
property in fee simple in the name of the state by warranty deed, 3417
and all or any part of a tract of land when the acquisition of a 3418
part of the land needed for highway purposes will result in 3419
substantial damages to the residue by severance, controlled 3420
access, or isolation. The warranty deed shall contain a 3421
description of the property suitable for platting on tax maps. 3422

The director, in the name of the state, may sell all the 3423
right, title, and interest of the state in any part of land not 3424
required for highway purposes, provided the director shall have 3425
the parcel of land appraised by a department prequalified 3426
appraiser. 3427

Except as otherwise provided in this section, the director 3428
shall advertise ~~such~~ the sale of land not required for highway 3429
purposes in a newspaper of general circulation in the county in 3430

which the land is situated for at least two consecutive weeks 3431
prior to the date set for ~~such~~ the sale. ~~Such~~ The land ~~shall~~ may 3432
be sold at public auction to the highest bidder for not less than 3433
two-thirds of its appraised value, but the director may reject all 3434
bids that are less than the full appraised value of the land. 3435

If, however, ~~such~~ land not required for highway purposes is 3436
appraised as having a current fair market value of five thousand 3437
dollars or less, the director may sell the land to the sole 3438
abutting owner through a private sale at a price not less than its 3439
appraised value. If there is more than one abutting owner, the 3440
director may invite all of the abutting owners to submit sealed 3441
bids and may sell the land to the highest bidder at not less than 3442
its appraised value. 3443

All expense incurred in the sale of each parcel of land shall 3444
be paid out of the proceeds of the sale and the balance shall be 3445
deposited in the highway fund from which the purchase was made. 3446

The deed to ~~such~~ the purchaser of land under this section 3447
shall be prepared by the auditor of state, executed by the 3448
governor ~~and~~, countersigned by the secretary of state, and shall 3449
bear the great seal of the state. 3450

Sec. 5501.34. In the event that circumstances alter the 3451
highway requirements after the director of transportation has 3452
purchased and acquired property from the administrator of workers' 3453
compensation or retirement board, or otherwise, so that the 3454
property, or part thereof, is no longer required for highway 3455
purposes, the director ~~may sell~~, in the name of the state, may 3456
sell all the right, title, and interest of the state in any of the 3457
real property. As soon as reasonably practical after determining 3458
that any of the real property is no longer required for highway 3459
purposes, the director shall have the parcel of land appraised by 3460
a department prequalified appraiser. 3461

Except as otherwise provided in this section, the director 3462
shall advertise the sale in a newspaper of general circulation in 3463
the county in which the land is situated for at least two 3464
consecutive weeks prior to the date set for the sale. ~~Such~~ The 3465
land ~~shall~~ may be sold at public auction to the highest bidder for 3466
not less than two-thirds of its appraised value, ~~provided that~~ but 3467
the director may reject all bids that are less than the full 3468
appraised value of the land. However, if no sale has been effected 3469
after an effort to sell under this paragraph, the director may set 3470
aside the appraisement, order a new appraisement, and, except as 3471
otherwise provided in this section, readvertise the property for 3472
sale. 3473

~~If, however, such~~ land not required for highway purposes is 3474
appraised or reappraised as having a current fair market value of 3475
five thousand dollars or less, the director may sell the land to 3476
the sole abutting owner through a private sale at a price not less 3477
than the appraised value. If there is more than one abutting 3478
owner, the director may invite all of the abutting owners to 3479
submit sealed bids and may sell the land to the highest bidder at 3480
not less than its appraised value. 3481

If such land is reappraised as having a fair market value of 3482
one thousand dollars or less, and no sale has been effected after 3483
an effort to sell to the abutting owner or owners, the director 3484
may readvertise and sell the land at public auction to the highest 3485
bidder. 3486

Conveyances of the lands shall be by deed executed by the 3487
governor, bear the great seal of the state of Ohio, and shall be 3488
in the form as prescribed by the attorney general. Section 5301.13 3489
of the Revised Code, relating to the sale of public lands, shall 3490
not apply to conveyances made pursuant to this section. The 3491
director shall keep a record of all such conveyances. 3492

Sec. 5501.37. In the event that circumstances alter the 3493
highway requirements after the director of transportation has 3494
purchased and acquired property from the commissioners of the 3495
sinking fund, or otherwise, so that ~~such~~ the property, or part 3496
thereof, is no longer required for highway or recreation purposes, 3497
the director ~~may sell,~~ in the name of the state, may sell all the 3498
right, title, and interest of the state in ~~any such~~ the real 3499
property. The director may convey property that is no longer 3500
needed for highway purposes and rights-of-way and easements in 3501
such property to the director of natural resources or any 3502
political subdivisions for the use and protection of any public 3503
recreational trail. As soon as reasonably practical after 3504
determining that any such real property is no longer required for 3505
highway or recreation purposes the director shall have the parcel 3506
of land appraised by a department prequalified appraiser. 3507

Except as otherwise provided in this section, the director 3508
shall advertise ~~such~~ the sale in a newspaper of general 3509
circulation in the county in which the land is situated for at 3510
least two consecutive weeks prior to the date set for ~~such~~ the 3511
sale. ~~Such~~ The land ~~shall~~ may be sold at public auction to the 3512
highest bidder for not less than two-thirds of its appraised 3513
value, ~~provided that~~ but the director may reject all bids that are 3514
less than the full appraised value of the land. However, if no 3515
sale has been effected after an effort to sell under this 3516
paragraph, the director may set aside the appraisement, order a 3517
new appraisement, and, except as otherwise provided in this 3518
section, readvertise the property for sale. 3519

If, ~~however, such~~ land not required for highway or recreation 3520
purposes is appraised or reappraised as having a current fair 3521
market value of five thousand dollars or less, the director may 3522
sell the land to the sole abutting owner through a private sale at 3523

a price not less than the appraised value. If there is more than 3524
one abutting owner, the director may invite all of the abutting 3525
owners to submit sealed bids and may sell the land to the highest 3526
bidder at not less than its appraised value. 3527

If such land is reappraised as having a fair market value of 3528
one thousand dollars or less, and if no sale has been effected 3529
after an effort to sell to the abutting owner or owners, the 3530
director may readvertise and sell the land at public auction to 3531
the highest bidder. 3532

Conveyances of such land shall be by deed executed by the 3533
governor, bear the great seal of the state of Ohio, and shall be 3534
in the form as prescribed by the attorney general. The provisions 3535
of section 5301.13 of the Revised Code, relating to the sale of 3536
public lands, do not apply to conveyances made pursuant to this 3537
section. The director shall keep a record of all such conveyances. 3538
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Sec. 5502.01. (A) The department of public safety shall 3540
administer and enforce the laws relating to the registration, 3541
licensing, sale and operation of motor vehicles and the laws 3542
pertaining to the licensing of drivers of motor vehicles. 3543

The department shall compile, analyze, and publish statistics 3544
relative to motor vehicle accidents and the causes thereof, 3545
prepare and conduct educational programs for the purpose of 3546
promoting safety in the operation of motor vehicles on the 3547
highways, assist the state board of education in the formulation 3548
of minimum standards for driver education courses of instruction, 3549
encourage driver instruction in the high schools of the state, and 3550
conduct research and studies for the purpose of promoting safety 3551
on the highways of this state. 3552

(B) The department shall administer the laws and rules 3553
applicable to the division of state emergency medical services. 3554

(C) The department shall administer and enforce the laws 3555
contained in Chapters 4301. and 4303. of the Revised Code and 3556
enforce the rules and orders of the liquor control commission 3557
pertaining to retail liquor permit holders. 3558

(D) The department shall administer the laws governing the 3559
state emergency management agency and shall enforce all additional 3560
duties and responsibilities as prescribed in the Revised Code 3561
related to emergency management services. 3562

(E) The department shall conduct investigations pursuant to 3563
Chapter 5101. of the Revised Code in support of the duty of the 3564
department of human services to administer food stamp programs 3565
throughout this state. The department of public safety shall 3566
conduct investigations necessary to protect the state's property 3567
rights and interests in the food stamp program. 3568

(F) The department of public safety shall enforce compliance 3569
with orders and rules of the public utilities commission and 3570
applicable laws in accordance with Chapters 4919., 4921., and 3571
4923. of the Revised Code regarding commercial motor vehicle 3572
transportation safety, economic, and hazardous materials 3573
requirements. 3574

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3575
department of public safety may establish requirements for its 3576
enforcement personnel that include standards of conduct, work 3577
rules and procedures, and criteria for eligibility as law 3578
enforcement personnel. 3579

(H) The department shall administer, maintain, and operate 3580
the Ohio criminal justice network. The Ohio criminal justice 3581
network shall be a computer network that supports state and local 3582
criminal justice activities. The network shall be an electronic 3583
repository for various data, which may include arrest warrants, 3584
notices of persons wanted by law enforcement agencies, criminal 3585

records, prison inmate records, stolen vehicle records, vehicle 3586
operator's licenses, and vehicle registrations and titles. 3587

Sec. 5502.12. The accident reports submitted pursuant to 3588
section 5502.11 of the Revised Code shall be for the use of the 3589
director of public safety for purposes of statistical, safety, and 3590
other studies. The director of public safety shall search and 3591
furnish a copy of such report to any person claiming an interest 3592
arising out of a motor vehicle accident, or to ~~his~~ the person's 3593
attorney, upon the payment of a nonrefundable fee of ~~two~~ three 3594
dollars. With respect to accidents investigated by the state 3595
highway patrol, the director of public safety shall furnish to 3596
such person all related reports and statements upon the payment of 3597
a nonrefundable fee of ~~three~~ four dollars. The cost of photographs 3598
shall be in addition to the nonrefundable ~~three-dollar~~ four-dollar 3599
fee. 3600

Such state highway patrol reports, statements, and 3601
photographs ~~may~~, in the discretion of the director of public 3602
safety, may be withheld until all criminal prosecution has been 3603
concluded; ~~and~~ the director of public safety may require proof, 3604
satisfactory to ~~him~~ the director, of the right of any applicant to 3605
be furnished such documents. 3606

Sec. 5512.01. The director of transportation shall develop a 3607
list of the goals of the department relating to the construction 3608
of new highway capacity. Not more than six months after the 3609
effective date of this section, the director shall submit the list 3610
to the transportation review advisory council. The council shall 3611
review the goals, and approve them or suggest revisions to the 3612
director. If the council suggests revisions, the director shall 3613
make the revisions and resubmit the list to the council. If the 3614
council is satisfied with the revisions, it shall approve the list 3615
of goals. 3616

Sec. 5512.02. (A) Using the goals approved by the 3617
transportation review advisory council, the director of 3618
transportation shall develop a written project selection process 3619
for construction of new highway capacity. The director shall 3620
include the following in the process: 3621

(1) A description of how the goals approved by the council 3622
are advanced by the process; 3623

(2) A definition of the kinds of projects to which the 3624
process applies; 3625

(3) Criteria that are used to rank proposed projects by how 3626
much a project contributes to the advancement of the goals 3627
approved by the council; 3628

(4) Data that is necessary to apply the ranking criteria; 3629

(5) A description of how the department will gather that 3630
data; 3631

(6) Any other provisions the director considers appropriate. 3632

(B) In developing the project selection process, the director 3633
shall seek and consider public comment on the process. In doing 3634
so, the director may hold public hearings in various locations 3635
around the state. 3636

Sec. 5512.03. Upon completing the written project selection 3637
process for construction of new highway capacity, the director of 3638
transportation shall submit it to the transportation review 3639
advisory council. The council shall review the process, and 3640
approve it or suggest revisions to the director. If the council 3641
suggests revisions, the director shall make the revisions and 3642
resubmit the written process to the council. If the council is 3643
satisfied with the revisions, it shall approve the process. 3644

Sec. 5512.04. Any time the director of transportation 3645
proposes to make changes to the list of goals for construction of 3646

new highway capacity or to the written project selection process 3647
for construction of new highway capacity, the director shall 3648
submit the proposed changes to the transportation review advisory 3649
council. The council shall review the proposed changes, and 3650
approve them or suggest revisions to the director. If the council 3651
suggests revisions, the director shall make the revisions and 3652
resubmit the proposal to the council. If the council is satisfied 3653
with the revisions, it shall approve the proposed changes. 3654

Sec. 5512.05. At least once every two years, the director of 3655
transportation shall prepare both of the following: 3656

(A) A fiscal forecast predicting the amount of funding 3657
expected to be available for construction of new highway capacity 3658
during the period of the forecast; 3659

(B) A list of new highway capacity projects, selected using 3660
the process approved by the transportation review advisory 3661
council, that will be constructed or continued during the forecast 3662
period using the predicted amount of funding. 3663

Sec. 5512.06. Upon completing the fiscal forecast and the 3664
list of new highway capacity projects, the director of 3665
transportation shall submit them to the transportation review 3666
advisory council. The council shall review the forecast and list 3667
of new projects, and approve them or suggest revisions to the 3668
director. If the council suggests revisions, the director shall 3669
make the revisions and resubmit the forecast and list of new 3670
projects to the council. If the council is satisfied with the 3671
revisions, it shall approve the forecast and list. The council 3672
shall not require any additions to the list of new projects that 3673
would cause spending to significantly exceed the funding predicted 3674
to be available by the fiscal forecast. 3675

Sec. 5512.07. In performing its duty to approve the goals, 3676
project selection process, fiscal forecast, and list of new 3677

projects submitted to it by the director of transportation, the 3678
transportation review advisory council shall conduct public 3679
hearings as needed at various locations around the state. At the 3680
hearings, the council shall accept public comment on the 3681
director's proposals, and on the merits of particular construction 3682
projects. Members of the council shall attend the hearings in 3683
person. 3684

Sec. 5512.08. The director of transportation, with the 3685
approval of the transportation review advisory council, shall 3686
submit periodic reports to the governor and the general assembly 3687
on the conduct of the project selection process for construction 3688
of new highway capacity, and on the progress of construction 3689
undertaken under that process. 3690

Sec. 5512.09. (A) There is hereby created the transportation 3691
review advisory council. no member of the general assembly shall 3692
be a member of the council. The council shall consist of seven 3693
members, one of whom is the director of transportation. Four 3694
members shall be appointed by the governor with the advice and 3695
consent of the senate. One member shall be appointed by the 3696
speaker of the house of representatives and one member shall be 3697
appointed by the president of the senate. Within ninety days after 3698
the effective date of this section, the governor, speaker, and 3699
president shall make the initial appointments to the council. 3700

The members the governor appoints shall have the following 3702
qualifications: 3703

(1) Two members shall have at least five years experience in 3704
an executive or decision-making role in the transportation sector. 3705
This experience shall have been obtained as a current or former 3706
elected officer of a local transportation office; current or 3707
former member or employee of a statewide transportation 3708
professional association, metropolitan planning organization, or 3709

transit authority; current or former officer or employee of a 3710
federal transportation agency; or other comparable role. 3711

(2) One member shall have at least five years experience in a 3712
leadership and fiduciary role with either a business or an 3713
economic development organization. 3714

(3) One member shall be selected from a list of five names 3715
provided by the Ohio public expenditure council. 3716

(B) Of the governor's initial appointments made to the 3717
council, two shall be for a term ending one year after the 3718
effective date of this section and two shall be for a term ending 3719
two years after the effective date of this section. The speaker's 3720
and president's initial appointments made to the council shall be 3721
for a term ending three years after the effective date of this 3722
section. Thereafter, all terms of office shall be for five years, 3723
with each term ending on the same day of the same month as did the 3724
term that it succeeds. Each member shall hold office from the date 3725
of appointment until the end of the term for which the member was 3726
appointed. Members may be reappointed. Vacancies shall be filled 3727
in the manner provided for original appointments. Any member 3728
appointed to fill another member's unexpired term shall hold 3729
office for the remainder of that unexpired term. A member shall 3730
continue in office subsequent to the expiration of the member's 3731
term until the member's successor takes office or until a period 3732
of sixty days has elapsed, whichever occurs first. 3733

(C) The director of transportation is the chairperson of the 3734
council. 3735

Sec. 5512.10. Members of the transportation review advisory 3736
council, except the director of transportation, shall be 3737
compensated at the rate of one hundred fifty dollars per day 3738
worked, plus the necessary travel and other expenses involved with 3739
their duties. However, the combined amount of compensation and 3740

expenses paid to a member under this section shall not exceed ten 3741
thousand dollars per fiscal year. 3742

Sec. 5512.11. At the request of the transportation review 3743
advisory council, the department of transportation shall provide 3744
staff assistance and office space for the council. 3745

Sec. 5513.01. (A) All purchases of machinery, materials, 3746
supplies, or other articles that the director of transportation 3747
makes shall be in the manner provided in this section. In all 3748
cases except those in which the director ~~authorizes~~ provides 3749
written authorization for purchases by district deputy directors 3750
of transportation, all such purchases shall be made at the central 3751
office of the department of transportation in Columbus. Before 3752
making any purchase at that office, the director, as provided in 3753
this section, shall give notice to bidders of the intention to 3754
purchase. Where the expenditure ~~is~~ does not more than five hundred 3755
dollars exceed the amount applicable to the purchase of supplies 3756
specified in division (B) of section 125.05 Of the Revised Code, 3757
as adjusted pursuant to division (D) of that section, the director 3758
shall give such notice as the director considers proper, or the 3759
director may make the purchase without notice. Where the 3760
expenditure ~~is more than five hundred dollars~~ exceeds the amount 3761
applicable to the purchase of supplies specified in division (B) 3762
of section 125.05 Of the Revised Code, as adjusted pursuant to 3763
division (D) of that section, the director shall give notice by 3764
posting for not less than ten days a written, typed, or printed 3765
invitation to bidders on a bulletin board, which shall be located 3766
in a place in the offices assigned to the department and open to 3767
the public during business hours. Producers or distributors of any 3768
product may notify the director, in writing, of the class of 3769
articles for the furnishing of which they desire to bid and their 3770
post-office addresses, in which case copies of all invitations to 3771
bidders relating to the purchase of such articles shall be mailed 3772

to such persons by the director by regular first class mail at 3773
least ten days prior to the time fixed for taking bids. The 3774
director also may mail copies of all invitations to bidders to 3775
news agencies or other agencies or organizations distributing 3776
information of this character. Requests for invitations shall not 3777
be valid ~~or~~ nor require action by the director unless renewed, 3778
either annually or after such shorter period as the director may 3779
prescribe by a general ~~regulation~~ rule. The invitation to bidders 3780
shall contain a brief statement of the general character of the 3781
article that it is intended to purchase, the approximate quantity 3782
desired, and a statement of the time and place where bids will be 3783
received, and may relate to and describe as many different 3784
articles as the director thinks proper, it being the intent and 3785
purpose of this section to authorize the inclusion in a single 3786
invitation of as many different articles as the director desires 3787
to invite bids upon at any given time. Invitations issued during 3788
each calendar year shall be given consecutive numbers, and the 3789
number assigned to each invitation shall appear on all copies 3790
thereof. In all cases where notice is required by this section, 3791
sealed bids shall be taken, on forms prescribed and furnished by 3792
the director, and modification of bids after they have been opened 3793
shall not be permitted. 3794

3795
(B) The director may permit any political subdivision and any 3796
state university or college to participate in contracts into which 3797
the director has entered for the purchase of machinery, materials, 3798
supplies, or other articles. Any political subdivision or state 3799
university or college desiring to participate in such purchase 3800
contracts shall file with the director a certified copy of the 3801
ordinance or resolution of its legislative authority, board of 3802
trustees, or other governing board requesting authorization to 3803
participate in such contracts and agreeing to be bound by such 3804

terms and conditions as the director prescribes. Purchases made by
political subdivisions or state universities or colleges under
this division are exempt from any competitive bidding required by
law for the purchase of machinery, materials, supplies, or other
articles.

(C) As used in this section:

(1) "Political subdivision" means any county, township,
municipal corporation, conservancy district, township park
district, park district created under Chapter 1545. of the Revised
Code, port authority, regional transit authority, regional airport
authority, regional water and sewer district, or county transit
board.

(2) "State university or college" has the same meaning as in
division (A)(1) of section 3345.32 of the Revised Code.

(D) This is an interim section effective until March 4, 1998.

Sec. 5513.04. (A) The Notwithstanding sections 125.12,
125.13, and 125.14 Of the Revised Code, the director of
transportation, after notice as provided in sections 5513.01 and
5513.02 of the Revised Code with respect to purchase, may sell any
structure, machinery, tools, equipment, material, parts, office
furniture, or supplies unfit for use or not required needed by the
department of transportation. ~~Prior~~ The director may sell or
transfer any item specified in this division to any agency of the
state or a political subdivision of the state without notice of
the proposed disposal and upon any mutually agreed upon terms. The
director may exchange any such item, in the manner provided for in
this chapter, and pay the balance of the cost of such new item
from any funds appropriated to the department. The director also
may accept a credit voucher in an amount mutually agreed upon

between a vendor and the department. The amount of the credit 3835
voucher shall be applied to future purchases from that vendor. 3836

(B) Notwithstanding sections 125.12, 125.13, and 125.14 of 3837
the Revised Code, the director, after notice as provided in this 3838
chapter with respect to purchase, may sell any passenger vehicle, 3839
van, truck, trailer, or other heavy equipment unfit for use or not 3840
required by the department. Prior to such sale, the director shall 3841
notify each county, municipal corporation, township, and school 3842
district of the sale. The director shall similarly notify the 3843
board of trustees of any regional water and sewer district 3844
established under Chapter 6119. of the Revised Code, when the 3845
board has forwarded to ~~him~~ the director the district's name and 3846
current business address. For the purposes of this division, the 3847
name and current business address of a regional water and sewer 3848
district shall be forwarded to the director once each year during 3849
any year in which the board wishes the notification to be given. 3850
The notice required by this division may be given by the most 3851
economical means considered to be effective, including, but not 3852
limited to, regular mail, electronic mail, electronic bulletin 3853
board, and publication in a periodical or newspaper. If after 3854
~~fourteen~~ seven days following mailing or other issuance of the 3855
director's notice, no county, municipal corporation, township, 3856
regional water and sewer district, educational service center, or 3857
school district has notified the director that it wishes to 3858
purchase any such ~~machinery, tools, equipment, material,~~ vehicle 3859
or ~~supplies~~ other heavy equipment, the director may proceed with 3860
the sale under division (D) of this section. The director may 3861
exchange such ~~machinery, tools,~~ vehicles and other heavy equipment 3862
for new vehicles or other heavy equipment, in the manner provided 3863
for in sections 5513.01 to 5513.04 of the Revised Code, and pay 3864
the balance of the cost of such new vehicles or other heavy 3865
equipment from the ~~highway operating fund of~~ funds appropriated to 3866

the department. 3867

~~The~~ In an emergency situation as determined by the director, 3868
the director may transfer any ~~machinery, tools, equipment,~~ 3869
~~materials, vehicles or supplies~~ other heavy equipment that is 3870
unfit for use or not ~~required~~ needed by the department to 3871
~~counties, municipal corporations, any agency of the state or other~~ 3872
~~governmental subdivisions~~ political subdivision of the state 3873
without advertising for bids and upon ~~such~~ mutually agreed to 3874
terms as ~~the director may agree with the public authorities~~ 3875
~~empowered to arrange for the transfer.~~ 3876

~~(B)(C)~~ The director may sell or otherwise dispose of any 3877
structure or structural materials salvaged on the state highway 3878
system that in ~~his~~ the director's judgment are no longer ~~required~~ 3879
needed by the department, or that, through wear or obsolescence, 3880
have become unfit for use. The director may ~~authorize the sale of~~ 3881
~~the structure or materials by the district deputy directors of~~ 3882
~~transportation, and proceedings of such sale shall be conducted in~~ 3883
~~the same manner as provided for sales by the director.~~ 3884

~~Sale of such structure or materials shall be made to the~~ 3885
~~highest responsible bidder and, before making any sale, the~~ 3886
~~director shall give notice of such sale by posting, for not less~~ 3887
~~than ten days, a written, typed, or printed invitation to bidders~~ 3888
~~on a bulletin board in the offices of the department. The bulletin~~ 3889
~~board shall be located in a place open to the public during~~ 3890
~~business hours. If, in the opinion of the director, the structure~~ 3891
~~or materials to be sold have a fair market value of two hundred~~ 3892
~~dollars or less, the director need not advertise the proposed sale~~ 3893
~~except by notice posted on the bulletin board in the offices of~~ 3894
~~the department. If the structure or materials to be sold have a~~ 3895
~~fair market value in excess of two hundred dollars, then the~~ 3896
~~director shall publish one notice of the sale in a newspaper of~~ 3897
~~general circulation in the county in which such structure or~~ 3898

~~materials are located, and notice shall be published at least ten
days before bids are to be received. The invitation to bidders
shall contain a brief description of the materials to be sold and
a statement of the time and place where bids will be received. The
director may, in the same invitation, receive bids on the
structure as a whole with alternate bids on each of the separate
parts or classes of materials making up the whole, and may make
such sale on whichever basis he determines is most advantageous to
the department. If, after invitations are issued, it develops that
any public authority has use for the structure or materials, the
director may reject all bids and dispose of the structure or
materials as set out in this section.~~

~~The director may transfer the structure or materials to
counties, municipal corporations, or other governmental
subdivisions without advertising for bids and upon such mutually
agreed to terms as he may agree with the public authorities
~~empowered to arrange for the transfer.~~ The director may transfer
the structure or structures to a nonprofit corporation upon being
furnished a copy of a contract between the nonprofit corporation
and a county, municipal corporation, or other governmental
subdivision to which the structure is to be moved pursuant to
which the nonprofit corporation must make the structure or
structures available for rent or sale within a period of three
months after becoming available for occupancy to an individual or
family which has been displaced by governmental action or which
occupies substandard housing as certified by such governmental
subdivision, without advertising for bids. Any such transfers
shall be for such consideration as shall be determined by the
director to be fair and reasonable, and shall be upon such terms
and specifications with respect to performance and indemnity as
shall be determined necessary by the director.~~

~~(C)~~ When, in carrying out an improvement that replaces any

structure or materials, it is advantageous to dispose of the 3931
structure or materials by providing in the contract for the 3932
improvement that the structure or materials, or any part thereof, 3933
shall become the property of the contractor, the director may so 3934
proceed. 3935

(D)(1) Any item specified in division (A), (B), or (C) of 3936
this section that has an estimated market value greater than one 3937
thousand dollars and that has not been sold or transferred as 3938
provided in those divisions may be sold at public sale. The 3939
Director may authorize such sale by the district deputy directors 3940
of transportation, and the proceedings of such sale shall be 3941
conducted in the same manner as provided for sales by the 3942
director. 3943

Before making any sale under division (D)(1) of this section, 3944
the director shall give notice of the sale by posting, for not 3945
less than ten days, a written, typed, or printed invitation to 3946
bidders on a traditional or electronic bulletin board in the 3947
offices of the department. The bulletin board shall be located in 3948
a place open to the public during normal business hours. At least 3949
ten days before bids are to be received, the Director also shall 3950
publish one notice of the sale in a periodical or newspaper of 3951
general circulation in the region in which the items are located. 3952
The invitation to bidders and the published notice of the sale 3953
shall contain a brief description of the items to be sold and a 3954
statement of the time and place where bids will be received. The 3955
Director may receive bids and make such sale on any basis the 3956
director determines is most advantageous to the Department. A sale 3957
under division (D)(1) of this section shall be made to the highest 3958
responsible bidder. If, after invitations are issued, it develops 3959
that any public authority has use for any of the items, the 3960
Director may reject all bids and dispose of the items as set out 3961
in this section. 3962

(2) If, in the opinion of the Director, any item specified in 3963
division (A), (B), or (C) of this section has an estimated fair 3964
market value of one thousand dollars or less, the Director is not 3965
required to advertise the proposed sale except by notice posted on 3966
a traditional or electronic bulletin board in one or more offices 3967
of the Department. The bulletin board shall be located in a place 3968
open to the public during normal business hours. The notice shall 3969
be posted for at least five working days and shall contain a brief 3970
description of the items to be sold and a statement of the time 3971
and place where bids will be received. The Director may receive 3972
bids and make such sale on any basis the director determines is 3973
most advantageous to the Department. Sale of any item using this 3974
method of advertising shall be made to the highest responsible 3975
bidder. If it develops that any public authority has use for any 3976
of the items, the Director may reject all bids and dispose of the 3977
items as set out in this section. 3978

(E) Proceeds of any sale described in this section shall be 3979
paid into the state treasury to the credit of the state highway 3980
operating fund or any other fund of the department as determined 3981
by the director. 3982

~~(E)~~(F) As used in this section, "school district" means any 3983
city school district, local school district, exempted village 3984
school district, cooperative education school district, and joint 3985
vocational school district, as defined in Chapter 3311. of the 3986
Revised Code. Once each year, the state board of education shall 3987
provide the director with a current list of the addresses of all 3988
school districts and educational service centers in the state. 3989

Sec. 5513.06. (A) The director of transportation may debar a 3990
vendor from consideration for contract awards upon a finding based 3991
upon a reasonable belief that the vendor has done any of the 3992
following: 3993

(1) Abused the solicitation process by repeatedly withdrawing bids before purchase orders or contracts are issued or failing to accept orders based upon firm bids;	3994 3995 3996
(2) Failed to substantially perform a contract according to its terms, conditions, and specifications within specified time limits;	3997 3998 3999
(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond and correct matters related to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract;	4000 4001 4002 4003 4004
(4) Attempted to influence a public employee to breach ethical conduct standards;	4005 4006
(5) Colluded with other bidders to restrain competition by any means;	4007 4008
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	4009 4010 4011 4012 4013 4014
(7) Been convicted under state or federal antitrust laws;	4015
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	4016 4017 4018
(9) <u>Has been debarred by another state or by any agency or department of the federal government;</u>	4019 4020
<u>(10)</u> Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director.	4021 4022 4023

(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment. If the vendor is a partnership, association, or corporation, the director also may debar from consideration for contract awards any partner of the partnership, or the officers and directors of the association or corporation, being debarred. When the director reasonably believes that grounds for debarment exist, the director shall send the individual involved a notice of proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the vendor or individual and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the vendor or individual does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor or individual of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not include on a bidder list or consider for a contract award any partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the vendor or individual, and any partnership, association, or corporation affiliated with the individual, may reapply for inclusion on bidder lists through the regular application process.

Sec. 5515.01. The director of transportation may upon formal application being made to ~~him~~ the director, grant a permit to any individual, firm, or corporation to use or occupy such portion of a road or highway on the state highway system as will not incommode the traveling public. Such permits, when granted, shall be upon the following conditions:

(A) The occupancy of such roads or highways shall be in the 4056
location as prescribed by the director. 4057

(B) Such location shall be changed as prescribed by the 4058
director when ~~he~~ the director deems such change necessary for the 4059
convenience of the traveling public, or in connection with or 4060
contemplation of the construction, reconstruction, improvement, 4061
relocating, maintenance, or repair of such road or highway. 4062

(C) The placing of objects or things shall be at a grade and 4063
in accordance with such plans, specifications, or both, as shall 4064
be first approved by the director. 4065

(D) The road or highway in all respects shall be fully 4066
restored to its former condition of usefulness and at the expense 4067
of such individual, firm, or corporation. 4068

(E) Such individual, firm, or corporation shall maintain all 4069
objects and things in a proper manner, promptly repair all damages 4070
resulting to such road or highway on account thereof, and in event 4071
of failure to so repair such road or highway to pay to the state 4072
all costs and expenses which may be expended by the director in 4073
repairing any damage. 4074

(F) Such other conditions as may seem reasonable to the 4075
director, but no condition shall be prescribed which imposes the 4076
payment of a money consideration for the privilege granted. 4077
Nothing in this division prohibits the director from requiring 4078
payment of money consideration for a lease, easement, license, or 4079
other interest in a transportation facility under control of the 4080
department. 4081

(G) Permits may be revoked by the director at any time for a 4082
noncompliance with the conditions imposed. 4083

(H) Before issuing a permit to a telecommunications service 4084
in connection with the construction, placement, or operation of a 4085

wireless transmission tower or other transmission equipment in a 4086
transportation facility under division (E) of section 5501.311 of 4087
the Revised Code, the director shall require the applicant to 4088
provide proof it is party to a lease, easement, or license for 4089
such construction, placement, or operation. 4090

~~Chapters~~ Except as otherwise provided in this section and 4091
section 5501.311 Of the Revised Code, Chapters 5501., 5503., 4092
5511., 5512., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 4093
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 4094
Code do not prohibit telegraph, telephone, and electric light and 4095
power companies to construct from constructing, maintain 4096
maintaining, and use using telegraph, telephone, or electric light 4097
and power lines along and upon such roads or highways under 4098
sections 4931.01, 4931.03, 4931.19, 4933.14, or other sections of 4099
the Revised Code, or to affect existing rights of any such 4100
companies, or to require such companies to obtain a permit from 4101
the director, except with respect to the location of poles, wires, 4102
conduits, and other equipment comprising lines on or beneath the 4103
surface of such road or highways. 4104

This section does not prohibit steam or electric railroad 4105
companies from constructing tracks across such roads or highways, 4106
nor authorize the director to grant permission to any company 4107
owning, operating, controlling, or managing a steam railroad or 4108
interurban railway in this state to build a new line of railroad, 4109
or to change or alter the location of existing tracks across any 4110
road or highway on the state highway system at grade. No such 4111
company shall change the elevation of any of its tracks across 4112
such road or highway except in accordance with plans and 4113
specifications first approved by the director. 4114

This section does not relieve any individual, firm, or 4115
corporation from the obligation of satisfying any claim or demand 4116
of an owner of lands abutting on such road or highway on the state 4117

highway system on account of placing in such road or highway a 4118
burden in addition to public travel. 4119

Sec. 5516.01. As used in sections 5516.01 to ~~5516.13~~ 5516.14 4120
of the Revised Code: 4121

(A) "Advertising device" includes any outdoor sign, display, 4122
device, figure, painting, drawing, message, placard, poster, 4123
billboard, or any other contrivance designed, intended, or used to 4124
advertise or to give information in the nature of advertising, or 4125
any part thereof, the advertising or informative contents of which 4126
are visible from the main traveled way of any highway on the 4127
interstate system or primary system in this state. 4128

(B) "Visible" means capable of being seen, ~~whether or not~~ 4129
~~legible, and comprehended~~ without visual aid by a person of ~~normal~~ 4130
~~acuity traveling the posted speed limit on the main traveled way~~ 4131
~~of the highway.~~ 4132

(C) "Interstate system" means that portion of the interstate 4133
~~system of highways as defined in 74 Stat. 415 (1960), 23 U.S.C.A.~~ 4134
~~103, or amendments thereof, or the national highway system,~~ 4135
located within this state, as designated by the director of 4136
transportation and approved by the secretary of transportation of 4137
the United States, pursuant to 23 U.S.C.A. 103(b) and (e). 4138

(D) "Erect" means to construct or allow to be constructed, 4139
but it shall not include any activity when performed as an 4140
incident to the change of advertising message or normal 4141
maintenance of a sign or sign structure. 4142

(E) "Maintain" means to preserve, keep in repair, continue, 4143
allow to exist, or restore ~~if destroyed by an act of God or~~ 4144
~~vandalism.~~ 4145

(F) "National policy" means the provisions ~~relating to~~ 4146
~~control of advertising, signs, displays, and devices adjacent to~~ 4147

~~the interstate system and primary system contained in the~~ 4148
~~"National Highway Beautification Act of 1965," 79 Stat. 1028, of~~ 4149
23 U.S.C.A. 131 and the national standards, criteria, and rules 4150
promulgated pursuant to such provisions. 4151

(G) "Primary system" means that portion of the state highway 4152
system or national highway system located within this state as 4153
~~designated or as may hereafter be designated by the state as part~~ 4154
~~of the federal aid primary system of highways, which designation~~ 4155
~~has been~~ director and approved by the secretary of transportation 4156
of the United States, pursuant to ~~70 Stat. 374 (1956),~~ 23 U.S.C.A. 4157
103**(b)**. 4158

(H) "Zoned commercial or industrial areas" means those 4159
nonagricultural areas which are reserved for business, commerce, 4160
or trade, pursuant to local zoning laws, regulations, or state 4161
laws. 4162

(I) "Unzoned commercial or industrial ~~areas~~ area" means ~~those~~ 4163
~~areas~~ an area not zoned by state or local law, regulation, or 4164
ordinance, ~~upon in~~ in which ~~there is conducted~~ located one or more 4165
commercial or industrial activities, ~~and.~~ Such area may also 4166
include the lands along the highway for a distance of eight 4167
hundred fifty feet immediately adjacent to such activities. ~~All~~ 4168
~~measurements~~ This distance shall be measured from the buildings, 4169
parking lots, storage or processing areas of the activities, and 4170
~~shall be measured~~ along or parallel to the near edge of the main 4171
traveled way of the highway. ~~Unzoned commercial or industrial~~ 4172
~~areas~~ This distance shall not include land on the opposite side of 4173
the highway from such activities, nor land predominantly used for 4174
residential purposes. An area shall be considered predominately 4175
residential if fifty per cent or more of the eight hundred feet 4176
immediately adjacent to the activities contains land used as 4177
residential property. Each side of the highway will be considered 4178
separately in applying this definition. ~~As used in this section~~ 4179

" commercial	4180
(J) " <u>Commercial</u> or industrial activities" means those	4181
activities generally recognized as commercial or industrial by	4182
zoning authorities of this state, except that none of the. <u>The</u>	4183
following activities shall <u>not</u> be considered commercial or	4184
industrial:	4185
(1) Outdoor <u>Activities relating to</u> advertising structures;	4186
(2) Agricultural, forestry, ranching, grazing, farming, and	4187
related activities, including, but not limited to, <u>activities</u>	4188
<u>relating to</u> wayside fresh produce stands;	4189
(3) Transient or temporary activities;	4190
(4) Activities not visible from the main traveled way;	4191
(5) Activities <u>located</u> more than six hundred sixty feet from	4192
the nearest edge of the right-of-way;	4193
(6) Activities conducted in a building principally used as a	4194
residence;	4195
(7) Railroad <u>Activities relating to railroad</u> tracks and minor	4196
sidings;	4197
(8) Highways <u>Activities relating to highways, roads, and</u>	4198
streets.	4199
(K) " <u>Directional and official signs and notices</u> " means those	4200
<u>signs and notices that are required or authorized by law and</u>	4201
<u>conform to the rules for such signs and notices as adopted by the</u>	4202
<u>director in accordance with 23 C.F.R. 750.151 to 750.155.</u>	4203
(L) " <u>Nonconforming advertising device</u> " means an advertising	4204
<u>device that was:</u>	4205
(1) <u>Lawfully in existence prior to December 7, 1971;</u>	4206
(2) <u>Lawfully on any highway made a part of the interstate</u>	4207
<u>system or primary highway system on or after December 7, 1971;</u>	4208

(3) <u>Lawfully erected prior to any revision in the law</u>	4209
<u>effective December 7, 1971; or</u>	4210
(4) <u>Lawfully erected but:</u>	4211
(a) <u>No longer in compliance with the provisions of state law</u>	4212
<u>enacted or rules adopted at a later date; or</u>	4213
(b) <u>No longer in compliance with state laws or rules due to</u>	4214
<u>changed conditions, including, but not limited to, zoning changes,</u>	4215
<u>highway relocation, highway reclassification, or changes in</u>	4216
<u>restrictions on sizing, lighting, spacing, or distance of</u>	4217
<u>advertising devices.</u>	4218
<u>Illegally erected or maintained advertising devices are not</u>	4219
<u>nonconforming signs.</u>	4220
(M) <u>"Scenic byway" means any linear transportation corridor</u>	4221
<u>as designated or as may hereafter be so designated by the director</u>	4222
<u>under the Ohio scenic byways program as having outstanding scenic</u>	4223
<u>qualities.</u>	4224
(N) <u>"Director" means the director of the Ohio department of</u>	4225
<u>transportation.</u>	4226
(O) <u>"Commercial or industrial zone" means those areas</u>	4227
<u>established by any state, county, municipal, or other local zoning</u>	4228
<u>authority as being most appropriate for business, commerce,</u>	4229
<u>industry, or trade. Any action taken by a state, county,</u>	4230
<u>municipal, or other local zoning authority that is not part of</u>	4231
<u>comprehensive zoning and is created primarily to permit outdoor</u>	4232
<u>advertising devices shall not be considered a commercial or</u>	4233
<u>industrial zone for purposes of this chapter.</u>	4234
Sec. 5516.02. No advertising device shall be erected or	4235
maintained within six hundred sixty feet of the edge of the	4236
right-of-way of a highway on the interstate system except the	4237
following:	4238

(A) Directional ~~or other~~ and official signs ~~or~~ and notices 4239
that ~~are required or authorized by law~~ conform to rules adopted by 4240
the director of transportation; 4241

(B) Signs advertising the sale or lease of the property upon 4242
which they are located; 4243

(C) Advertising devices indicating the name of the business 4244
or profession conducted on such property or ~~which~~ that identify 4245
the goods produced, sold, or services rendered on such property, 4246
and that conform to rules adopted by the director; 4247

(D) Advertising devices ~~which~~ that are located in commercial 4248
or industrial zones traversed by segments of the interstate system 4249
within the boundaries of ~~incorporated municipalities~~ a municipal 4250
corporation as such boundaries existed on September 21, 1959, 4251
~~which and that~~ conform to ~~regulations promulgated~~ rules adopted by 4252
the director ~~of transportation, provided that no such sign or~~ 4253
~~notice shall be erected or maintained until a permit is obtained~~ 4254
~~as provided in section 5516.10 of the Revised Code.~~ 4255

Sec. 5516.03. The director of transportation shall ~~promulgate~~ 4256
~~adopt, amend, and enforce regulations~~ rules, consistent with the 4257
customary use of outdoor advertising, the safety of the traveling 4258
public, ~~and consistent with the national policy, governing any or~~ 4259
~~all aspects of the advertising devices erected or maintained~~ 4260
~~within six hundred sixty feet of the edge of the right of way of a~~ 4261
~~highway on the interstate system and coming within the exceptions~~ 4262
~~contained in section 5516.02 of the Revised Code~~ as are necessary 4263
to carry out the provisions of this chapter. Such rules may 4264
include, but shall not be limited to, sizing, lighting, spacing, 4265
and such other conditions as may be necessary to promote the 4266
safety of the traveling public and effect the national policy. The 4267
rules shall be in addition to the provisions of municipal 4268
ordinances regulating advertising devices and shall not invalidate 4269

the provisions of any municipal ordinance that are equivalent to 4270
and consistent with the rules adopted by the director under this 4271
section. The director shall furnish a copy of such ~~regulations~~ 4272
rules, without charge, to any person making a request therefor. 4273

~~The director may adopt such amendments to such regulations as~~ 4275
~~are necessary and consistent with public safety and which are~~ 4276
~~consistent with the national policy.~~ 4277

~~Whoever violates such regulations is in violation of section~~ 4278
~~5516.02 of the Revised Code.~~ 4279

Sec. 5516.04. (A) Any advertising device ~~which violates~~ 4280
~~sections 5516.02 and 5516.03 of the Revised Code,~~ that is located 4281
within six hundred sixty feet of the edge of the right-of-way of a 4282
highway on the interstate system, or within six hundred sixty feet 4283
of the edge of the right-of-way of a highway on the primary system 4284
or outside of an urban area between six hundred sixty feet and 4285
three thousand feet of the right-of-way of a highway on the 4286
interstate system or primary system and does not come within any 4287
of the exceptions contained in sections 5516.02, 5516.06, or 4288
5516.061 of the Revised Code or the rules adopted thereunder, or 4289
that is being maintained without a validly issued permit is a 4290
public and private nuisance, and shall be removed. Immediately 4291
upon learning of the existence of such a nuisance, and without an 4292
adjudication, the director of transportation shall ~~give thirty~~ 4293
~~days notice, by registered or certified mail,~~ issue an order to 4294
the owner or lessee of the land on which such advertising device 4295
is located, and to the owner of such advertising device, if known, 4296
to remove ~~such advertising~~ the device within thirty days of the 4297
issuance of the order. The order shall be in writing and shall be 4298
sent by certified mail. If the owner of the advertising device is 4299
unknown, the director shall make a reasonable attempt to ascertain 4300

the identity of such owner. An order issued under this section 4301
shall contain information that such order may be appealed in 4302
accordance with section 119.12 Of the Revised Code. 4303

If an appeal is entered and removal of the advertising device 4304
is subsequently affirmed, the director may immediately remove the 4305
advertising device. If no appeal is entered within the period 4306
specified in section 119.12 Of the Revised Code, the director may 4307
immediately remove the sign without further notice or file a 4308
complaint in the court of common pleas of the county in which such 4309
advertising device is located. Upon a finding by the court of 4310
common pleas that a violation of sections 5516.02 to 5516.14 Of 4311
the Revised Code exists as alleged in the petition, the court 4312
shall enter an order of abatement against the person or persons 4313
erecting or maintaining such advertising device, or against the 4314
owner or owners of the land upon which such advertising device is 4315
situated. 4316

~~If any such advertising device has not been removed on or~~ 4317
~~before the expiration of thirty days following the receipt of the~~ 4318
~~said notice by the owner or lessee of the land upon which the~~ 4319
~~advertising device is located, the director, or any of his duly~~ 4320
~~authorized agents, may, at his discretion, either:~~ 4321

~~(A) Remove, obliterate, or abate the advertising device. (B)~~ 4322
~~The cost of or expense of such removal, obliteration, or~~ 4323
~~abatement, shall be paid by the director out of any appropriation~~ 4324
~~of the department of transportation available for the~~ 4325
~~establishment, using, maintaining, or repairing use, maintenance,~~ 4326
~~or repair of highways, and the amount thereof shall be certified~~ 4327
~~to the attorney general for collection by civil action against the~~ 4328
~~person maintaining or erecting device owner or the owner or lessee~~ 4329
~~of the land on which such advertising device is located. Such~~ 4330
~~owners and lessees shall be jointly liable for such costs or~~ 4331

expenses. 4332

~~(B) File a complaint by petition in the court of common pleas 4333
of the county in which such advertising device is located, and, 4334
upon a finding by the court that a violation of sections 5516.02 4335
to 5516.04 of the Revised Code, exists as alleged in the petition, 4336
the court shall enter an order of abatement against the person or 4337
persons erecting or maintaining such advertising device, or 4338
against the owner or owners of the land upon which such 4339
advertising device is situated, as the case may be. 4340~~

(C) Employees, agents, or independent contractors of the 4341
department of transportation may enter upon private property for 4342
the purpose of removing advertising devices in accordance with 4343
this section, without incurring any liability for so entering. 4344

Sec. 5516.06. No advertising device shall be erected or 4345
maintained within six hundred sixty feet of the edge of the 4346
right-of-way of a highway on the primary system except the 4347
following: 4348

~~(A) Directional and other official signs and notices required 4349
or authorized by law; which signs and notices shall include signs 4350
and notices pertaining to natural wonders, scenic and historical 4351
attractions, which shall that conform to regulations promulgated 4352
rules adopted by the director of transportation consistent with 4353
the national policy, provided that no such sign or notice shall be 4354
erected until a permit is obtained as provided for in section 4355
5516.10 of the Revised Code; 4356~~

~~(B) Signs advertising the sale or lease of the property upon 4357
which they are located; 4358~~

~~(C) Advertising devices indicating the name of the business, 4359
activities, or profession conducted on such property or which 4360
identify the goods produced, sold, or services rendered on such 4361~~

property;	4362
(D) Precautionary signs relating to the premises;	4363
(E) Signs, displays, or devices which locate, identify, mark, or warn of the presence of pipe lines, utility lines, or rail lines, and appurtenances thereof, including, but not limited to, markers used in the maintenance, operation, observation, and safety of said lines;	4364 4365 4366 4367 4368
(F) Advertising devices located in zoned or unzoned industrial or commercial areas adjacent to highways on the primary system. No such advertising device in such areas shall be erected until a permit is obtained as provided in section 5516.10 of the Revised Code that conform to rules adopted by the director;	4369 4370 4371 4372 4373
(G) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance, provided that no such sign shall be maintained without a permit as provided for in section 5516.10 of the Revised Code.	4374 4375 4376 4377 4378 4379 4380
Sec. 5516.061. No advertising device shall be erected outside of urban areas between six hundred sixty feet and three thousand feet of the right-of-way of the main traveled way of a highway on the interstate or primary system for the purpose of a message being read <u>if such device would be visible</u> from such main traveled way, except the following:	4381 4382 4383 4384 4385 4386
(A) Directional and other official signs and notices required or authorized by law, which include signs and notices pertaining to natural wonders and scenic and historical attractions, which shall <u>that</u> conform to rules promulgated <u>adopted</u> by the director of transportation consistent with the national policy, provided that	4387 4388 4389 4390 4391

~~no such sign or notice shall be erected until a permit is obtained~~ 4392
~~as provided for in section 5516.10 of the Revised Code;~~ 4393

4394

(B) Signs advertising the sale or lease of the property upon 4395
which they are located; 4396

(C) Advertising devices indicating the name of the business, 4397
activities, or profession conducted on such property or which 4398
identify the goods produced, sold, or services rendered on such 4399
property; 4400

(D) Signs lawfully in existence on October 22, 1965, that the 4401
director, subject to the approval of the secretary of the United 4402
States department of transportation, has determined to be landmark 4403
signs, including signs on farm structures or natural surfaces, 4404
which are of historic or artistic significance, ~~provided that no~~ 4405
~~such sign shall be maintained without a permit as provided for in~~ 4406
~~section 5516.10 of the Revised Code.~~ 4407

~~No advertising device or series of devices erected outside of~~ 4408
~~urban areas and beyond three thousand feet of the right of way of~~ 4409
~~the main traveled way of a highway on the interstate or primary~~ 4410
~~system for the purpose of a message being read from the main~~ 4411
~~traveled way shall exceed one hundred fifty square feet in area.~~ 4412
~~For purposes of this section, a series of devices conveying a~~ 4413
~~single message shall not have a combined area in excess of one~~ 4414
~~hundred fifty square feet in area.~~ 4415

Any advertising device lawfully in existence prior to ~~the~~ 4416
~~effective date of this section~~ November 28, 1975, or lawfully on 4417
any highway made a part of the interstate or primary system on or 4418
after ~~this~~ that date, the erection of which would be illegal under 4419
this section, is nonconforming, and may be maintained subject to 4420
the permit provisions of section 5516.10 of the Revised Code ~~until~~ 4421
~~ordered removed under section 5516.08 of the Revised Code.~~ 4422

As used in this section, "urban area" means an urbanized area 4423
or an urban place as designated by the bureau of the census having 4424
a population of five thousand or more, and within boundaries 4425
approved by the ~~U.S.~~ United States secretary of transportation. 4426

~~Sec. 5516.07. Any advertising device lawfully in existence 4427
prior to December 7, 1971, or lawfully on any highway made a part 4428
of the interstate or primary system on or after December 7, 1971, 4429
the erection of which would be illegal under division (D) of 4430
section 5516.02 and section 5516.06 of the Revised Code, is 4431
nonconforming. Any such nonconforming advertising device located 4432
within zoned or unzoned commercial or industrial areas may be 4433
maintained and shall not be ordered removed by the director of 4434
transportation or, except upon the payment of compensation as 4435
provided in division (A) of section 5516.08 of the Revised Code, 4436
by a state, county, or local zoning authority, but such 4437
advertising devices are subject to the permit provisions of 4438
section 5516.10 of the Revised Code. All other nonconforming 4439
advertising devices ~~may~~ shall be maintained, subject to the ~~permit~~ 4440
provisions of ~~section~~ sections 5516.10 and 5516.12 of the Revised 4441
Code, until ordered removed under section 5516.08 of the Revised 4442
Code. 4443~~

~~The director shall not require the removal of any advertising 4444
device for which federal reimbursement is contemplated pursuant to 4445
subsection (g), 89 Stat. 2700 (1978), 23 U.S.C.A. 131, nor approve 4446
any application for reimbursement made under division (C) of 4447
section 5516.08 of the Revised Code, unless, until, and to the 4448
extent that federal funds for the federal share of compensation 4449
therefor have been appropriated by the federal government and made 4450
available to the director for such purposes. 4451~~

Sec. 5516.08. (A) The director of transportation, or a state, 4452

county, municipal, or other local zoning authority, may order the 4453
removal of nonconforming advertising devices that are 4454
~~nonconforming in accordance with~~ lawfully maintained pursuant to 4455
section 5516.07 of the Revised Code, or ~~with~~ under a zoning 4456
ordinance or regulation, ~~and each.~~ Each such removal ~~of an~~ 4457
~~advertising device~~ ordered by the director or zoning authority 4458
shall be deemed to constitute a taking of all right, title, and 4459
interest in such advertising device, including any leasehold 4460
interest, of the owner of the advertising device and of the right 4461
of the owner of the real property on which the advertising device 4462
is located to erect and maintain such advertising device thereon. 4463
The director or zoning authority shall pay just compensation for 4464
all such interests in any such taking, in the same manner as other 4465
property is acquired pursuant to Chapter 163. of the Revised Code, 4466
notwithstanding the right or obligation of the owner of such 4467
advertising device, as against the owner of the real property on 4468
which the advertising device is located, to remove such device at 4469
any time. The director, or a state, county, municipal, or other 4470
local zoning authority is authorized to acquire by gift, purchase, 4471
or appropriation, devices ordered removed under this section. 4472

If the director or zoning authority and any such owner of a 4473
compensable right or interest under this section do not reach 4474
agreement as to the amount of compensation to be paid for the 4475
taking of such right or interest, the director or zoning authority 4476
shall institute an action to appropriate the interest of such 4477
person in accordance with Chapter 163. of the Revised Code. In any 4478
such action, loss of business shall not be considered an item of 4479
compensable damages. 4480

Neither the director nor a state, county, municipal, or other 4481
local zoning authority shall enter upon any property ~~pursuant to a~~ 4482
~~removal order~~ to cause the physical removal of any nonconforming 4483
advertising device, for which an owner is entitled to just 4484

compensation, until the owner and the director or zoning authority 4485
have reached agreement as to the compensation to be paid or until 4486
the compensation proposed to be paid by the director or zoning 4487
authority has been deposited pursuant to section 163.06 of the 4488
Revised Code. 4489

(B) The director shall not order the removal of any 4490
advertising device for which federal reimbursement is contemplated 4491
pursuant to 23 U.S.C.A. 131(g), nor approve any application for 4492
reimbursement made under division (C) of this section, unless and 4493
until federal funds for the federal share of compensation therefor 4494
have been appropriated by the federal government and made 4495
available to the director for such purposes. The director shall 4496
provide by ~~regulation~~ rule for the making of reimbursements to 4497
state, county, municipal, and other local zoning authorities for 4498
the removal of nonconforming advertising devices for which federal 4499
reimbursement is contemplated ~~pursuant to subsection (g), 89 Stat.~~ 4500
~~2700 (1978), 23 U.S.C.A. 131.~~ 4501

(C) No state, county, municipal, or other local zoning 4502
authority shall be reimbursed by the director for the removal of 4503
any nonconforming advertising device as provided in this section 4504
unless the zoning authority, prior to such removal, makes 4505
application for reimbursement to the director and the director 4506
approves the application. The application shall include such 4507
information as the director requires by ~~regulation~~ rule. 4508

Sec. 5516.09. Unless otherwise provided by law, both of the 4509
following are prohibited: 4510

(A) The use of the right-of-way of a limited access highway 4511
for construction, maintenance, or copy change of a lawful 4512
advertising device; 4513

(B) The use of the right-of-way of any highway other than a 4514
limited access highway to construct, maintain, or service a lawful 4515

advertising device without the written permission of the 4516
appropriate district office of the department of transportation. 4517

~~Sec. 5516.10. (A) No private off-premise advertising device~~ 4518
~~shall be erected or a conforming advertising device maintained~~ 4519
~~within the areas covered by divisions (A) and (D) of section~~ 4520
~~5516.02 and divisions (A) and (F) of section 5516.06 of the~~ 4521
~~Revised Code without a permit. No nonconforming advertising device~~ 4522
~~may be maintained without a permit, except that permits shall be~~ 4523
~~issued to maintain nonconforming advertising devices subject to~~ 4524
~~the limitations set forth in section 5516.07 of the Revised Code.~~ 4525
~~If such a permit has been previously issued by a municipal~~ 4526
~~authority, a copy thereof may be furnished to the director of~~ 4527
~~transportation in lieu of securing a new permit as required by~~ 4528
~~this section person shall do either of the following without first~~ 4529
~~obtaining a permit and permit plates from the director:~~ 4530

(1) Erect, use, maintain, operate, construct, or cause or 4532
permit to be erected, used, maintained, operated, or constructed, 4533
any advertising device located in: 4534

(a) Commercial or industrial zones traversed by segments of 4535
the interstate system within the boundaries of a municipal 4536
corporation as such boundaries existed on September 21, 1959; or 4537

(b) Located in zoned or unzoned industrial or commercial 4538
areas adjacent to highways on the primary system; or 4539

(2) Maintain any nonconforming advertising device. 4540

(B) Applications for such ~~permits~~ a permit shall be made ~~to~~ 4541
~~the director or, within a municipal corporation, to the municipal~~ 4542
~~authority designated by its legislative authority, and permits~~ 4543
~~authorized herein shall not unreasonably be withheld, provided~~ 4544
~~that no permit for the erection of an advertising device under~~ 4545

~~division (A) of section 5516.02 or division (A) of section 5516.06 4546
of the Revised Code shall be issued by a municipal authority 4547
without the prior approval of the director. The applications and 4548
permits shall be on forms designated by the director, and a copy 4549
of any such permits issued by a municipal corporation shall be 4550
furnished to the director prior to its effective date. The 4551
director or municipal authority may make a charge for any 4552
advertising device permit issued under authority of this section, 4553
such charge to be based on the reasonable cost of administering 4554
and processing such permits. However, the director may not make a 4555
charge for any advertising device permit for an advertising device 4556
maintained or erected within the areas covered by division (A) of 4557
section 5516.02 or division (A) of section 5516.06 of the Revised 4558
Code on forms prescribed by the director, and a separate 4559
application must be submitted for each sign face. The director 4560
shall adopt rules setting forth the requirements for completion of 4561
the application process and the issuance of permits consistent 4562
with the provisions of this section. 4563~~

(1) As part of the application process, the director may 4564
require an acknowledgment to be signed by the owner or person in 4565
lawful possession or control of the proposed location of the 4566
advertising device. Such acknowledgment may include, but shall not 4567
be limited to, a statement that the applicant has the right to 4568
occupy the land at the subject location, that if at any time 4569
removal is required, the owner or person in lawful possession or 4570
control of the location may be jointly liable, and that the 4571
applicant may only occupy the land for a specified time period. If 4572
legal use of the location is terminated at any time during the 4573
permit period, the permit is subject to cancellation pursuant to 4574
section 5516.12 Of the Revised Code. 4575

(2) As part of the application process, the director may 4576
require an applicant or the applicant's authorized representative 4577

to certify in a notarized signed statement that the applicant has 4578
not knowingly provided materially false, misleading, or inaccurate 4579
information. 4580

(3) Each application shall be accompanied by the appropriate 4581
application fee as set forth in the fee schedule established by 4582
the director. Such fee schedule shall be based on the reasonable 4583
cost of administering and processing such permits. Application 4584
fees shall be nonrefundable. 4585

(4) Applications for permits will be disapproved and permits 4586
will not be issued under any of the following conditions: 4587

(a) The proposed location for an advertising device is not 4588
visible from the main traveled portion of the highway due to 4589
existing landscaping on the right-of-way of any highway; 4590

(b) The advertising device can only be erected or maintained 4591
from the right-of-way of an interstate or primary highway system; 4592

(c) The proposed location for the advertising device is on 4593
land that is used principally as a residence. 4594

(C) The issuance of a permit under this section shall not be 4595
construed to invalidate municipal ordinances requiring a permit or 4596
license or providing for an inspection fee for advertising 4597
devices, or regulating such advertising devices. The cost of the 4598
application fee for such permits or licenses issued, or the cost 4599
of initial inspection fees charged under municipal ordinances 4600
shall be credited against and shall reduce the cost of the permit 4601
issued by the director under this section. If a permit is issued 4602
by a zoning authority pursuant to its ordinances, rules, or 4603
regulations controlling outdoor advertising devices, a copy 4604
thereof shall be furnished to the director with any application 4605
for a new permit required by this section or within thirty days of 4606
its issuance by a zoning authority. 4607

(D) Where an application is submitted for the erection, use, 4608

maintenance, operation, or construction of an advertising device, 4609
the director may conditionally approve such application as to 4610
location only, and final approval will remain pending until the 4611
advertising device is erected, used, maintained, constructed, or 4612
becomes operational. Upon notification by the permit applicant 4613
that the erection, use, maintenance, construction, or operation of 4614
the advertising device is completed, the director shall verify 4615
that the advertising device complies with the terms and conditions 4616
of the conditional permit. Upon verification of compliance with 4617
the terms and conditions of the conditional permit, the director 4618
may approve and issue a permit and permit plates which shall be 4619
securely and permanently attached in the corner of the face of the 4620
advertising device nearest to the highway in such a manner as to 4621
be visible from the main traveled way of the interstate or primary 4622
highway system. Replacement plates may be issued upon request and 4623
upon the payment of a replacement fee to be determined by the 4624
director. 4625

(E) All permits issued pursuant to this section shall be in 4626
effect for a period of one year. Permits may be renewed upon 4627
application made on forms designated by the director and upon the 4628
payment of a nonrefundable renewal fee in an amount to be 4629
determined by the director based on the reasonable cost of 4630
administering and processing such renewal permits. Any permits 4631
that are not renewed, and any permit plates issued in connection 4632
with such permits, shall be returned to the director for 4633
cancellation by the expiration date. The director may adopt rules 4634
for the reinstatement of permits canceled as a result of 4635
nonpayment of renewal fees, and shall develop a fee schedule for 4636
late renewals. 4637

(F) Where the director conditionally approves the issuance of 4638
a permit as to location only and the permit applicant fails to 4639
exercise the privilege of constructing, erecting, using, 4640

operating, or maintaining an advertising device within the period 4641
for which the permit was issued, such permit shall not be renewed 4642
unless a renewal fee is paid to extend the privilege for one 4643
additional permit period. No conditional permit shall be renewed 4644
and no extensions shall be granted after the second renewal 4645
period. 4646

(G) Permits for advertising devices erected and maintained 4647
with a valid permit issued before July 1, 1997, may be renewed 4648
unless the director finds that the permit application contains 4649
materially false, misleading, or inaccurate information or the 4650
sign has been erected or maintained contrary to the provisions of 4651
this chapter or the rules adopted thereunder, and in such event 4652
the director may take appropriate action pursuant to section 4653
5516.12 Of the Revised Code. An applicant who has a conditional 4654
permit issued by the director before the effective date of this 4655
amendment and who has not yet exercised the privilege of 4656
constructing, using, operating, erecting, or maintaining an 4657
advertising device at the proposed location as of that effective 4658
date, shall have until December 31, 1997, to comply with the terms 4659
and conditions of the conditional permit or such permit shall be 4660
canceled. However, the applicant may request that the conditional 4661
permit be renewed by submitting a renewal application and paying a 4662
nonrefundable renewal fee to extend the privilege for one 4663
additional permit period. 4664

(H) Permits may be transferred from one sign owner to another 4665
upon written acknowledgment from the current permittee and the 4666
payment of a transfer fee in an amount to be determined by the 4667
director for each permit to be transferred. The new permit holder 4668
is subject to all the terms and conditions of the prior permit 4669
holder and shall be subject to all provisions of this chapter and 4670
the rules adopted thereunder. 4671

Sec. 5516.11. This chapter does not affect the authority of a 4672
state, county, municipal, or other local zoning authority to zone 4673
areas for commercial or industrial purposes under its respective 4674
zoning laws. Whenever a state, county, municipal, or other local 4675
zoning authority has adopted comprehensive zoning and established 4676
rules and regulations that control controlling the size, lighting, 4677
and spacing of outdoor advertising devices, that are equivalent to 4678
and consistent with the intent of this act, and are part of a bona 4679
fade commercial and industrial zoning plan chapter, such rules and 4680
regulations will be accepted in lieu of the controls provided in 4681
division (D) of section 5516.02 and in ~~sections 5516.06 and~~ 4682
~~5516.09~~ section 5516.061 of the Revised Code in the ~~zoned~~ 4683
commercial and industrial ~~areas~~ zones within the geographical 4684
jurisdiction of such authority. 4685

Whenever a zoning authority establishes ~~such~~ new 4686
comprehensive zoning rules or regulations, a copy thereof shall be 4687
furnished to the director of transportation within thirty days 4688
after its passage. 4689

Chapter 5516. of the Revised Code shall not be construed to 4690
allow the erection of an advertising device in an area zoned by 4691
state, county, municipal, or other local authorities to exclude 4692
such devices. 4693

Sec. 5516.12. Any advertising device that violates sections 4694
5516.06 to 5516.13 of the Revised Code is a public and private 4695
nuisance and the The director of transportation may disapprove, 4696
cancel, or revoke any permit requested or issued under this 4697
chapter if the director determines any of the following: 4698

(A) That the application for the permit contains materially 4699
false, misleading, or inaccurate information; 4700

(B) An advertising device has been erected or maintained 4701

contrary to the terms and conditions of the permit; 4702

(C) The required fee has not been paid; 4703

(D) That the location does not conform to the laws and rules 4704
of the state; 4705

(E) That any other provisions of this chapter or the rules 4706
adopted thereunder have been violated. 4707

The director shall give thirty days' notice, by certified 4708
mail, to the owner or lessee of the land on which such advertising 4709
device is located and to the owner of such advertising device, if 4710
known, ~~to remove such advertising device, or to cause it to~~ 4711
~~conform to the requirements of this chapter.~~ If the owner of such 4712
advertising device is unknown, the director shall make a 4713
reasonable attempt to ascertain the identity of such owner. 4714

~~If any such advertising device has not been removed or caused~~ 4715
~~to be conformed on or before the expiration of thirty days~~ 4716
~~following the receipt of said notice by the owner or lessee of the~~ 4717
~~land upon which the advertising device is located and the owner of~~ 4718
~~the advertising device, if known, the director, or any of his duly~~ 4719
~~authorized agents, may, at his discretion, either:~~ 4720

~~(A) Remove, obliterate, or abate the advertising device. The~~ 4721
~~cost or expense of such removal, obliteration, or abatement shall~~ 4722
~~be paid by the director out of any appropriation of the department~~ 4723
~~of transportation available for the establishment, using,~~ 4724
~~maintaining, or repairing of highways and the amount thereof shall~~ 4725
~~be certified to the attorney general for collection by civil~~ 4726
~~action against the person maintaining or erecting such advertising~~ 4727
~~device.~~ 4728

~~(B) File a complaint by petition in the court of common pleas~~ 4729
~~of the county in which such advertising device is located, and,~~ 4730
~~upon a finding by the court that a violation of sections 5516.06~~ 4731

~~to 5516.13 of the Revised Code, exists as alleged in the petition,
the court shall enter an order of abatement against the person
erecting or maintaining such advertising device, or against the
owner of the land upon which such advertising device is situated.~~

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Such notice may specify any remedial action that is required
to correct any false or misleading information or other violation
of this chapter and advise that failure to take the remedial
action within thirty days may result in denial, cancellation, or
revocation of the permit and removal of the advertising device.
The written notice shall further state that the applicant, or
owner of the advertising device, or the owner or lessee of the
land on which the advertising device is located, has a right to an
adjudication hearing pursuant to section 119.06 Of the Revised
Code, which request must be filed with the director within thirty
days after the receipt of the written notice. If a hearing is
requested, it shall be conducted in accordance with the provisions
of sections 119.01 to 119.13 Of the Revised Code and any rules
adopted by the director establishing procedures for such hearings.

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Upon the expiration of the thirty days' notice, if no request
for an adjudication hearing has been filed with the director, the
director may declare the advertising device to be a public and
private nuisance and order its removal. Removal of the advertising
device shall proceed in accordance with divisions (B) and (C) of
section 5516.04 Of the Revised Code.

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Sec. 5516.13. The director of transportation shall exercise
the powers and perform the duties delegated to ~~him~~ the director by
sections ~~5516.06~~ 5516.02 to ~~5516.13~~ 5516.14 of the Revised Code,
in accordance with ~~sections 119.01 to 119.04~~ rules the director
shall adopt under Chapter 119. of the Revised Code.

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~~Any person adversely affected by such an exercise of powers~~

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~~er the performance of duties so delegated to the director has the~~ 4763
~~right of appeal provided in section 119.11 of the Revised Code.~~ 4764

Sec. 5516.14. The director may issue a permit to any sign 4765
owner who has a lawful permit issued pursuant to section 5516.10 4766
Of the Revised Code to remove, cut, and trim vegetation located on 4767
the right-of-way of any highway of the interstate or primary 4768
system adjacent to the permitted advertising device and replace 4769
the same as directed, whenever such vegetation prevents clear 4770
visibility from the main traveled way of such highway. The 4771
director shall adopt rules for the enforcement of this section. 4772
The rules may include requirements for appropriate vehicle 4773
identification signage, appropriate bond or insurance, distance 4774
limits, and any other conditions as may be required by the 4775
director. 4776

An application for a vegetation permit shall be made on forms 4777
designated by the director and a separate application must be 4778
submitted for each sign face. Each application shall be 4779
accompanied by a nonrefundable application fee in an amount to be 4780
determined by the director. Permits issued hereunder shall run for 4781
a period of one year and may be renewed upon application made upon 4782
forms prescribed by the director and upon the payment of a 4783
nonrefundable renewal fee in an amount to be determined by the 4784
director. Any permits that are not renewed shall be returned to 4785
the director for cancellation by the expiration date. 4786

The director may modify any vegetation permit as is 4787
considered necessary for the safety of the traveling public. The 4788
director may revoke, cancel, or disapprove a permit or an 4789
application pursuant to section 5516.12 Of the Revised Code for 4790
any violation of this section or the rules adopted thereunder. 4791

Sec. 5516.99. Whoever erects or maintains an advertising 4792
device in violation of sections 5516.01 to 5516.13, inclusive, 4793

5516.14 of the Revised Code, or rules adopted thereunder, shall be 4794
fined not less than one hundred nor more than ~~one~~ five thousand 4795
dollars. 4796

Sec. 5525.03. All prospective bidders other than 4797
environmental remediators and specialty contractors for which 4798
there are no classes of work provided for in the rules adopted by 4799
the director of transportation shall apply for qualification on 4800
forms prescribed and furnished by the director. The application 4801
shall be accompanied by a certificate of compliance with 4802
affirmative action programs issued pursuant to section 9.47 of the 4803
Revised Code and dated no earlier than one hundred eighty days 4804
prior to the date fixed for the opening of bids for a particular 4805
project. The director shall act upon an application for 4806
qualification within thirty days after it is presented to the 4807
director. Upon the receipt of any application for qualification, 4808
the director shall examine the application to determine whether 4809
the applicant is competent and responsible and possesses the 4810
financial resources required by section 5525.04 of the Revised 4811
Code. If the applicant is found to possess the qualifications 4812
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 4813
by rules adopted by the director, including a certificate of 4814
compliance with affirmative action programs, a certificate of 4815
qualification shall be issued to the applicant, which shall be 4816
valid for the period of one year or such shorter period of time as 4817
the director prescribes, unless revoked by the director for cause 4818
as defined by rules adopted by the director under section 5525.05 4819
of the Revised Code. The certificate of qualification shall 4820
contain a statement fixing the aggregate amount of work, for any 4821
or all owners, that the applicant may have under construction and 4822
uncompleted at any one time and may contain a statement limiting 4823
such bidder to the submission of bids upon a certain class of 4824

work. Subject to any restriction as to amount or class of work 4825
therein contained, the certificate of qualification shall 4826
authorize its holder to bid on all work on which bids are taken by 4827
the department of transportation during the period of time therein 4828
specified. An applicant who has received a certificate of 4829
qualification and desires to amend the certificate by the dollar 4830
amount or by the classes of work may submit to the director such 4831
documentation as the director considers appropriate. The director 4832
shall review the documentation submitted by the applicant and, 4833
within fifteen days, shall either amend the certificate of 4834
qualification or deny the request. If the director denies the 4835
request to amend the certificate, the applicant may appeal that 4836
decision to the director's prequalification review board in 4837
accordance with section 5525.07 of the Revised Code. Two or more 4838
persons, partnerships, or corporations may bid jointly on any one 4839
project, but only on condition that prior to the time bids are 4840
taken on the project the bidders make a joint application for 4841
qualification and obtain a joint certificate qualification. 4842

~~A certificate of qualification may be revoked by the director 4843
only after notice to the qualified bidder and an opportunity to be 4844
heard, which notice and hearing shall be in accordance with 4845
Chapter 119. of the Revised Code. The notice shall be in writing 4846
and state the grounds of the proposed revocation. An qualified 4847
bidder, aggrieved by the decision of the director upon the matter 4848
of revoking the bidder's certificate, may appeal from that 4849
decision in the manner provided by Chapter 119. of the Revised 4850
Code. 4851~~

The director may debar from participating in future contracts 4852
with the department any bidding company as well as any partner of 4853
a partnership, or the officers and directors of an association or 4854
corporation if the certificate of qualification of the company, 4855
partnership, association, or corporation is revoked or not renewed 4856

by the director. When the director reasonably believes that
grounds for revocation and debarment exist, the director shall
send the bidding company and any individual involved a notice of
proposed revocation and debarment indicating the grounds for
debarment such action as established in rules adopted by the
director under section 5525.05 of the Revised Code and the
procedure for requesting a hearing. The notice and hearing shall
be in accordance with Chapter 119. of the Revised Code. If the
bidding company or individual does not respond with a request for
a hearing in the manner specified in Chapter 119. of the Revised
Code, the director shall revoke the certificate and issue the
debarment decision without a hearing and shall notify the bidding
company or individual of the decision by certified mail, return
receipt requested. The debarment period may be of any length
determined by the director and the director may modify or rescind
the debarment at any time. During the period of debarment, the
director shall not issue a certificate of qualification for any
company, partnership, association, or corporation affiliated with
a debarred individual. After the debarment period expires, the
bidding company or individual, and any partnership, association,
or corporation affiliated with the individual may make an
application for qualification.

Sec. 5525.07. All applicants for qualification shall be
promptly notified by the director of transportation of the
director's final action on their applications. Any applicant,
other than one who has been debarred, aggrieved by the decision of
the director may file a new application at any time for
qualification or, within ten days after receiving notification of
such decision, the applicant may request, in writing, a
reconsideration of the application by a prequalification review
board, which the director shall create within the department of
transportation with the request for reconsideration, the applicant

shall submit additional evidence bearing on the applicant's 4889
qualifications. The review board shall consider the matter and 4890
either may adhere to or modify the director's previous decision. 4891
The review board shall act upon any request for reconsideration 4892
within fifteen days after the hearing and shall notify the 4893
applicant of the action taken. Upon being notified of the final 4894
action of the review board upon reconsideration, any applicant 4895
that is still aggrieved by the decision, within ten days after 4896
receiving notification of the decision, may take an appeal 4897
therefrom to the court of common pleas of Franklin county. The 4898
appeal shall be perfected by the filing of a bond with the clerk 4899
of the court of common pleas in an amount determined by the clerk, 4900
conditioned for payment by the appellant of the costs of the 4901
appeal in case the decision of the review board is sustained, and 4902
by causing a summons to be served upon the review board as in 4903
other civil actions involving the department. The grounds of 4904
appeal shall be fraud or abuse of discretion by the review board. 4905
The court shall hear the evidence offered by the appellant and by 4906
the review board, and if it finds there was neither fraud nor 4907
abuse of discretion, it shall dismiss the appeal; otherwise it may 4908
make the order with respect to qualification which it finds should 4909
have been made by the review board. 4910

Sec. 5529.03. The director of transportation may acquire by 4911
gift, purchase, or appropriation, any interest, estate, or right 4912
in and to real property adjacent to highways of this state as 4913
necessary for the restoration, preservation, and enhancement of 4914
scenic beauty adjacent to said highways, or for the establishment 4915
of publicly owned and controlled rest and recreation areas and 4916
sanitary and other facilities within or adjacent to the 4917
right-of-way of said highways to accommodate the traveling public. 4918
Nothing in this section authorizes the director to appropriate fee 4919

simple title to real property further than three hundred feet from 4920
the nearest edge of the highway right-of-way. 4921

The director may convey or lease any such property adjacent 4922
to the highway right-of-way ~~back to its original owner or to~~ 4923
~~another~~ any person or entity in the manner and subject to such 4924
reservations, conditions, covenants, or other contractual 4925
arrangements as the director determines will ~~preserve~~ not 4926
substantially interfere with the scenic character or beauty of the 4927
area traversed by the highway. 4928

The director may employ consulting engineers and enter into 4929
contracts for consulting engineering services with any qualified 4930
person, firm, partnership, corporation, or association to prepare 4931
plans and estimates and generally supervise the construction and 4932
landscaping for scenic enhancement and roadside beautification 4933
projects, and in the awarding of such contracts compliance with 4934
sections 5501.17 and 5525.01 of the Revised Code is not required. 4935

Sec. 5531.09. (A) The state infrastructure bank shall consist 4936
of the highway and transit infrastructure bank fund, the aviation 4937
infrastructure bank fund, the rail infrastructure bank fund, and 4938
the infrastructure bank obligations fund, which are hereby created 4939
as funds of the state treasury, to be administered by the director 4940
of transportation and used for the purposes described in division 4941
(B) of this section. The highway and transit infrastructure bank 4942
fund, the aviation infrastructure bank fund, and the rail 4943
infrastructure bank fund shall consist of federal grants and 4944
awards or other assistance received by the state and eligible for 4945
deposit therein under applicable federal law, payments received by 4946
the department in connection with providing financial assistance 4947
for qualifying projects under division (B) of this section, and 4948
such other amounts as may be provided by law, ~~the.~~ The 4949
infrastructure bank obligations fund shall consist of such amounts 4950

of the proceeds of obligations issued under section 5531.10 of the Revised Code as the director of transportation determines with the advice of the director of budget and management; and such other amounts as may be provided by law. The director of budget and management ~~may~~, upon the request of the director of transportation, may transfer amounts between the funds created in this division, except the infrastructure bank obligations fund. The investment earnings of each fund created by this division shall be credited to such fund.

(B) The director of transportation shall use the state infrastructure bank to encourage public and private investment in transportation facilities that contribute to the multi-modal and intermodal transportation capabilities of the state, develop a variety of financing techniques designed to expand the availability of funding resources and to reduce direct state costs, maximize private and local participation in financing projects, and improve the efficiency of the state transportation system by using and developing the particular advantages of each transportation mode to the fullest extent. In furtherance of these purposes, the director shall use the state infrastructure bank to provide financial assistance to public or private entities for qualified projects. Such assistance shall be in the form of loans, loan guarantees, letters of credit, leases, lease-purchase agreements, interest rate subsidies, debt service reserves, and such other forms as the director determines to be appropriate. All fees, charges, rates of interest, payment schedules, security for, and other terms and conditions relating to such assistance shall be determined by the director. The highway and transit infrastructure bank fund, the aviation infrastructure bank fund, and the rail infrastructure bank fund may be used to pay debt service on obligations whose proceeds have been deposited into the infrastructure bank obligations fund.

(C) The director shall adopt rules establishing guidelines 4983
necessary for the implementation and exercise of the authority 4984
granted by this section, including rules for receiving, reviewing, 4985
evaluating, and selecting projects for which financial assistance 4986
may be approved. 4987

(D) As used in this section and in section 5531.10 of the 4988
Revised Code, "qualified project" means any public or private 4989
transportation project as determined by the director of 4990
transportation, including, without limitation, planning, 4991
environmental impact studies, engineering, construction, 4992
reconstruction, resurfacing, restoring, rehabilitation, or 4993
replacement of public or private transportation facilities within 4994
the state, studying the feasibility thereof, and the acquisition 4995
of real or personal property or interests therein; any highway, 4996
public transit, aviation, rail, or other transportation project 4997
eligible for financing or aid under any federal or state program; 4998
and any project involving the maintaining, repairing, improving, 4999
or construction of any public or private highway, road, street, 5000
parkway, public transit, aviation, or rail project, and any 5001
related rights-of-way, bridges, tunnels, railroad-highway 5002
crossings, drainage structures, signs, guardrails, or protective 5003
structures. 5004

(E) The general assembly finds that state infrastructure 5005
projects, as defined in division (A)(8) of section 5531.10 of the 5006
Revised Code, and the state infrastructure bank, will materially 5007
contribute to the economic revitalization of areas of the state 5008
and result in improving the economic welfare of all the people of 5009
the state. Accordingly, it is declared to be the public purpose of 5010
the state, through operations under sections 5531.09 and 5531.10 5011
of the Revised Code, and other applicable laws adopted pursuant to 5012
Section 13 of Article VIII, Ohio Constitution, and other authority 5013
vested in the general assembly, to assist in and facilitate the 5014

purposes set forth in division (B) of section 5531.10 of the
Revised Code, and to assist and cooperate with any governmental
agency in achieving such purpose.

Sec. 5531.10. (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust
agreement, indenture, lease, lease-purchase agreements, and other
agreements, amendments and supplements to the foregoing, or any
one or more or combination thereof, authorizing or providing for
the terms and conditions applicable to, or providing for the
security or liquidity of, obligations issued pursuant to this
section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including
mandatory sinking fund requirements for retirement of obligations,
and interest, and redemption premium, if any, required to be paid
by the state on obligations.

(3) "Bond service fund" means the applicable fund and
accounts therein created for and pledged to the payment of bond
service charges, which may be, or may be part of, the state
infrastructure bank revenue bond service fund created by division
(S) of this section including all moneys and investments, and
earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the
officer who by law performs the functions of the treasurer of
state.

(5) "Obligations" means bonds, notes, or other evidence of
obligation including interest coupons pertaining thereto, issued
pursuant to this section.

(6) "Pledged receipts" means moneys accruing to the state
from the lease, lease-purchase, sale, or other disposition, or
use, of qualified projects, and from the repayment, including

interest, of loans made from proceeds received from the sale of 5045
obligations; accrued interest received from the sale of 5046
obligations; income from the investment of the special funds; any 5047
gifts, grants, donations, and pledges, and receipts therefrom, 5048
available for the payment of bond service charges; and any amounts 5049
in the state infrastructure bank pledged to the payment of such 5050
charges. 5051

(7) "Special funds" or "funds" means, except where the 5052
context does not permit, the bond service fund, and any other 5053
funds, including reserve funds, created under the bond 5054
proceedings, and the state infrastructure bank revenue bond 5055
service fund created by division ~~(S)~~(R) of this section to the 5056
extent provided in the bond proceedings, including all moneys and 5057
investments, and earnings from investment, credited and to be 5058
credited thereto. 5059

(8) "State infrastructure project" means any public 5060
transportation project undertaken by the state, including, but not 5061
limited to, all components of any such project, as described in 5062
division (D) of section 5531.09 Of the Revised Code. 5063

(B) The issuing authority, ~~with the advice of~~ after giving 5064
written notice to the director of budget and management and upon 5065
the certification by the director of transportation to the issuing 5066
authority of the amount of moneys or additional moneys needed 5067
either for state infrastructure projects or to provide financial 5068
assistance for any of the purposes for which the state 5069
infrastructure bank may be used under section 5531.09 of the 5070
Revised Code, or needed for capitalized interest, funding 5071
reserves, and paying costs and expenses incurred in connection 5072
with the issuance, carrying, securing, paying, redeeming, or 5073
retirement of the obligations or any obligations refunded thereby, 5074
including payment of costs and expenses relating to letters of 5075
credit, lines of credit, insurance, put agreements, standby 5076

purchase agreements, indexing, marketing, remarketing and 5077
administrative arrangements, interest swap or hedging agreements, 5078
and any other credit enhancement, liquidity, remarketing, renewal, 5079
or refunding arrangements, all of which are authorized by this 5080
section, shall issue obligations of the state under this section 5081
in the required amount. The proceeds of such obligations, except 5082
for the portion to be deposited in special funds, including 5083
reserve funds, as may be provided in the bond proceedings, shall 5084
as provided in the bond proceedings be credited to the 5085
infrastructure bank obligations fund of the state infrastructure 5086
bank created by section 5531.09 of the Revised Code. The issuing 5087
authority may appoint trustees, paying agents, transfer agents, 5088
and authenticating agents, and may retain the services of 5089
financial advisors, accounting experts, and attorneys, and retain 5090
or contract for the services of marketing, remarketing, indexing, 5091
and administrative agents, other consultants, and independent 5092
contractors, including printing services, as are necessary in the 5093
issuing authority's judgment to carry out this section. The costs 5094
of such services are payable from funds of the state 5095
infrastructure bank. 5096

(C) The holders or owners of such obligations shall have no 5097
right to have moneys raised by taxation by the state of Ohio 5098
obligated or pledged, and moneys so raised shall not be obligated 5099
or pledged, for the payment of bond service charges. The right of 5100
such holders and owners to payment of bond service charges is 5101
limited to all or that portion of the pledged receipts and those 5102
special funds pledged thereto pursuant to the bond proceedings for 5103
such obligations in accordance with this section, and each such 5104
obligation shall bear on its face a statement to that effect. 5105

(D) Obligations shall be authorized by order of the issuing 5106
authority and the bond proceedings shall provide for the purpose 5107
thereof and the principal amount or amounts, and shall provide for 5108

or authorize the manner or agency for determining the principal 5109
maturity or maturities, not exceeding twenty-five years from the 5110
date of issuance, the interest rate or rates or the maximum 5111
interest rate, the date of the obligations and the dates of 5112
payment of interest thereon, their denomination, and the 5113
establishment within or without the state of a place or places of 5114
payment of bond service charges. Sections 9.98 to 9.983 of the 5115
Revised Code are applicable to obligations issued under this 5116
section. The purpose of such obligations may be stated in the bond 5117
proceedings in terms describing the general purpose or purposes to 5118
be served. The bond proceedings also shall provide, subject to the 5119
provisions of any other applicable bond proceedings, for the 5120
pledge of all, or such part as the issuing authority, ~~with the~~ 5121
~~advice of the director of budget and management and the director~~ 5122
~~of transportation,~~ may determine, of the pledged receipts and the 5123
applicable special fund or funds to the payment of bond service 5124
charges, which pledges may be made either prior or subordinate to 5125
other expenses, claims, or payments, and may be made to secure the 5126
obligations on a parity with obligations theretofore or thereafter 5127
issued, if and to the extent provided in the bond proceedings. The 5128
pledged receipts and special funds so pledged and thereafter 5129
received by the state are immediately subject to the lien of such 5130
pledge without any physical delivery thereof or further act, and 5131
the lien of any such pledges is valid and binding against all 5132
parties having claims of any kind against the state or any 5133
governmental agency of the state, irrespective of whether such 5134
parties have notice thereof, and shall create a perfected security 5135
interest for all purposes of Chapter 1309. of the Revised Code, 5136
without the necessity for separation or delivery of funds or for 5137
the filing or recording of the bond proceedings by which such 5138
pledge is created or any certificate, statement or other document 5139
with respect thereto; and the pledge of such pledged receipts and 5140
special funds is effective and the money therefrom and thereof may 5141

be applied to the purposes for which pledged without necessity for 5142
any act of appropriation. Every pledge, and every covenant and 5143
agreement made with respect thereto, made in the bond proceedings 5144
may therein be extended to the benefit of the owners and holders 5145
of obligations authorized by this section, and to any trustee 5146
therefor, for the further security of the payment of the bond 5147
service charges. 5148

(E) The bond proceedings may contain additional provisions as 5149
to: 5150

(1) The redemption of obligations prior to maturity at the 5151
option of the issuing authority at such price or prices and under 5152
such terms and conditions as are provided in the bond proceedings; 5153

(2) Other terms of the obligations; 5154

(3) Limitations on the issuance of additional obligations; 5155

(4) The terms of any trust agreement or indenture securing 5156
the obligations or under which the same may be issued; 5157

(5) The deposit, investment and application of special funds, 5158
and the safeguarding of moneys on hand or on deposit, without 5159
regard to Chapter 131. or 135. of the Revised Code, but subject to 5160
any special provisions of this ~~chapter~~ section with respect to 5161
particular funds or moneys, provided that any bank or trust 5162
company which acts as depository of any moneys in the special 5163
funds may furnish such indemnifying bonds or may pledge such 5164
securities as required by the issuing authority; 5165

(6) Any or every provision of the bond proceedings being 5166
binding upon such officer, board, commission, authority, agency, 5167
department, or other person or body as may from time to time have 5168
the authority under law to take such actions as may be necessary 5169
to perform all or any part of the duty required by such provision; 5170

(7) Any provision that may be made in a trust agreement or 5171

indenture; 5172

(8) Any other or additional agreements with the holders of 5173
the obligations, or the trustee therefor, relating to the 5174
obligations or the security therefor, including the assignment of 5175
mortgages or other security relating to financial assistance for 5176
qualified projects under section 5531.09 of the Revised Code. 5177

(F) The obligations may have the great seal of the state or a 5178
facsimile thereof affixed thereto or printed thereon. The 5179
obligations and any coupons pertaining to obligations shall be 5180
signed or bear the facsimile signature of the issuing authority. 5181
Any obligations or coupons may be executed by the person who, on 5182
the date of execution, is the proper issuing authority although on 5183
the date of such bonds or coupons such person was not the issuing 5184
authority. In case the issuing authority whose signature or a 5185
facsimile of whose signature appears on any such obligation or 5186
coupon ceases to be the issuing authority before delivery thereof, 5187
such signature or facsimile is nevertheless valid and sufficient 5188
for all purposes as if the former issuing authority had remained 5189
the issuing authority until such delivery; and in case the seal to 5190
be affixed to obligations has been changed after a facsimile of 5191
the seal has been imprinted on such obligations, such facsimile 5192
seal shall continue to be sufficient as to such obligations and 5193
obligations issued in substitution or exchange therefor. 5194

(G) All obligations are negotiable instruments and securities 5195
under Chapter 1308. of the Revised Code, subject to the provisions 5196
of the bond proceedings as to registration. The obligations may be 5197
issued in coupon or in registered form, or both, as the issuing 5198
authority determines. Provision may be made for the registration 5199
of any obligations with coupons attached thereto as to principal 5200
alone or as to both principal and interest, their exchange for 5201
obligations so registered, and for the conversion or reconversion 5202
into obligations with coupons attached thereto of any obligations 5203

registered as to both principal and interest, and for reasonable 5204
charges for such registration, exchange, conversion, and 5205
reconversion. 5206

(H) Obligations may be sold at public sale or at private 5207
sale, as determined in the bond proceedings. 5208

(I) Pending preparation of definitive obligations, the 5209
issuing authority may issue interim receipts or certificates which 5210
shall be exchanged for such definitive obligations. 5211

(J) In the discretion of the issuing authority, obligations 5212
may be secured additionally by a trust agreement or indenture 5213
between the issuing authority and a corporate trustee which may be 5214
any trust company or bank having its principal place of business 5215
within the state. Any such agreement or indenture may contain the 5216
order authorizing the issuance of the obligations, any provisions 5217
that may be contained in any bond proceedings, and other 5218
provisions which are customary or appropriate in an agreement or 5219
indenture of such type, including, but not limited to: 5220

(1) Maintenance of each pledge, trust agreement, indenture, 5221
or other instrument comprising part of the bond proceedings until 5222
the state has fully paid the bond service charges on the 5223
obligations secured thereby, or provision therefor has been made; 5224

(2) In the event of default in any payments required to be 5225
made by the bond proceedings, or any other agreement of the 5226
issuing authority made as a part of the contract under which the 5227
obligations were issued, enforcement of such payments or agreement 5228
by mandamus, the appointment of a receiver, suit in equity, action 5229
at law, or any combination of the foregoing; 5230

(3) The rights and remedies of the holders of obligations and 5231
of the trustee, and provisions for protecting and enforcing them, 5232
including limitations on rights of individual holders of 5233
obligations; 5234

(4) The replacement of any obligations that become mutilated	5235
or are destroyed, lost, or stolen;	5236
(5) Such other provisions as the trustee and the issuing	5237
authority agree upon, including limitations, conditions, or	5238
qualifications relating to any of the foregoing.	5239
(K) Any holder of obligations or a trustee under the bond	5240
proceedings, except to the extent that the holder's or trustee's	5241
rights are restricted by the bond proceedings, may by any suitable	5242
form of legal proceedings, protect and enforce any rights under	5243
the laws of this state or granted by such bond proceedings. Such	5244
rights include the right to compel the performance of all duties	5245
of the issuing authority and the director of transportation	5246
required by the bond proceedings or sections 5531.09 and 5531.10	5247
of the Revised Code; to enjoin unlawful activities; and in the	5248
event of default with respect to the payment of any bond service	5249
charges on any obligations or in the performance of any covenant	5250
or agreement on the part of the issuing authority or the director	5251
of transportation in the bond proceedings, to apply to a court	5252
having jurisdiction of the cause to appoint a receiver to receive	5253
and administer the pledged receipts and special funds, other than	5254
those in the custody of the treasurer of state, which are pledged	5255
to the payment of the bond service charges on such obligations or	5256
which are the subject of the covenant or agreement, with full	5257
power to pay, and to provide for payment of bond service charges	5258
on, such obligations, and with such powers, subject to the	5259
direction of the court, as are accorded receivers in general	5260
equity cases, excluding any power to pledge additional revenues or	5261
receipts or other income or moneys of the state or local	5262
governmental entities, or agencies thereof, to the payment of such	5263
principal and interest and excluding the power to take possession	5264
of, mortgage, or cause the sale or otherwise dispose of any	5265
project facilities.	5266

Each duty of the issuing authority and the issuing 5267
authority's officers and employees, and of each state or local 5268
governmental agency and its officers, members, or employees, 5269
undertaken pursuant to the bond proceedings or any loan, loan 5270
guarantee, lease, lease-purchase agreement, or other agreement 5271
made under authority of section 5531.09 of the Revised Code, and 5272
in every agreement by or with the issuing authority, is hereby 5273
established as a duty of the issuing authority, and of each such 5274
officer, member, or employee having authority to perform such 5275
duty, specifically enjoined by the law resulting from an office, 5276
trust, or station within the meaning of section 2731.01 of the 5277
Revised Code. 5278

The person who is at the time the issuing authority, or the 5279
issuing authority's officers or employees, are not liable in their 5280
personal capacities on any obligations issued by the issuing 5281
authority or any agreements of or with the issuing authority. 5282

(L) The issuing authority may authorize and issue obligations 5283
for the refunding, including funding and retirement, and advance 5284
refunding with or without payment or redemption prior to maturity, 5285
of any obligations previously issued by the issuing authority. 5286
Such obligations may be issued in amounts sufficient for payment 5287
of the principal amount of the prior obligations, any redemption 5288
premiums thereon, principal maturities of any such obligations 5289
maturing prior to the redemption of the remaining obligations on a 5290
parity therewith, interest accrued or to accrue to the maturity 5291
dates or dates of redemption of such obligations, and any 5292
~~allowable costs including~~ expenses incurred or to be incurred in 5293
connection with such issuance and such refunding, funding, and 5294
retirement. Subject to the bond proceedings therefor, the portion 5295
of proceeds of the sale of obligations issued under this division 5296
to be applied to bond service charges on the prior obligations 5297
shall be credited to an appropriate account held by the trustee 5298

for such prior or new obligations or to the appropriate account in 5299
the bond service fund for such obligations. Obligations authorized 5300
under this division shall be deemed to be issued for those 5301
purposes for which such prior obligations were issued and are 5302
subject to the provisions of this section pertaining to other 5303
obligations, except as otherwise provided in this section. The 5304
last maturity of obligations authorized under this division shall 5305
not be later than twenty-five years from the date of issuance of 5306
the original securities issued for the original purpose. 5307

5308
(M) The authority to issue obligations under this section 5309
includes authority to issue obligations in the form of bond 5310
anticipation notes and to renew the same from time to time by the 5311
issuance of new notes. The holders of such notes or interest 5312
coupons pertaining thereto shall have a right to be paid solely 5313
from the pledged receipts and special funds that may be pledged to 5314
the payment of the bonds anticipated, or from the proceeds of such 5315
bonds or renewal notes, or both, as the issuing authority provides 5316
in the order authorizing such notes. Such notes may be 5317
additionally secured by covenants of the issuing authority to the 5318
effect that the issuing authority and the state will do such or 5319
all things necessary for the issuance of such bonds or renewal 5320
notes in appropriate amount, and apply the proceeds thereof to the 5321
extent necessary, to make full payment of the principal of and 5322
interest on such notes at the time or times contemplated, as 5323
provided in such order. For such purpose, the issuing authority 5324
may issue bonds or renewal notes in such principal amount and upon 5325
such terms as may be necessary to provide funds to pay when 5326
required the principal of and interest on such notes, 5327
notwithstanding any limitations prescribed by or for purposes of 5328
this section. Subject to this division, all provisions for and 5329
references to obligations in this section are applicable to notes 5330
authorized under this division. 5331

The issuing authority in the bond proceedings authorizing the 5332
issuance of bond anticipation notes shall set forth for such bonds 5333
an estimated interest rate and a schedule of principal payments 5334
for such bonds and the annual maturity dates thereof. 5335

(N) Obligations issued under this section are lawful 5336
investments for banks, societies for savings, savings and loan 5337
associations, deposit guarantee associations, trust companies, 5338
trustees, fiduciaries, insurance companies, including domestic for 5339
life and domestic not for life, trustees or other officers having 5340
charge of sinking and bond retirement or other special funds of 5341
political subdivisions and taxing districts of this state, the 5342
commissioners of the sinking fund of the state, the administrator 5343
of workers' compensation in accordance with the investment policy 5344
established by the workers' compensation oversight commission 5345
pursuant to section 4121.12 Of the Revised Code, the state 5346
teachers retirement system, the public employees retirement 5347
system, the school employees retirement system, and the police and 5348
firemen's disability and pension fund, notwithstanding any other 5349
provisions of the Revised Code or rules adopted pursuant thereto 5350
by any agency of the state with respect to investments by them, 5351
and are also acceptable as security for the deposit of public 5352
moneys. 5353

(O) Unless otherwise provided in any applicable bond 5354
proceedings, moneys to the credit of or in the special funds 5355
established by or pursuant to this section may be invested by or 5356
on behalf of the issuing authority only in notes, bonds, or other 5357
obligations of the United States, or of any agency or 5358
instrumentality of the United States, obligations guaranteed as to 5359
principal and interest by the United States, obligations of this 5360
state or any political subdivision of this state, and certificates 5361
of deposit of any national bank located in this state and any 5362
bank, as defined in section 1101.01 of the Revised Code, subject 5363

to inspection by the superintendent of financial institutions. If 5364
the law or the instrument creating a trust pursuant to division 5365
(J) of this section expressly permits investment in direct 5366
obligations of the United States or an agency of the United 5367
States, unless expressly prohibited by the instrument, such moneys 5368
also may be invested in no-front-end-load money market mutual 5369
funds consisting exclusively of obligations of the United States 5370
or an agency of the United States and in repurchase agreements, 5371
including those issued by the fiduciary itself, secured by 5372
obligations of the United States or an agency of the United 5373
States; and in ~~common trust funds established in accordance with~~ 5374
collective investment funds as defined in division (A) of section 5375
1109.20 1111.01 of the Revised Code and consisting exclusively of 5376
any such securities, ~~notwithstanding division (A)(4) of that~~ 5377
~~section~~. The income from such investments shall be credited to 5378
such funds as the issuing authority determines, and such 5379
investments may be sold at such times as the issuing authority 5380
determines or authorizes. 5381

(P) Provision may be made in the applicable bond proceedings 5382
for the establishment of separate accounts in the bond service 5383
fund and for the application of such accounts only to the 5384
specified bond service charges on obligations pertinent to such 5385
accounts and bond service fund and for other accounts therein 5386
within the general purposes of such fund. Unless otherwise 5387
provided in any applicable bond proceedings, moneys to the credit 5388
of or in the several special funds established pursuant to this 5389
section shall be disbursed on the order of the treasurer of state, 5390
provided that no such order is required for the payment from the 5391
bond service fund when due of bond service charges on obligations. 5392

(Q) The issuing authority may, ~~with the advice of the~~ 5393
~~director of transportation and the director of budget and~~ 5394
~~management~~, pledge all, or such portion as the issuing authority 5395

determines, of the pledged receipts to the payment of bond service 5396
charges on obligations issued under this section, and for the 5397
establishment and maintenance of any reserves, as provided in the 5398
bond proceedings, and make other provisions therein with respect 5399
to pledged receipts as authorized by this chapter, which 5400
provisions are controlling notwithstanding any other provisions of 5401
law pertaining thereto. 5402

(R) There is hereby created the state infrastructure bank 5403
revenue bond service fund, which shall be in the custody of the 5404
treasurer of state but shall not be a part of the state treasury. 5405
All moneys received by or on account of the issuing authority or 5406
state agencies and required by the applicable bond proceedings, 5407
consistent with this section, to be deposited, transferred, or 5408
credited to the bond service fund, and all other moneys 5409
transferred or allocated to or received for the purposes of the 5410
fund, shall be deposited and credited to such fund and to any 5411
separate accounts therein, subject to applicable provisions of the 5412
bond proceedings, but without necessity for any act of 5413
appropriation. The state infrastructure bank revenue bond service 5414
fund is a trust fund and is hereby pledged to the payment of bond 5415
service charges to the extent provided in the applicable bond 5416
proceedings, and payment thereof from such fund shall be made or 5417
provided for by the treasurer of state in accordance with such 5418
bond proceedings without necessity for any act of appropriation. 5419

(S) The obligations issued pursuant to this section, the 5420
transfer thereof, and the income therefrom, including any profit 5421
made on the sale thereof, shall at all times be free from taxation 5422
within this state. 5423

Sec. 5540.01. As used in this chapter: 5424

(A) "Transportation improvement district" or "district" means 5425
a transportation improvement district designated pursuant to 5426

section 5540.02 of the Revised Code. 5427

(B) "Governmental agency" means a department, division, or 5428
other unit of state government; a county, township, or municipal 5429
corporation or other political subdivision; a regional transit 5430
authority or regional transit commission created pursuant to 5431
Chapter 306. of the Revised Code; a port authority created 5432
pursuant to Chapter 4582. of the Revised Code; and the United 5433
States or any agency thereof. 5434

(C) "Project" means a street ~~or~~, highway, or other 5435
transportation project constructed or improved under this chapter 5436
and includes all bridges, tunnels, overpasses, underpasses, 5437
interchanges, approaches, those portions of connecting streets or 5438
highways that serve interchanges and are determined by the 5439
district to be necessary for the safe merging of traffic between 5440
the project and those streets or highways, service facilities, and 5441
administration, storage, and other buildings, property, and 5442
facilities, that the district considers necessary for the 5443
operation of the project, together with all property and rights 5444
that must be acquired by the district for the construction, 5445
maintenance, or operation of the project. 5446

(D) "Cost," as applied to the construction of a project, 5447
includes the cost of construction, including bridges over or under 5448
existing highways and railroads, acquisition of all property 5449
acquired by the district for such construction, demolishing or 5450
removing any buildings or structures on land so acquired, 5451
including the cost of acquiring any lands to which such buildings 5452
or structures may be moved, site clearance, improvement, and 5453
preparation, diverting streets or highways, interchanges with 5454
streets or highways, access roads to private property, including 5455
the cost of land or easements therefor, all machinery, 5456
furnishings, and equipment, communications facilities, financing 5457
expenses, interest prior to and during construction and for one 5458

year after completion of construction, traffic estimates, 5459
indemnity and surety bonds and premiums on insurance, and 5460
guarantees, engineering, feasibility studies, and legal expenses, 5461
plans, specifications, surveys, estimates of cost and revenues, 5462
other expenses necessary or incidental to determining the 5463
feasibility or practicability of constructing a project, and such 5464
other expense as may be necessary or incident to the construction 5465
of the project and the financing of such construction. Any 5466
obligation or expense incurred by any governmental agency or 5467
person for surveys, borings, preparation of plans and 5468
specifications, and other engineering services, or any other cost 5469
described above, in connection with the construction of a project 5470
may be regarded as part of the cost of the project and reimbursed 5471
from revenues, taxes, or the proceeds of bonds as authorized by 5472
this chapter. 5473

(E) "Owner" includes any person having any title or interest 5474
in any property authorized to be acquired by a district under this 5475
chapter. 5476

(F) "Revenues" means all moneys received by a district with 5477
respect to the lease, sublease, or sale, including installment 5478
sale, conditional sale, or sale under a lease-purchase agreement, 5479
of a project, any gift or grant received with respect to a 5480
project, tolls, proceeds of bonds to the extent the use thereof 5481
for payment of principal or of premium, if any, or interest on the 5482
bonds is authorized by the district, proceeds from any insurance, 5483
condemnation, or guaranty pertaining to a project or property 5484
mortgaged to secure bonds or pertaining to the financing of a 5485
project, and income and profit from the investment of the proceeds 5486
of bonds or of any revenues. 5487

(G) "Street or highway" has the same meaning as in section 5488
4511.01 of the Revised Code. 5489

(H) "Financing expenses" means all costs and expenses 5490
relating to the authorization, issuance, sale, delivery, 5491
authentication, deposit, custody, clearing, registration, 5492
transfer, exchange, fractionalization, replacement, payment, and 5493
servicing of bonds including, without limitation, costs and 5494
expenses for or relating to publication and printing, postage, 5495
delivery, preliminary and final official statements, offering 5496
circulars, and informational statements, travel and 5497
transportation, underwriters, placement agents, investment 5498
bankers, paying agents, registrars, authenticating agents, 5499
remarketing agents, custodians, clearing agencies or corporations, 5500
securities depositories, financial advisory services, 5501
certifications, audits, federal or state regulatory agencies, 5502
accounting and computation services, legal services and obtaining 5503
approving legal opinions and other legal opinions, credit ratings, 5504
redemption premiums, and credit enhancement facilities. 5505

(I) "Bond proceedings" means the resolutions, trust 5506
agreements, certifications, notices, sale proceedings, leases, 5507
lease-purchase agreements, assignments, credit enhancement 5508
facility agreements, and other agreements, instruments, and 5509
documents, as amended and supplemented, or any one or more of 5510
combination thereof, authorizing, or authorizing or providing for 5511
the terms and conditions applicable to, or providing for the 5512
security or sale or award or liquidity of, bonds, and includes the 5513
provisions set forth or incorporated in those bonds and bond 5514
proceedings. 5515

(J) "Bond service charges" means principal, including any 5516
mandatory sinking fund or mandatory redemption requirements for 5517
retirement of bonds, and interest and any redemption premium 5518
payable on bonds, as those payments come due and are payable to 5519
the bondholder or to a person making payment under a credit 5520
enhancement facility of those bond service charges to a 5521

bondholder. 5522

(K) "Bond service fund" means the applicable fund created by 5523
the bond proceedings for and pledged to the payment of bond 5524
service charges on bonds provided for by those proceedings, 5525
including all moneys and investments, and earnings from 5526
investments, credited and to be credited to that fund as provided 5527
in the bond proceedings. 5528

(L) "Bonds" means bonds, notes, including notes anticipating 5529
bonds or other notes, commercial paper, certificates of 5530
participation, or other evidences of obligation, including any 5531
interest coupons pertaining thereto, issued pursuant to this 5532
chapter. 5533

(M) "Net revenues" means revenues lawfully available to pay 5534
both current operating expenses of a district and bond service 5535
charges in any fiscal year or other specified period, less current 5536
operating expenses of the district and any amount necessary to 5537
maintain a working capital reserve for that period. 5538

(N) "Pledged revenues" means net revenues, moneys and 5539
investments, and earnings on those investments, in the applicable 5540
bond service fund and any other special funds, and the proceeds of 5541
any bonds issued for the purpose of refunding prior bonds, all as 5542
lawfully available and by resolution of the district committed for 5543
application as pledged revenues to the payment of bond service 5544
charges on particular issues of bonds. 5545

(O) "Special funds" means the applicable bond service fund 5546
and any accounts and subaccounts in that fund, any other funds or 5547
accounts permitted by and established under, and identified as a 5548
special fund or special account in, the bond proceedings, 5549
including any special fund or account established for purposes of 5550
rebate or other requirements under federal income tax laws. 5551

(P) "Credit enhancement facilities" means letters of credit, 5552

lines of credit, standby, contingent, or firm securities purchase 5553
agreements, insurance, or surety arrangements, guarantees, and 5554
other arrangements that provide for direct or contingent payment 5555
of bond service charges, for security or additional security in 5556
the event of nonpayment or default in respect of bonds, or for 5557
making payment of bond service charges and at the option and on 5558
demand of bondholders or at the option of the district or upon 5559
certain conditions occurring under put or similar arrangements, or 5560
for otherwise supporting the credit or liquidity of the bonds, and 5561
includes credit, reimbursement, marketing, remarketing, indexing, 5562
carrying, interest rate hedge as defined in section 133.01 of the 5563
Revised Code, and subrogation agreements, and other agreements and 5564
arrangements for payment and reimbursement of the person providing 5565
the credit enhancement facility and the security for that payment 5566
and reimbursement. 5567

(Q) "Refund" means to fund and retire outstanding bonds, 5568
including advance refunding with or without payment or redemption 5569
prior to stated maturity. 5570

(R) "Property" includes interests in property. 5571

(S) "Administrative agent," "agent," "commercial paper," 5572
"floating rate interest structure," "indexing agent," "interest 5573
rate period," "put arrangement," and "remarketing agent" have the 5574
same meanings as in section 9.98 of the Revised Code. 5575

(T) "Outstanding" as applied to bonds means outstanding in 5576
accordance with the terms of the bonds and the applicable bond 5577
proceedings. 5578

(U) "Interstate system" has the same meaning as in section 5579
5516.01 of the Revised Code. 5580

Sec. 5540.03. (A) A transportation improvement district may: 5581
5582

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;	5583 5584
(2) Adopt an official seal;	5585
(3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;	5586 5587 5588 5589 5590 5591 5592 5593
(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;	5594 5595
(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:	5596 5597
(a) Transportation improvement district revenue bonds;	5598
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	5599 5600
(6) Maintain such funds as it considers necessary;	5601
(7) Direct its agents or employees, when properly identified in writing and after at least five days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;	5602 5603 5604 5605 5606 5607
(8) Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under this chapter;	5608 5609 5610
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other	5611 5612

engineers, construction and accounting experts, financial 5613
advisers, trustees, marketing, remarketing, and administrative 5614
agents, attorneys, and other employees, independent contractors, 5615
or agents as are necessary in its judgment and fix their 5616
compensation, provided all such expenses shall be payable solely 5617
from the proceeds of bonds or from revenues; 5618

(10) Receive and accept from ~~any~~ the federal or any state or 5619
local government, including, but not limited to, any agency and 5620
from, entity, or instrumentality of any other governmental agency 5621
of the foregoing, loans and grants for or in aid of the 5622
construction, maintenance, or repair of any project, and receive 5623
and accept aid or contributions from any source or person of 5624
money, property, labor, or other things of value, to be held, 5625
used, and applied only for the purposes for which such loans, 5626
grants, and contributions are made~~r~~. Nothing in division (A)(10) 5627
of this section shall be construed as imposing any liability on 5628
this state for any loan received by a transportation improvement 5629
district from a third party unless this state has entered into an 5630
agreement to accept such liability. 5631

(11) Acquire, hold, and dispose of property in the exercise 5632
of its powers and the performance of its duties under this 5633
chapter; 5634

(12) Establish and collect tolls or user charges for its 5635
projects; 5636

(13) Do all acts necessary and proper to carry out the powers 5637
expressly granted in this chapter. 5638

(B) Chapters 123., 124., 125., 153., and 4115., and sections 5639
9.331, 9.332, ~~and~~ 9.333, and 307.86 of the Revised Code do not 5640
apply to contracts or projects of a transportation improvement 5641
district. 5642

Sec. 5735.05. (A) To provide revenue for maintaining the 5643
state highway system; to widen existing surfaces on such highways; 5644
to resurface such highways; to pay that portion of the 5645
construction cost of a highway project which a county, township, 5646
or municipal corporation normally would be required to pay, but 5647
which the director of transportation, pursuant to division (B) of 5648
section 5531.08 of the Revised Code, determines instead will be 5649
paid from moneys in the highway operating fund; to enable the 5650
counties of the state properly to plan, maintain, and repair their 5651
roads and to pay principal, interest, and charges on bonds and 5652
other obligations issued pursuant to Chapter 133. of the Revised 5653
Code for highway improvements; to enable the municipal 5654
corporations to plan, construct, reconstruct, repave, widen, 5655
maintain, repair, clear, and clean public highways, roads, and 5656
streets, and to pay the principal, interest, and charges on bonds 5657
and other obligations issued pursuant to Chapter 133. of the 5658
Revised Code for highway improvements; to enable the Ohio turnpike 5659
commission to construct, reconstruct, maintain, and repair 5660
turnpike projects; to maintain and repair bridges and viaducts; to 5661
purchase, erect, and maintain street and traffic signs and 5662
markers; to purchase, erect, and maintain traffic lights and 5663
signals; to pay the costs apportioned to the public under sections 5664
4907.47 and 4907.471 of the Revised Code and to supplement revenue 5665
already available for such purposes; to pay the costs incurred by 5666
the public utilities commission in administering sections 4907.47 5667
to 4907.476 of the Revised Code; to distribute equitably among 5668
those persons using the privilege of driving motor vehicles upon 5669
such highways and streets the cost of maintaining and repairing 5670
them; to pay the interest, principal, and charges on highway 5671
capital improvements bonds and other obligations issued pursuant 5672
to Section ~~29~~ 2m of Article VIII, Ohio Constitution, and sections 5673
~~5528.10 and 5528.11~~ 5528.51 to 5528.56 of the Revised Code; to pay 5674

the interest, principal, and charges on highway obligations issued 5675
pursuant to Section 2i of Article VIII, Ohio Constitution, and 5676
sections 5528.30 and 5528.31 of the Revised Code; and to provide 5677
revenue for the purposes of sections 1547.71 to 1547.78 of the 5678
Revised Code, a motor fuel excise tax is hereby imposed on all 5679
motor fuel dealers upon receipt of motor fuel within this state at 5680
the rate of two cents plus the cents per gallon rate on each 5681
gallon so received, to be computed in the manner set forth in 5682
section 5735.06 of the Revised Code; provided that no tax is 5683
hereby imposed upon the following transactions: 5684

(1) The sale of dyed diesel fuel by a licensed motor fuel 5685
dealer from a location other than a retail service station 5686
provided the licensed motor fuel dealer places on the face of the 5687
delivery document or invoice, or both if both are used, a 5688
conspicuous notice stating that the fuel is dyed and is not for 5689
taxable use, and that taxable use of that fuel is subject to a 5690
penalty. The tax commissioner, by rule, may provide that any 5691
notice conforming to rules or regulations issued by the United 5692
States department of the treasury or the Internal Revenue Service 5693
is sufficient notice for the purposes of division (A)(1) of this 5694
section; 5695

(2) The sale of K-1 (water clear) kerosene to a retail 5696
service station, except when placed directly in the fuel supply 5697
tank of a motor vehicle. Such sale shall be rebuttably presumed to 5698
not be distributed or sold for use or used to generate power for 5699
the operation of motor vehicles upon the public highways or upon 5700
the waters within the boundaries of this state. 5701

(3) The sale of motor fuel by a licensed motor fuel dealer to 5702
another licensed motor fuel dealer; 5703

(4) The exportation of motor fuel by a licensed motor fuel 5704
dealer from this state to any other state or foreign country; 5705

(5) The sale of motor fuel to the United States government or 5706
any of its agencies, except such tax as is permitted by it, where 5707
such sale is evidenced by an exemption certificate, in form 5708
approved by the tax commissioner, executed by the United States 5709
government or an agency thereof certifying that the motor fuel 5710
therein identified has been purchased for the exclusive use of the 5711
United States government or its agency; 5712

(6) The sale of motor fuel which is in the process of 5713
transportation in foreign or interstate commerce, except in so far 5714
as it may be taxable under the ~~constitution~~ Constitution and 5715
statutes of the United States, and except as may be agreed upon in 5716
writing by the dealer and the commissioner; 5717

(7) The sale of motor fuel when sold exclusively for use in 5718
the operation of aircraft, where such sale is evidenced by an 5719
exemption certificate prescribed by the commissioner and executed 5720
by the purchaser certifying that the motor fuel purchased has been 5721
purchased for exclusive use in the operation of aircraft. 5722

(8) The sale for exportation of motor fuel by a licensed 5723
motor fuel dealer to a licensed exporter type A; 5724

(9) The sale for exportation of motor fuel by a licensed 5725
motor fuel dealer to a licensed exporter type B, provided that the 5726
destination state motor fuel tax has been paid or will be accrued 5727
and paid by the licensed motor fuel dealer. 5728

Division (A)(1) of this section does not apply to the sale or 5729
distribution of dyed diesel fuel used to operate a motor vehicle 5730
on the public highways or upon water within the boundaries of this 5731
state by persons permitted under regulations of the United States 5732
department of the treasury or of the Internal Revenue Service to 5733
so use dyed diesel fuel. 5734

(B) The two cent motor fuel tax levied by this section is 5735
also for the purpose of paying the expenses of administering and 5736

enforcing the state law relating to the registration and operation of motor vehicles. 5737
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After the tax provided for by this section on the receipt of any motor fuel has been paid by the motor fuel dealer, the motor fuel may thereafter be used, sold, or resold by any person having lawful title to it, without incurring liability for such tax. 5739
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If a licensed motor fuel dealer sells motor fuel received by the licensed motor fuel dealer to another licensed motor fuel dealer, the seller may deduct on the report required by section 5735.06 of the Revised Code the number of gallons so sold for the month within which the motor fuel was sold or delivered. In this event the number of gallons is deemed to have been received by the purchaser, who shall report and pay the tax imposed thereon. 5743
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Sec. 5735.12. (A) Any motor fuel dealer or qualified interstate bus operator required by this chapter to file reports and pay the tax levied by this chapter who fails to file the report within the time prescribed, shall be liable for an additional charge equal to the greater of ten per cent of the motor fuel dealer's or qualified interstate bus operator's tax liability for that month or fifty dollars. The tax commissioner may remit all or a portion of the additional charge and may adopt rules relating to the remission of all or a portion of the charge. 5750
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If any person required by this chapter to file reports and pay the taxes, interest, or additional charge levied by this chapter fails to file the report, files an incomplete or incorrect report, or fails to remit the full amount of the tax, interest, or additional charge due for the period covered by the report, the commissioner may make an assessment against the person based upon any information in the commissioner's possession. 5759
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No assessment shall be made against any motor fuel dealer or 5766

interstate bus operator for taxes imposed by this chapter more
than four years after the date on which the report on which the
assessment was based was due or was filed, whichever is later.
This section does not bar an assessment against any motor fuel
dealer or qualified interstate bus operator who fails to file a
report required by either section 5735.06 or 5735.32 of the
Revised Code, or who files a fraudulent motor fuel tax report.

A penalty of fifteen per cent shall be added to the amount of
every assessment made under this section. The commissioner may
adopt rules providing for the remission of penalties added to
assessments made under this section.

The commissioner shall give the party assessed written notice
of the assessment by personal service or certified mail. Any tax
or equalization payment assessed shall continue to accrue interest
as prescribed in division (A) of section 5735.11 of the Revised
Code.

(B) Unless the party to whom the notice of assessment is
directed files with the commissioner within thirty days after
service of the notice of assessment, either personally or by
certified mail, a petition for reassessment in writing, signed by
the party assessed, or by the authorized agent of the party
assessed having knowledge of the facts, the assessment shall
become conclusive and the amount of the assessment shall be due
and payable from the party assessed to the treasurer of state. The
petition shall indicate the objections of the party assessed, but
additional objections may be raised in writing if received prior
to the date shown on the final determination by the commissioner.

Unless the petitioner waives a hearing, the commissioner
shall assign a time and place for the hearing on the petition and
notify the petitioner of the time and place of the hearing by

personal service or certified mail, but the commissioner may 5798
continue the hearing from time to time if necessary. 5799

The commissioner may make such correction to the 5800
commissioner's assessment as the commissioner finds proper. The 5801
commissioner shall serve a copy of the commissioner's final 5802
determination on the petitioner by personal service or certified 5803
mail, and the commissioner's decision in the matter shall be 5804
final, subject to appeal as provided in section 5717.02 of the 5805
Revised Code. 5806

(C) After an assessment becomes final, if any portion of the 5807
assessment remains unpaid, a certified copy of the commissioner's 5808
entry making the assessment final may be filed in the office of 5809
the clerk of the court of common pleas in the county in which the 5810
party assessed resides or in which the business of the party 5811
assessed is conducted. If the party assessed maintains no place of 5812
business in this state and is not a resident of this state, the 5813
certified copy of the entry may be filed in the office of the 5814
clerk of the court of common pleas of Franklin county. 5815

The clerk, immediately upon the filing of the entry, shall 5816
enter a judgment for the state against the party assessed in the 5817
amount shown on the entry. The judgment may be filed by the clerk 5818
in a loose-leaf book entitled "special judgments for state motor 5819
fuel tax." 5820

From the date of the filing of the entry in the clerk's 5821
office, the unpaid portion of the assessment shall bear interest 5822
at the rate per annum prescribed by section 5703.47 of the Revised 5823
Code and shall have the same effect as other judgments. Execution 5824
shall issue upon the judgment upon request of the commissioner, 5825
and all laws applicable to sales on execution shall be applicable 5826
to sales made under the judgment. 5827

(D) All money collected by the commissioner under this 5828

section shall be paid to the treasurer of state, and when paid 5829
shall be considered as revenue arising from the tax imposed by 5830
this chapter. 5831

(E) If the tax commissioner determines that the commissioner 5832
has erroneously refunded motor fuel tax to any person, the 5833
commissioner may make an assessment against the person for 5834
recovery of the erroneously refunded tax. Interest begins to 5835
accrue thirty days after the receipt of the assessment. 5836

~~(F) Any person required to file reports pursuant to section 5837
5735.146 of the Revised Code who fails to file the report within 5838
the time prescribed shall be liable for a late filing charge equal 5839
to one hundred dollars per day for each day the report is late, or 5840
one thousand dollars, whichever is greater. The late filing charge 5841
may be collected by assessment as provided in this section. 5842~~

Sec. 5735.145. (A) As used in this section and sections 5843
5735.13, 5735.14, 5735.141, 5735.142, ~~5735.146~~, and 5735.17 of the 5844
Revised Code: 5845

(1) "Qualified fuel" means ethanol that is to be combined 5846
with gasoline to create a blend of not more than ten per cent by 5847
volume of ethanol and that when so blended is used, sold, or 5848
distributed as a motor fuel. 5849

(2) "Ethanol" means: 5850

(a) Ethanol produced in a manufacturing facility with an 5851
annual production capacity of less than two million gallons from 5852
wood or the grain of a cereal grass and denatured in accordance 5853
with United States bureau of alcohol and tax regulations; or 5854

(b) Ethanol produced through a coal-fired process from wood 5855
or the grain of a cereal grass and denatured in accordance with 5856
United States bureau of alcohol and tax regulations. 5857

(B) Any motor fuel dealer shall receive a qualified fuel 5858

credit on each gallon of qualified fuel used, sold, or distributed 5859
by the dealer and on which the dealer is liable for the taxes 5860
imposed by this chapter of the Revised Code. To receive a credit, 5861
the dealer shall certify on the monthly report required by section 5862
5735.06 of the Revised Code the number of gallons of qualified 5863
fuel used, sold, or distributed during the month to which the 5864
report applies and upon which such taxes are imposed. After 5865
computation of the amount of the tax in accordance with division 5866
(B) of section 5735.06 of the Revised Code, the number of gallons 5867
of qualified fuel used, sold, or distributed during the month to 5868
which the report applies and included in the gallons of motor fuel 5869
upon which the tax is imposed shall be multiplied by ten cents per 5870
gallon. The resulting product shall be subtracted from the tax 5871
computed under division (B) of section 5735.06 of the Revised Code 5872
and shall constitute the qualified fuel credit provided by this 5873
section. 5874

(C) The aggregate amount of credits permitted under this 5875
section shall be subject to the limitations prescribed in this 5876
division. 5877

(1) Beginning July 1, 1993, and ending June 30, ~~2000~~ 1997, 5878
for each fiscal year, the credit shall not exceed a total of 5879
fifteen million dollars, and for each month of each such year 5880
shall not exceed the amount specified for that month as follows: 5881

July	\$1,390,125	January	\$1,133,625	5882
August	1,312,125	February	1,106,625	5883
September	1,229,625	March	1,211,625	5884
October	1,268,625	April	1,192,125	5885
November	1,235,625	May	1,270,125	5886
December	1,280,625	June	1,369,125	5887

~~For the period beginning July 1, 2000, and ending September 5888
30, 2000, the credit shall not exceed a total of four million 5889
dollars, and shall not exceed one million four hundred eighteen 5890~~

~~thousand four hundred dollars in July, one million three hundred
thirty four thousand four hundred dollars in August, and one
million two hundred forty seven thousand two hundred dollars in
September of that year.~~

(2) If in any month the credit is less than the limit set
forth for that month, the unused portion shall be carried forward
and added to the succeeding month's limit until the end of the
fiscal year.

(3) If in any month the credit, including any amount carried
forward from a preceding month, exceeds the limit for that month
by less than five per cent, the tax commissioner shall either
reduce the limit for the succeeding month by the amount of the
excess, or collect the excess from each motor fuel dealer,
apportioning the amount collected among motor fuel dealers in
proportion to the amount of credit claimed by each motor fuel
dealer for that month.

If in any month the credit, including any amount carried
forward from a preceding month, exceeds the limit for that month
by five per cent or more, the tax commissioner shall collect the
excess from each motor fuel dealer, apportioning the amount
collected among motor fuel dealers in proportion to the amount of
credit claimed by each motor fuel dealer for that month.

(4) Any credit in excess of the amounts prescribed in this
section and subject to collection by the tax commissioner pursuant
to division (C)(2) or (3) of this section shall be paid to the
treasurer of state as revenue arising from taxes imposed under
this chapter and is subject to assessment as provided in sections
5735.12 and 5735.121 of the Revised Code.

Sec. 5735.19. The tax commissioner may examine, during the
usual business hours of the day, the records, books, and papers of

any motor fuel dealer, retail dealer, exporter, terminal operator, 5921
purchaser, or common carrier, ~~or person selling alcohol and~~ 5922
~~registered under section 5735.146 of the Revised Code,~~ pertaining 5923
to motor fuel received, sold, shipped, or delivered, to verify the 5924
truth and accuracy of any statement, report, or return. The 5925
commissioner may, in the enforcement of the motor fuel laws of 5926
this state, hold hearings, take the testimony of any person, issue 5927
subpoenas and compel the attendance of witnesses, and conduct such 5928
investigations as the commissioner deems necessary, but no person 5929
shall disclose the information acquired by the commissioner under 5930
this section, except when required to do so in court. Such 5931
information or evidence is not privileged when used by the state 5932
or any officer thereof in any proceeding for the collection of the 5933
tax, or any prosecution for violation of the motor fuel laws. 5934

The commissioner may prescribe all forms upon which reports 5935
shall be made to the commissioner, forms for claims for refund 5936
presented to the commissioner, or forms of records to be used by 5937
motor fuel dealers. 5938

Sec. 5735.23. (A) Out of receipts from the tax levied by 5939
section 5735.05 of the Revised Code, the treasurer of state shall 5940
place to the credit of the tax refund fund established by section 5941
5703.052 of the Revised Code amounts equal to the refunds 5942
certified by the tax commissioner pursuant to sections 5735.13, 5943
5735.14, 5735.141, 5735.142, 5735.16, and 5735.17 of the Revised 5944
Code. The treasurer of state shall then transfer the amount 5945
required by section 5735.051 of the Revised Code to the waterways 5946
safety fund and the amount required by section 4907.472 of the 5947
Revised Code to the grade crossing protection fund. 5948

(B) ~~Each~~ Except as provided in division (D) of this section, 5949
each month the balance of the receipts from the tax levied by 5950
section 5735.05 of the Revised Code shall be credited, after 5951

receipt by the treasurer of state of ~~certifications~~ certification 5952
from the commissioners of the sinking fund ~~certifying~~, as required 5953
by ~~sections 5528.15 and~~ section 5528.35 of the Revised Code, ~~that~~ 5954
~~there are sufficient moneys to the credit of the highway~~ 5955
~~improvement bond retirement fund to meet in full all payments of~~ 5956
~~interest, principal, and charges for the retirement of bonds and~~ 5957
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 5958
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 5959
~~Code due and payable during the current calendar year, and that~~ 5960
there are sufficient moneys to the credit of the highway 5961
obligations bond retirement fund to meet in full all payments of 5962
interest, principal, and charges for the retirement of highway 5963
obligations issued pursuant to Section 2i of Article VIII, Ohio 5964
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 5965
due and payable during the current calendar year, as follows: 5966

(1) To the state and local government highway distribution 5967
fund, which is hereby created in the state treasury, an amount 5968
that is the same percentage of the balance to be credited as that 5969
portion of the tax per gallon determined under division (B)(2)(a) 5970
of section 5735.06 of the Revised Code is of the total tax per 5971
gallon determined under divisions (B)(2)(a) and (b) of that 5972
section. 5973

(2) After making the distribution to the state and local 5974
government highway distribution fund, the remainder shall be 5975
credited as follows: 5976

(a) Thirty per cent to the gasoline excise tax fund for 5977
distribution pursuant to division (A)(1) of section 5735.27 of the 5978
Revised Code; 5979

(b) Twenty-five per cent to the gasoline excise tax fund for 5980
distribution pursuant to division (A)(3) of section 5735.27 of the 5981
Revised Code; 5982

(c) ~~Forty-five~~ Except as provided in division (D) of this 5983
section, forty-five per cent to the highway operating fund for 5984
distribution pursuant to division (B)(1) of section 5735.27 of the 5985
Revised Code. 5986

(C) From the balance in the state and local government 5987
highway distribution fund on the last day of each month there 5988
shall be paid the following amounts: 5989

(1) To the local transportation improvement program fund 5990
created by section 164.14 of the Revised Code, an amount equal to 5991
a fraction of the balance in the state and local government 5992
highway distribution fund, the numerator of which fraction is one 5993
and the denominator of which fraction is that portion of the tax 5994
per gallon determined under division (B)(2)(a) of section 5735.06 5995
of the Revised Code; 5996

(2) An amount equal to five cents multiplied by the number of 5997
gallons of motor fuel sold at stations operated by the Ohio 5998
turnpike commission, such gallonage to be certified by the 5999
commission to the treasurer of state not later than the last day 6000
of the month following. The funds paid to the commission pursuant 6001
to this section shall be expended for the construction, 6002
reconstruction, maintenance, and repair of turnpike projects, 6003
except that the funds may not be expended for the construction of 6004
new interchanges. The funds also may be expended for the 6005
construction, reconstruction, maintenance, and repair of those 6006
portions of connecting public roads that serve existing 6007
interchanges and are determined by the commission and the director 6008
of transportation to be necessary for the safe merging of traffic 6009
between the turnpike and those public roads. 6010

The remainder of the balance shall be distributed as follows 6011
on the fifteenth day of the following month: 6012

(a) Ten and seven-tenths per cent shall be paid to municipal 6013

corporations for distribution pursuant to division (A)(1) of 6014
section 5735.27 of the Revised Code and may be used for any 6015
purpose for which payments received under that division may be 6016
used. 6017

(b) Five per cent shall be paid to townships for distribution 6018
pursuant to division (A)(5) of section 5735.27 of the Revised Code 6019
and may be used for any purpose for which payments received under 6020
that division may be used. 6021

(c) Nine and three-tenths per cent shall be paid to counties 6022
for distribution pursuant to division (A)(3) of section 5735.27 of 6023
the Revised Code and may be used for any purpose for which 6024
payments received under that division may be used. 6025

(d) The Except as provided in division (D) of this section, 6026
the balance shall be transferred to the highway operating fund and 6027
used for the purposes set forth in division (B)(1) of section 6028
5735.27 of the Revised Code. 6029

(D) Beginning on the first day of September each year and 6030
continuing until such time as the office of budget and management 6031
receives certification from the commissioners of the sinking fund 6032
pursuant to division (B) of section 5528.56 Of the Revised Code, 6033
any amounts required to be credited or transferred to the highway 6034
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 6035
section shall be credited or transferred to the highway capital 6036
improvements bond service fund created in section 5528.55 Of the 6037
Revised Code. 6038

Sec. 5735.29. To provide revenue for supplying the state's 6039
share of the cost of constructing, widening, maintaining, and 6040
reconstructing the state highways; to maintain and repair bridges 6041
and viaducts; to purchase, erect, and maintain street and traffic 6042
signs and markers; to purchase, erect, and maintain traffic lights 6043

and signals; to pay the expense of administering and enforcing the 6044
state law relative to the registration and operation of motor 6045
vehicles; ~~to pay the expense of administering and enforcing the~~ 6046
~~state law providing reimbursement to hospitals for expenses~~ 6047
~~incurred for the care of indigent persons injured in motor vehicle~~ 6048
~~accidents;~~ to make road improvements associated with retaining or 6049
attracting business for this state, to pay that portion of the 6050
construction cost of a highway project which a county, township, 6051
or municipal corporation normally would be required to pay, but 6052
which the director of transportation, pursuant to division (B) of 6053
section 5531.08 of the Revised Code, determines instead will be 6054
paid from moneys in the highway operating fund; to provide revenue 6055
for the purposes of sections 1547.71 to 1547.78 of the Revised 6056
Code; and to supplement revenue already available for such 6057
purposes, to pay the expenses of the department of taxation 6058
incident to the administration of the motor fuel laws, to 6059
supplement revenue already available for such purposes; and to pay 6060
the interest, principal, and charges on highway obligations issued 6061
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6062
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 6063
excise tax is hereby imposed on all motor fuel dealers upon their 6064
receipt of motor fuel within the state at the rate of two cents on 6065
each gallon so received. This tax is subject to the specific 6066
exemptions set forth in this chapter of the Revised Code. It shall 6067
be reported, computed, paid, collected, administered, enforced, 6068
and refunded, and the failure properly and correctly to report and 6069
pay the tax shall be penalized, in exactly the same manner as is 6070
provided in this chapter. Such sections relating to motor fuel 6071
excise taxes are reenacted and incorporated as if specifically set 6072
forth in this section. The tax levied by this section is in 6073
addition to any other taxes imposed under this chapter. 6074
6075

Sec. 6101.16. When it is determined to let the work relating 6076
to the improvements for which a conservancy district was 6077
established by contract, contracts in amounts to exceed ~~ten~~ 6078
fifteen thousand dollars shall be advertised after notice calling 6079
for bids has been published once a week for three consecutive 6080
weeks completed on date of last publication, in at least one 6081
newspaper of general circulation within the conservancy district 6082
where the work is to be done. If the bids are for a contract for 6083
the construction, demolition, alteration, repair, or 6084
reconstruction of an improvement, the board of directors of the 6085
conservancy district may let the contract to the lowest or best 6086
bidder who meets the requirements of section 153.54 of the Revised 6087
Code. If the bids are for a contract for any other work relating 6088
to the improvements for which a conservancy district was 6089
established, the board of directors of the district may let the 6090
contract to the lowest or best bidder who gives a good and 6091
approved bond, with ample security, conditioned on the carrying 6092
out of the contract. The contract shall be in writing and shall be 6093
accompanied by or refer to plans and specifications for the work 6094
to be done prepared by the chief engineer. The plans and 6095
specifications shall at all times be made and considered a part of 6096
the contract. The contract shall be approved by the board and 6097
signed by the president of the board and by the contractor and 6098
shall be executed in duplicate. In case of sudden emergency when 6099
it is necessary in order to protect the district, the advertising 6100
of contracts may be waived upon the consent of the board, with the 6101
approval of the court or a judge of the court of common pleas of 6102
the county in which the office of the district is located. 6103

Section 2. That existing sections 121.05, 121.08, 308.13, 6104
2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 4301.12, 4501.03, 6105
4501.14, 4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 6106

4503.51, 4503.52, 4503.55, 4503.56, 4505.11, 4505.111, 4506.24, 6107
4511.101, 4511.102, 4511.191, 4511.951, 4981.09, 4981.34, 5112.17, 6108
5501.01, 5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 6109
5513.01, 5513.04, 5513.06, 5515.01, 5516.01, 5516.02, 5516.03, 6110
5516.04, 5516.06, 5516.061, 5516.07, 5516.08, 5516.10, 5516.11, 6111
5516.12, 5516.13, 5516.99, 5525.03, 5525.07, 5529.03, 5531.09, 6112
5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 6113
5735.23, 5735.29, and 6101.16 and sections 3701.61, 3701.611, 6114
3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 6115
3701.69, 4501.21, 4501.23, 4981.151, 4981.152, 5516.05, 5516.09, 6116
and 5735.146 of the Revised Code are hereby repealed. 6117

Section 3. That section 5513.01 of the Revised Code, as 6118
amended by Sub. H.B. 572 of the 121st General Assembly, be amended 6119
to read as follows: 6120

Sec. 5513.01. (A) All purchases of machinery, materials, 6121
supplies, or other articles that the director of transportation 6122
makes shall be in the manner provided in this section. In all 6123
cases except those in which the director ~~authorizes~~ provides 6124
written authorization for purchases by district deputy directors 6125
of transportation, all such purchases shall be made at the central 6126
office of the department of transportation in Columbus. Before 6127
making any purchase at that office, the director, as provided in 6128
this section, shall give notice to bidders of the director's 6129
intention to purchase. Where the expenditure ~~is~~ does not ~~more than~~ 6130
~~five hundred dollars~~ exceed the amount applicable to the purchase 6131
of supplies specified in division (B) of section 125.05 Of the 6132
Revised Code, as adjusted pursuant to division (D) of that 6133
section, the director shall give such notice as the director 6134
considers proper, or the director may make the purchase without 6135
notice. Where the expenditure ~~is more than five hundred dollars~~ 6136

exceeds the amount applicable to the purchase of supplies 6137
specified in division (B) of section 125.05 Of the Revised Code, 6138
as adjusted pursuant to division (D) of that section, the director 6139
shall give notice by posting for not less than ten days a written, 6140
typed, or printed invitation to bidders on a bulletin board, which 6141
shall be located in a place in the offices assigned to the 6142
department and open to the public during business hours. Producers 6143
or distributors of any product may notify the director, in 6144
writing, of the class of articles for the furnishing of which they 6145
desire to bid and their post-office addresses, in which case 6146
copies of all invitations to bidders relating to the purchase of 6147
such articles shall be mailed to such persons by the director by 6148
regular first class mail at least ten days prior to the time fixed 6149
for taking bids. The director also may mail copies of all 6150
invitations to bidders to news agencies or other agencies or 6151
organizations distributing information of this character. Requests 6152
for invitations shall not be valid ~~or~~ nor require action by the 6153
director unless renewed, either annually or after such shorter 6154
period as the director may prescribe by a general ~~regulation~~ rule. 6155
The invitation to bidders shall contain a brief statement of the 6156
general character of the article that it is intended to purchase, 6157
the approximate quantity desired, and a statement of the time and 6158
place where bids will be received, and may relate to and describe 6159
as many different articles as the director thinks proper, it being 6160
the intent and purpose of this section to authorize the inclusion 6161
in a single invitation of as many different articles as the 6162
director desires to invite bids upon at any given time. 6163
Invitations issued during each calendar year shall be given 6164
consecutive numbers, and the number assigned to each invitation 6165
shall appear on all copies thereof. In all cases where notice is 6166
required by this section, sealed bids shall be taken, on forms 6167
prescribed and furnished by the director, and modification of bids 6168

after they have been opened shall not be permitted. 6169

6170

(B) The director may permit any political subdivision and any 6171
state university or college to participate in contracts into which 6172
the director has entered for the purchase of machinery, materials, 6173
supplies, or other articles. Any political subdivision or state 6174
university or college desiring to participate in such purchase 6175
contracts shall file with the director a certified copy of the 6176
ordinance or resolution of its legislative authority, board of 6177
trustees, or other governing board requesting authorization to 6178
participate in such contracts and agreeing to be bound by such 6179
terms and conditions as the director prescribes. Purchases made by 6180
political subdivisions or state universities or colleges under 6181
this division are exempt from any competitive bidding required by 6182
law for the purchase of machinery, materials, supplies, or other 6183
articles. 6184

(C) As used in this section: 6185

(1) "Political subdivision" means any county, township, 6186
municipal corporation, conservancy district, township park 6187
district, park district created under Chapter 1545. of the Revised 6188
Code, port authority, regional transit authority, regional airport 6189
authority, regional water and sewer district, or county transit 6190
board. 6191

(2) "State university or college" has the same meaning as in 6192
division (A)(1) of section 3345.32 of the Revised Code. 6193

Section 4. That all existing versions of section 5513.01 of 6194
the Revised Code are hereby repealed. 6195

Section 5. Section 5513.01 of the Revised Code, as amended 6196
within the purview of Sections 6 and 7 of this act, is subject to 6197

the referendum. Therefore, under Ohio Constitution, Article II, 6198
 Section 1d and section 1.471 of the Revised Code, the section as 6199
 amended takes effect on March 4, 1998, or the ninety-first day 6200
 after this act is filed with the Secretary of State, whichever is 6201
 later. If, however, a referendum petition is filed against the 6202
 section as amended, the section as amended, unless rejected at the 6203
 referendum, takes effect at the earliest time permitted by law 6204
 that is on or after the effective date specified in the preceding 6205
 sentence. 6206

Section 6. Except as otherwise provided, all appropriation 6207
 line items (ALI) in this act are hereby appropriated out of any 6208
 moneys in the state treasury to the credit of the designated fund, 6209
 which are not otherwise appropriated. For all appropriations made 6210
 in this act, those amounts in the first column are for fiscal year 6211
 1998 and those amounts in the second column are for fiscal year 6212
 1999. 6213

Section 7. DOT DEPARTMENT OF TRANSPORTATION 6214

<u>FND</u>	<u>ALI</u>	<u>ALI TITLE</u>	<u>FY 1998</u>	<u>FY 1999</u>	
		Transportation Planning and Research			6215
		Highway Operating Fund Group			6216
002	771-411	Planning and Research	\$ 14,033,200	\$ 12,750,200	6217
		- State			6218
002	771-412	Planning and Research	\$ 15,607,900	\$ 15,514,200	6219
		- Federal			6220
		TOTAL HOF Highway Operating			6221
		Fund Group	\$ 29,641,100	\$ 28,264,400	6222
		TOTAL ALL BUDGET FUND GROUPS -			6223
		Transportation Planning			6224
		and Research	\$ 29,641,100	\$ 28,264,400	6225
		Highway Construction			6226

Highway Operating Fund Group				6226
002 772-421 Highway Construction - State	\$ 437,272,875	\$ 446,175,412		6227
002 772-422 Highway Construction - Federal	\$ 539,992,100	\$ 541,035,800		6228
002 772-424 Highway Construction - Other	\$ 25,000,000	\$ 25,000,000		6229
212 770-005 Infrastructure Debt Service - Federal	\$ 6,500,000	\$ 10,550,000		6230
212 772-423 Infrastructure Lease Payments - Federal	\$ 12,900,000	\$ 12,900,000		6231
212 772-426 Highway Infrastructure Bank - Federal	\$ 17,000,000	\$ 27,000,000		6232
212 772-427 Highway Infrastructure Bank - State	\$ 5,000,000	\$ 8,000,000		6233
212 772-429 Highway Infrastructure Bank - Other	\$ 7,000,000	\$ 3,350,000		6234
TOTAL HOF Highway Operating Fund Group	\$ 1,050,664,975	\$ 1,074,011,212		6235
Highway Capital Improvement Fund Group				6236
042 772-723 Highway Construction - Bonds	\$ 225,000,000	\$ 215,000,000		6237
TOTAL 042 Capital Highway Improvement Fund Group	\$ 225,000,000	\$ 215,000,000		6238
Infrastructure Bank Obligations Fund Group				6239
045 772-428 Highway Infrastructure Bank - Bonds	\$ 50,000,000	\$ 40,000,000		6240
TOTAL 045 Infrastructure Bank Obligations Fund Group	\$ 50,000,000	\$ 40,000,000		6241
TOTAL ALL BUDGET FUND GROUPS -				6242
				6243
				6244
				6245

Highway Construction	\$ 1,325,664,975	\$ 1,329,011,212	6246
Highway Maintenance			6247
Highway Operating Fund Group			6248
002 773-431 Highway Maintenance -	\$ 311,356,900	\$ 313,925,600	6249
State			
TOTAL HOF Highway Operating			6250
Fund Group	\$ 311,356,900	\$ 313,925,600	6251
TOTAL ALL BUDGET FUND GROUPS -			6252
Highway Maintenance	\$ 311,356,900	\$ 313,925,600	6253
Intermodal Transportation			6254
State Special Revenue Fund Group			6255
4Y2 774-444 Congestion Mitigation	\$ 50,000	\$ 50,000	6256
Revolving Fund			
TOTAL SSR State Special Revenue	\$ 50,000	\$ 50,000	6257
Fund Group			
TOTAL ALL BUDGET FUND GROUPS -			6258
Intermodal Transportation	\$ 50,000	\$ 50,000	6259
Public Transportation			6260
Highway Operating Fund Group			6261
002 775-452 Public Transportation	\$ 39,600,000	\$ 39,600,000	6262
- Federal			
002 775-454 Public Transportation	\$ 1,250,000	\$ 1,250,000	6263
- Other			
002 775-459 Elderly and Disabled	\$ 3,740,000	\$ 3,740,000	6264
Special Equipment -			
Federal			
212 775-406 Transit Infrastructure	\$ 6,000,000	\$ 5,000,000	6265
Bank - Federal			
212 775-407 Transit Infrastructure	\$ 0	\$ 1,000,000	6266
Bank - State			
212 775-408 Transit Infrastructure	\$ 2,000,000	\$ 1,000,000	6267
Bank - Other			

TOTAL HOF Highway Operating				6268
Fund Group	\$	52,590,000	\$ 51,590,000	6269
TOTAL ALL BUDGET FUND GROUPS -				6270
Public Transportation	\$	52,590,000	\$ 51,590,000	6271
Rail Transportation				6272
Highway Operating Fund Group				6273
002 776-462 Grade Crossings -	\$	15,000,000	\$ 15,000,000	6274
Federal				
TOTAL HOF Highway Operating				6275
Fund Group	\$	15,000,000	\$ 15,000,000	6276
State Special Revenue Fund Group				6277
4N4 776-661 Rail Transportation -	\$	5,392,000	\$ 5,388,000	6278
State				
4N4 776-663 Panhandle Lease	\$	758,000	\$ 762,000	6279
Payments				
4N4 776-664 Rail Transportation -	\$	500,000	\$ 500,000	6280
Other				
TOTAL SSR State Special Revenue				6281
Fund Group	\$	6,650,000	\$ 6,650,000	6282
Federal Special Revenue Fund Group				6283
3B9 776-662 Rail Transportation -	\$	1,000,000	\$ 1,000,000	6284
Federal				
TOTAL FED Federal Special Revenue				6285
Fund Group	\$	1,000,000	\$ 1,000,000	6286
TOTAL ALL BUDGET FUND GROUPS -				6287
Rail Transportation	\$	22,650,000	\$ 22,650,000	6288
Aviation				6289
Highway Operating Fund Group				6290
002 777-472 Airport Improvements -	\$	405,000	\$ 405,000	6291
Federal				
002 777-475 Aviation	\$	4,001,984	\$ 4,044,108	6292
Administration				

213 777-477 Aviation	\$	1,000,000	\$	1,000,000	6293
Infrastructure Bank -					
State					
TOTAL HOF Highway Operating					6294
Fund Group	\$	5,406,984	\$	5,449,108	6295
TOTAL ALL BUDGET FUND GROUPS -					6296
Aviation	\$	5,406,984	\$	5,449,108	6297
Administration					6298
Highway Operating Fund Group					6299
002 779-491 Administration - State	\$	111,020,200	\$	107,292,600	6300
4T5 770-609 ODOT Memorial	\$	20,000	\$	0	6301
TOTAL HOF Highway Operating					6302
Fund Group	\$	111,040,200	\$	107,292,600	6303
TOTAL ALL BUDGET FUND GROUPS -					6304
Administration	\$	111,040,200	\$	107,292,600	6305
Debt Service					6306
Highway Operating Fund Group					6307
002 770-003 Administration - State	\$	16,420,000	\$	19,567,000	6308
- Debt Service					
TOTAL HOF Highway Operating					6309
Fund Group	\$	16,420,000	\$	19,567,000	6310
TOTAL ALL BUDGET FUND GROUPS -					6311
Debt Service	\$	16,420,000	\$	19,567,000	6312
TOTAL Department of Transportation					6313
TOTAL HOF Highway Operating					6314
Fund Group	\$	1,592,120,159	\$	1,615,099,920	6315
TOTAL 042 Highway Capital					6316
Improvement Fund Group	\$	225,000,000	\$	215,000,000	6317
TOTAL 045 Infrastructure Bank					6318
Obligations Fund Group	\$	50,000,000	\$	40,000,000	6319
TOTAL SSR State Special Revenue					6320
Fund Group	\$	6,700,000	\$	6,700,000	6321

TOTAL FED Federal Special Revenue			6322
Fund Group	\$ 1,000,000	\$ 1,000,000	6323
TOTAL ALL BUDGET FUND GROUPS	\$ 1,874,820,159	\$ 1,877,799,920	6324

Section 7.01. 6326

Issuance of Bonds

The Commissioners of the Sinking Fund, upon the request of 6327
the Director of Transportation, are hereby authorized to issue and 6328
sell, in accordance with the provisions of Section 2m of Article 6329
VIII, Ohio Constitution, and sections 5528.51 and 5528.56 of the 6330
Revised Code, obligations, including bonds and notes, of the State 6331
of Ohio in the aggregate amount of \$320,000,000 of original 6332
issuance obligations. 6333

The obligations shall be dated, issued, and sold from time to 6334
time in such amounts as may be necessary to provide sufficient 6335
moneys to the credit of the Highway Capital Improvement Fund (Fund 6336
042) created by section 5538.53 of the Revised Code to pay costs 6337
charged to the fund when due as estimated by the Director of 6338
Transportation, provided, however, that such obligations shall be 6339
issued and sold at such time or times so that not more than 6340
\$220,000,000 original principal amount of obligations, plus the 6341
principal amount of obligations that in prior fiscal years could 6342
have been, but were not issued within the \$220,000,000 limit, may 6343
be issued in any fiscal year, and not more than \$1,200,000,000 6344
original principal amount of obligations issued pursuant to 6345
Section 2m of Article VIII, Ohio Constitution, and sections 6346
5528.51 and 5528.56 of the Revised Code are outstanding at any one 6347
time. 6348

Bond Funds Transfer 6349

The Director of Budget and Management may cancel encumbrances 6350
associated with Highway Obligations Construction Fund (Fund 041) 6351
appropriations and reestablish such encumbrances or parts of 6352

encumbrances as needed in fiscal year 1998 in the Highway Capital 6353
Improvement Fund (Fund 042) appropriation item 772-723, Highway 6354
Construction - Bonds, for the same purpose and to the same vendor. 6355
As determined by the Director, the appropriation authority 6356
necessary to reestablish such encumbrances in fiscal year 1998 in 6357
Fund 042 is hereby authorized. The Director shall reduce each 6358
year's appropriation balances by the amount of the encumbrances 6359
cancelled in its respective line item. As determined by the 6360
Director, any cash balance remaining in Fund 041 may be 6361
transferred to Fund 042. 6362

Section 7.02. 6363

Major New Construction

For major new highway construction projects, the Department 6364
of Transportation shall use at least \$314,500,000 in fiscal year 6365
1998 and at least \$252,500,000 in fiscal year 1999 from all 6366
available sources. 6367

Section 7.03. 6368

Maintenance Interstate Highways

The Director of Transportation may remove snow and ice, and 6369
maintain, repair, improve, or provide lighting upon interstate 6370
highways which are located within the boundaries of municipal 6371
corporations, adequate to meet the requirements of federal law. 6372
When agreed in writing by the director and the legislative 6373
authority of a municipal corporation, and notwithstanding sections 6374
125.01 and 125.11 of the Revised Code, the Department of 6375
Transportation may reimburse the municipal corporation for all or 6376
any part of the costs, as provided by such agreement, incurred by 6377
the municipal corporation maintaining, repairing, lighting, and 6378
removing snow and ice from the interstate system. 6379

Section 7.04.

6380

Transfer of Appropriations - Planning and Research, Highway Construction,
Maintenance and Administration

The Director of Budget and Management may approve requests 6382
from the Department of Transportation, for transfer of funds among 6383
the appropriations for highway planning and research (line items 6384
771-411 and 771-412), highway construction (line items 772-421, 6385
772-422, and 772-424), highway maintenance (line item 773-431), 6386
and highway administration (line item 779-491). Transfers between 6387
appropriation items shall be made upon the written request of the 6388
Director of Transportation with the approval of the Director of 6389
Budget and Management. Such transfers shall be reported to the 6390
Controlling Board at the next regularly scheduled meeting of the 6391
board. 6392

This transfer language is intended to provide for emergency 6393
situations and flexibility to meet unforeseen conditions that 6394
could arise during the budget period. This will also allow the 6395
Department to optimize the use of available resources, and adjust 6396
to circumstances affecting the obligation and expenditure of 6397
federal funds. 6398

Transfer of Appropriations - State Infrastructure Bank

6399

The Director of Budget and Management may approve requests 6400
from the Department of Transportation for transfer of funds among 6401
the appropriations of the Infrastructure Bank funds created in 6402
section 5531.09 of the Revised Code, including transfers between 6403
fiscal years 1998 and 1999. Such transfers shall be reported to 6404
the Controlling Board at the next regularly scheduled meeting of 6405
the board. However, the Director may not make transfers out of 6406
debt service and lease payment line items unless the Director 6407
determines that the appropriated amounts exceed the actual and 6408
projected debt, rental, or lease payments. 6409

The Director of Budget and Management may approve requests 6410
from the Department of Transportation for transfer of funds from 6411
appropriations of the Highway Operating Fund (Fund 002) to 6412
appropriations of the Infrastructure Bank funds created in section 6413
5531.09 of the Revised Code. Such transfers shall be reported to 6414
the Controlling Board at the next regularly scheduled meeting of 6415
the board. However, the Director may not make transfers between 6416
modes and transfers between different funding sources. 6417

Transfer of Appropriations - Public Transportation 6418

The Director of Budget and Management may approve requests 6419
from the Department of Transportation for transfer of funds 6420
between appropriation item 775-451, Public Transportation - State, 6421
and 775-456, Public Transportation - Discretionary Capital. 6422

Increase Appropriation Authority - State Funds 6423

In the event that revenues or unexpended balances, credited 6424
to the Highway Operating Fund, exceed the estimates upon which the 6425
appropriations have been made in this act, the Director of 6426
Transportation may submit a request to the Controlling Board for 6427
increased appropriation authority in the same manner as prescribed 6428
in section 131.35 of the Revised Code. Such additional revenues or 6429
unexpended balances are hereby appropriated to the Department of 6430
Transportation when authorized by the Controlling Board. 6431

Increase Appropriation Authority - Federal and Local Funds 6432

In the event that receipts or unexpended balances credited to 6433
the Highway Operating Fund, or apportionments or allocations made 6434
available from the federal and local government exceed the 6435
estimates upon which the appropriations have been made in this 6436
act, such excess is hereby appropriated and may be added to the 6437
appropriate item or items when requested by the Director of 6438
Transportation and approved by the Director of Budget and 6439
Management and the Controlling Board. 6440

Reappropriations 6441

All appropriations of the Highway Operating Fund (Fund 002) 6442
and the Highway Capital Improvement Fund (Fund 042) remaining 6443
unencumbered on June 30, 1997, and the unexpended balance of prior 6444
years' appropriations that subsequently become unencumbered after 6445
June 30, 1997, subject to the availability of revenue as 6446
determined by the Director of Transportation, are hereby 6447
reappropriated for the same purpose in fiscal year 1998 upon the 6448
request of the Director of Transportation with the approval of the 6449
Director of Budget and Management. Such reappropriations shall be 6450
reported to the Controlling Board at the next regularly scheduled 6451
meeting of the board. 6452

All appropriations of the Highway Operating Fund (Fund 002) 6453
and the Highway Capital Improvement Fund (Fund 042) in this act 6454
remaining unencumbered as of June 30, 1998, are reappropriated for 6455
use during fiscal year 1999 for the same purpose. The department 6456
shall report all such reappropriations to the Controlling Board. 6457

Section 7.05. 6458

Public Access Roads for State Facilities

Of the foregoing appropriation item 772-421, Highway 6459
Construction - State, \$2,965,000 is to be used each fiscal year 6460
during the 1997-1999 biennium by the Department of Transportation 6461
for the construction, reconstruction, or maintenance of public 6462
access roads, including support features, to and within state 6463
facilities owned or operated by the Department of Natural 6464
Resources, as requested by the Director of Natural Resources. 6465

Notwithstanding section 5511.06 of the Revised Code, of the 6466
foregoing appropriation item 772-421, Highway Construction - 6467
State, \$2,100,000 in each fiscal year of the 1997-1999 biennium 6468
shall be used by the Department of Transportation for the 6469

construction, reconstruction, or maintenance of park drives or 6470
park roads within the boundaries of metropolitan parks. 6471

Included in the foregoing appropriation item 772-421, Highway 6472
Construction - State, the department may perform related road work 6473
on behalf of the Ohio Expositions Commission at the state 6474
fairgrounds. This includes reconstruction or maintenance of public 6475
access roads, including support features, to and within the 6476
facilities as requested by the commission and approved by the 6477
Director of Transportation. 6478

Liquidation of Unforeseen Liabilities 6479

Any appropriation made to the Department of Transportation, 6480
Highway Operating Fund, not otherwise restricted by law, is 6481
available to liquidate unforeseen liabilities arising from 6482
contractual agreements of prior years when the prior year 6483
encumbrance is insufficient. 6484

Congestion Mitigation 6485

The foregoing appropriation item 774-444, Congestion 6486
Mitigation Revolving Fund, shall be used to make loans or grants 6487
for the construction, reconstruction, resurfacing, restoring, 6488
rehabilitation, or replacement of public or private transportation 6489
facilities as eligible under United States Code, Title XXIII. Fund 6490
revenues shall include, but are not limited to, payments received 6491
from any public or private agency in repayment of a loan 6492
previously made from the fund or pursuant to 23 U.S.C. 129(a)(7) 6493
or successor legislation; interest or other income earned on the 6494
investment of moneys in the fund; and any additional moneys made 6495
available from any sources, public or private, for the purposes 6496
for which the fund has been established. 6497

Lease Payments 6498

Within the Rail Development Fund (4N4), the amount of the 6499

foregoing appropriation item 776-663, Panhandle Lease Payments, 6500
shall be used to meet scheduled payments for the Panhandle Rail 6501
Line. The Director of Transportation shall certify to the Director 6502
of Budget and Management any appropriations in line item 776-663, 6503
Panhandle Lease Payments, that are not needed to make lease 6504
payments for the Panhandle Rail Line. Notwithstanding section 6505
127.14 of the Revised Code, the amount certified is hereby 6506
transferred to appropriation item 776-661, Rail Transportation - 6507
State. Such transfers shall be reported by the Director of 6508
Transportation to the Controlling Board at the next regularly 6509
scheduled meeting of the board. 6510

Section 7.06.

Department of Taxation

Of the foregoing appropriation item 779-491, 6512
Administration-State, \$4,300,000 each fiscal year of the 1997-1999 6513
biennium shall be transferred to the General Revenue Fund for 6514
reimbursement of the services provided by the Department of 6515
Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the 6516
Revised Code. The Director of Transportation shall make such 6517
transfer upon the receipt of a written request from the Director 6518
of Budget and Management. 6519

Rental Payments - OBA

The foregoing appropriation item 770-003, Administration - 6521
State - Debt Service, shall be used to pay rent to the Ohio 6522
Building Authority for various capital facilities to be 6523
constructed, reconstructed, or rehabilitated for the use of the 6524
Department of Transportation, including the department's plant and 6525
facilities at its central office, field districts, and county and 6526
outpost locations. The rental payments shall be made from revenues 6527
received from the motor vehicle fuel tax. The amounts of any bonds 6528
and notes to finance such capital facilities shall be at the 6529

request of the Director of Transportation. Notwithstanding section 6530
152.24 of the Revised Code, the Ohio Building Authority may, with 6531
approval of the Office of Budget and Management, lease capital 6532
facilities to the Department of Transportation. 6533

The Director of Transportation shall hold title to any land 6534
purchased and any resulting structures that are attributable to 6535
this appropriation item. Notwithstanding section 152.18 of the 6536
Revised Code, the Director of Transportation shall administer any 6537
purchase of land and any contract for construction, 6538
reconstruction, and rehabilitation of facilities as a result of 6539
this appropriation. 6540

Should the appropriation and any reappropriations from prior 6541
years in item 770-003 exceed the rental payments for fiscal years 6542
1998 or 1999, then prior to June 30, 1999, the balance may be 6543
transferred to either item 772-421, 773-431, or 779-491. Such 6544
transfer shall be requested by the Director of Transportation with 6545
approval by the Director of Budget and Management. Transfers shall 6546
be reported to the Controlling Board at the next regularly 6547
scheduled meeting of the board. 6548

Section 7.07. 6549

Public Transportation Highway Purpose Grants

The Director of Transportation is authorized to use funds 6550
from the state motor vehicle fuel tax to match approved federal 6551
grants awarded to the Department of Transportation, regional 6552
transit authorities, or eligible public transportation systems, 6553
for public transportation highway purposes, or to support local or 6554
state funded projects for public transportation highway purposes. 6555
Public transportation highway purposes include: the construction 6556
or repair of high occupancy vehicle traffic lanes; the acquisition 6557
or construction of park-and-ride facilities; the acquisition or 6558
construction of public transportation vehicle loops; the 6559

construction or repair of bridges used by public transportation 6560
vehicles or which are the responsibility of a regional transit 6561
authority or other public transportation system; or other similar 6562
construction which is designated as an eligible public 6563
transportation highway purpose. These motor vehicle fuel tax 6564
revenues may not be used for operating assistance or for the 6565
purchase of vehicles, equipment, or maintenance facilities. 6566

Section 7.08. 6567

Columbiana County Port Authority

The earmark for the Columbiana County Port Authority in Am. 6568
Sub. S.B. 310 of the 121st General Assembly shall be used for the 6569
Wellsville Intermodel Facility. 6570

Section 8. DHS DEPARTMENT OF PUBLIC SAFETY 6571

Highway Safety Information and Education 6572

State Highway Safety Fund Group 6573

036	761-321	Operating Expense -	\$	3,104,533	\$	3,105,715	6574
		Information and					
		Education					
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137	6575
831	761-610	Information and	\$	473,835	\$	486,625	6576
		Education - Federal					
83N	761-611	Elementary School Seat	\$	343,255	\$	352,790	6577
		Belt Program					
832	761-612	Traffic Safety-Federal	\$	11,600,000	\$	11,600,000	6578
844	761-613	Seat Belt Education	\$	205,000	\$	204,050	6579
		Program					
846	761-625	Motorcycle Safety	\$	1,344,020	\$	1,383,438	6580
		Education					
847	761-622	Film Production	\$	40,766	\$	41,906	6581
		Reimbursement					

TOTAL HSF State Highway Safety 6582
Fund Group \$ 17,388,546 \$ 17,451,661 6583
TOTAL ALL BUDGET FUND GROUPS - 6584
Highway Safety Information 6585
and Education \$ 17,388,546 \$ 17,451,661 6586

Traffic Safety Grant Program 6587

Of the foregoing appropriation item 761-321, Operating 6588
Expense - Information and Education, up to \$100,000 in fiscal year 6589
1998 and up to \$100,000 in fiscal year 1999 shall be used by the 6590
Department of Public Safety to fund the department's Traffic 6591
Safety Grant Program. The department shall develop necessary 6592
criteria to administer the program. The award of grants resulting 6593
from this program shall be made as subsidy payments to 6594
participants selected by the Department of Public Safety. 6595

Federal Highway Safety Program Match 6596

The foregoing appropriation item 761-402, Traffic Safety 6597
Match, shall be used to provide the nonfederal portion of the 6598
federal Highway Safety Program. Upon request by the Director of 6599
Public Safety and approval by the Director of Budget and 6600
Management, appropriation item 761-402 shall be used to transfer 6601
funds from the Highway Safety Fund to the Traffic Safety - Federal 6602
Fund (Fund 832), at the beginning of each fiscal year on an 6603
intrastate transfer voucher. 6604

Film Production Reimbursement 6605

The foregoing appropriation item 761-622, Film Production 6606
Reimbursement, shall be used by the Division of Administration of 6607
the Department of Public Safety for the purpose of providing a 6608
method of collection from other state agencies for services and 6609
supplies provided for production of public service announcements 6610
and training materials. These funds shall be expended only for 6611
supplies and the maintenance of equipment necessary to perform 6612

such services.				6613
Section 8.01. Bureau of Motor Vehicles				6614
State Special Revenue Fund Group				6615
4U0 762-638 Collegiate License	\$	231,094	\$ 237,565	6616
Plate Program				
4U2 762-641 Pro Football Hall of	\$	240,552	\$ 247,287	6617
Fame License Plate				
Program				
539 762-614 Motor Vehicle Dealers	\$	210,752	\$ 216,615	6618
Board				
TOTAL SSR State Special Revenue				6619
Fund Group	\$	682,398	\$ 701,467	6620
State Highway Safety Fund Group				6621
4W4 762-321 Operating Expense-BMV	\$	54,521,811	\$ 55,369,485	6622
4W4 762-410 License Supplement	\$	22,637,024	\$ 23,261,528	6623
83E 762-632 Central Registration	\$	8,578,095	\$ 8,815,058	6624
Fund				
83L 762-636 Facility Rentals	\$	591,100	\$ 607,651	6625
83R 762-639 Law Enforcement	\$	1,200,000	\$ 1,233,600	6626
Reimbursement				
835 762-616 Financial	\$	5,117,883	\$ 5,249,359	6627
Responsibility				
Compliance				
849 762-627 Automated Title	\$	8,802,254	\$ 11,273,129	6628
Processing Board				
TOTAL HSF State Highway Safety				6629
Fund Group	\$	101,448,167	\$ 105,809,810	6630
TOTAL ALL BUDGET FUND GROUPS -				6631
Bureau of Motor Vehicles	\$	102,130,565	\$ 106,511,277	6632
<u>Motor Vehicle Registrations</u>				6633

The Registrar of the Bureau of Motor Vehicles may deposit 6634
revenues equal to any estimated deficiency in the State Bureau of 6635
Motor Vehicles Fund (Fund 4W4) established in section 4501.25 of 6636
the Revised Code, obtained pursuant to sections 4503.02 and 6637
4504.02 of the Revised Code to support in part appropriations for 6638
operating expenses and to defray the cost of manufacturing and 6639
distributing license plates and license plate stickers and 6640
enforcing the law relative to the operation and registration of 6641
motor vehicles. Notwithstanding the provisions of section 4501.03 6642
of the Revised Code, the above amount shall be paid into the State 6643
Bureau of Motor Vehicles Fund before any revenues obtained 6644
pursuant to sections 4503.02 and 4504.02 of the Revised Code are 6645
paid into any other fund. The deposit of revenues to meet the 6646
aforementioned deficiency shall be in approximate equal amounts on 6647
a monthly basis or as otherwise determined by the Director of 6648
Budget and Management pursuant to a plan submitted by the 6649
Registrar of the Bureau of Motor Vehicles. 6650

Special Plates Funds 6651

As of December 1, 1997, all revenue and uses previously 6652
ascribed to the Lake Erie License Plate Fund (Fund 4U1), line item 6653
762-640, including all assets and obligations, and the Scenic 6654
Rivers License Plate Fund (Fund 4U3), line item 762-642, including 6655
all assets and obligations, shall be assumed by the State Bureau 6656
of Motor Vehicles Fund (Fund 4W4), line item 762-410, License 6657
Supplement. 6658

Before December 1, 1997, the Registrar of Motor Vehicles 6659
shall certify to the Director of Budget and Management the 6660
revenues and uses, including assets and obligations, of the 6661
Collegiate License Plate Fund (Fund 4U0), line item 762-638, that 6662
are related to the ten-dollar OBMV fee referred to in section 6663
4503.51 of the Revised Code. Such revenue and uses shall be 6664
assumed by Fund 4W4, line item 762-410, License Supplement. 6665

Before December 1, 1997, the Registrar shall certify to the 6666
 Director of Budget and Management the revenues and uses, including 6667
 assets and obligations, of the Pro Football Hall of Fame License 6668
 Plate Fund (Fund 4U2), line item 762-641, that are related to the 6669
 ten-dollar OBMV fee referred to in section 4503.51 of the Revised 6670
 Code. Such revenue and uses shall be assumed by Fund 4W4, line 6671
 item 762-410, License Supplement. 6672

Credit Card Program 6673

Notwithstanding any provisions of law to the contrary, the 6674
 Department of Public Safety may request Controlling Board approval 6675
 to increase the appropriation authority for Fund 4W4 line item 6676
 762-321, Operating Expense-Bureau of Motor Vehicles, should the 6677
 Credit Card Payment Program as prescribed in Sub. S.B. 338 of the 6678
 118th General Assembly be reinstated. 6679

Capital Projects 6680

The Registrar of Motor Vehicles may transfer revenue from the 6681
 State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 6682
 Highway Safety Fund (Fund 036) to meet its obligations for capital 6683
 projects CIR-047, Department of Public Safety Office Building, and 6684
 CIR-049, Warehouse Facility. 6685

Section 8.02. Enforcement 6686

State Highway Safety Fund Group 6687

036	764-033	Minor Capital Projects	\$	1,580,366	\$	1,626,653	6688
036	764-321	Operating Expense - Highway Patrol	\$	146,441,857	\$	151,325,653	6689
83C	764-630	Contraband, Forfeiture, Other	\$	538,872	\$	552,987	6690
83F	764-657	Law Enforcement Auto. Data System	\$	4,504,514	\$	4,628,413	6691
83G	764-633	OMVI Fines	\$	682,500	\$	682,500	6692

831	764-610	Patrol/Federal	\$	1,842,299	\$	1,889,326	6693
831	764-659	Transportation	\$	2,233,985	\$	2,290,057	6694
		Enforcement - Federal					
837	764-602	Turnpike Policing	\$	7,456,845	\$	7,647,183	6695
838	764-606	Patrol Reimbursement	\$	275,000	\$	275,000	6696
840	764-607	State Fair Security	\$	1,195,932	\$	1,220,451	6697
840	764-617	Security and	\$	3,536,100	\$	3,616,597	6698
		Investigations					
840	764-626	State Fairgrounds	\$	655,271	\$	671,946	6699
		Police Force					
841	764-603	Salvage and Exchange -	\$	1,126,644	\$	1,155,410	6700
		Highway Patrol					
TOTAL HSF State Highway Safety							6701
Fund Group			\$	172,070,205	\$	177,582,176	6702
General Services Fund Group							6703
452	764-660	MARCS Maintenance	\$	193,577	\$	383,369	6704
TOTAL GSF General Services							6705
Fund Group			\$	193,577	\$	383,369	6706
TOTAL ALL BUDGET FUND GROUPS -							6707
Enforcement			\$	172,263,782	\$	177,965,545	6708

Collective Bargaining Increases 6709

Notwithstanding division (D) of section 127.14 and division 6710
(B) of section 132.35 of the Revised Code, except for the General 6711
Revenue Fund, the Controlling Board may, upon the request of 6712
either the Director of Budget and Management, or the Department of 6713
Public Safety with the approval of the Director of Budget and 6714
Management, increase appropriations for any fund, as necessary for 6715
the Department of Public Safety, to assist in paying the costs of 6716
increases in employee compensation that have occurred that are 6717
provided pursuant to Collective Bargaining agreements under 6718
Chapter 4117. of the Revised Code and, for exempt employees, under 6719
section 124.152 of the Revised Code. 6720

Section 8.03. Emergency Medical Services				6721
State Highway Safety Fund Group				6722
83M 765-624	Emergency Medical Services	\$ 1,300,465	\$ 1,334,226	6723
83P 765-637	EMS Grants	\$ 3,000,000	\$ 3,000,000	6724
831 765-610	EMS/Federal	\$ 250,000	\$ 250,000	6725
TOTAL HSF State Highway Safety Fund Group				6726
		\$ 4,550,465	\$ 4,584,226	6727
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services				6728
		\$ 4,550,465	\$ 4,584,226	6729
 Section 8.04. Special Enforcement				6731
State Highway Safety Fund Group				6732
				6733
831 767-610	Liquor Enforcement - Federal	\$ 50,000	\$ 50,000	6734
831 769-610	Food Stamp Trafficking Enforcement - Federal	\$ 702,871	\$ 721,222	6735
TOTAL HSF State Highway Safety Fund Group				6736
		\$ 752,871	\$ 771,222	6737
Liquor Control Fund Group				6738
043 767-321	Liquor Enforcement - Operations	\$ 7,582,426	\$ 7,775,467	6739
TOTAL LCF Liquor Control Fund Group				6740
		\$ 7,582,426	\$ 7,775,467	6741
State Special Revenue Fund Group				6742
4M3 769-656	Food Stamp Contraband, Forfeiture, and Other	\$ 50,000	\$ 50,000	6743
863 767-643	Liquor Enforcement Contraband, Forfeiture, and Other	\$ 308,393	\$ 317,018	6744

TOTAL SSR State Special Revenue				6745
Fund Group	\$	358,393	\$ 367,018	6746
TOTAL ALL BUDGET FUND GROUPS -				6747
Special Enforcement	\$	8,693,690	\$ 8,913,707	6748
Section 8.05. Emergency Management				6750
Federal Special Revenue Fund Group				6751
				6752
3N5 763-644 U.S. DOE Agreement	\$	250,843	\$ 255,545	6753
329 763-645 IFG Federal Match/NOAA	\$	750,000	\$ 750,000	6754
337 763-609 Federal Disaster Relief	\$	750,000	\$ 750,000	6755
338 763-646 Direction, Control and Warning	\$	175,000	\$ 175,000	6756
339 763-647 Emergency Management Assistance and Training	\$	3,743,176	\$ 3,754,639	6757
347 763-650 Emergency Operating Centers	\$	750,000	\$ 750,000	6758
TOTAL FED Federal Special Revenue Fund Group	\$	6,419,019	\$ 6,435,184	6759
				6760
General Services Fund Group				6761
4V3 763-662 Storms/NOAA Maintenance	\$	57,000	\$ 57,000	6762
4W6 763-663 MARCS Operations	\$	222,000	\$ 1,090,000	6763
533 763-601 State Disaster Relief	\$	336,452	\$ 345,673	6764
TOTAL GSF General Services Fund Group	\$	615,452	\$ 1,492,673	6765
				6766
State Special Revenue Fund Group				6767
				6768
4Y0 763-654 EMA Utility Payment	\$	140,000	\$ 140,000	6769
4Y1 763-655 Salvage & Exchange-EMA	\$	25,700	\$ 26,420	6770

538	763-651	Radiological Emergency Response	\$	518,496	\$	532,074	6771
657	763-652	Utility Radiological Safety	\$	541,156	\$	555,236	6772
681	763-653	SARA Title III HAZMAT Planning	\$	227,446	\$	227,446	6773
TOTAL SSR State Special Revenue							6774
Fund Group			\$	1,452,798	\$	1,481,176	6775
TOTAL ALL BUDGET FUND GROUPS -							6776
Emergency Management			\$	8,487,269	\$	9,409,033	6777

Federal Grant 6778

As determined by the Director of Budget and Management, any 6779
portion of the Emergency Management State and Local Assistance 6780
federal grant which would otherwise reimburse the General Revenue 6781
Fund for expenses incurred by the Emergency Management Agency in 6782
fiscal year 1997, may be deposited in Emergency Management's 6783
Personnel Administration Subdivisions Fund (Fund 339) so that the 6784
fund may avoid cash flow problems in the 1997-1999 biennium. 6785

MARCS Fund Transfer 6786

In the event that the Emergency Management Agency is not 6787
designated by the Director of the Department of Administrative 6788
Services as the agency to operate the Multi Agency Radio 6789
Communications System (MARCS), the Director of Budget and 6790
Management with the concurrence of the Director of Public Safety 6791
and the approval of the Controlling Board, shall transfer the 6792
MARCS System Operations Fund (Fund 4W6) and line item 763-663, 6793
MARCS Operations, from the Emergency Management Agency to the 6794
state agency that is designated by the Director of Administrative 6795
Services as the caretaker of the operation of the Multi Agency 6796
Radio Communication System. 6797

SARA Title III HAZMAT Planning 6798

The SARA Title III HAZMAT Planning Fund (Fund 681) shall 6799
 receive grant funds from the Emergency Response Commission to 6800
 implement the Emergency Management Agency's responsibilities under 6801
 Sub. S.B. 367 of the 117th General Assembly. 6802

Federal Reimbursement Agreements 6803

Notwithstanding any other provision of law to the contrary, 6804
 in the event that changes in federal reimbursement agreements 6805
 require additional resources to be expended by the state prior to 6806
 the receipt of federal reimbursement, the Director of Budget and 6807
 Management may, upon request of the Director of Public Safety, 6808
 transfer appropriation authority between General Revenue Fund line 6809
 items and may use general services and state special revenue funds 6810
 for this purpose in fiscal year 1998. 6811

Section 8.06. Administration 6812

State Highway Safety Fund Group				6813
036 766-321 Operating Expense -	\$	3,320,029	\$ 3,317,217	6814
Administration				
830 761-603 Salvage and Exchange -	\$	19,563	\$ 20,111	6815
Administration				
TOTAL HSF State Highway Safety				6816
Fund Group	\$	3,339,592	\$ 3,337,328	6817
General Services Fund Group				6818
4S3 766-661 Hilltop Utility	\$	1,000,000	\$ 1,500,000	6819
Reimbursement				
5C7 762-664 Data Services	\$	4,933,326	\$ 4,787,971	6820
5C8 764-665 Hilltop Security	\$	868,051	\$ 902,304	6821
TOTAL GSF General Services				6822
Fund Group	\$	6,801,377	\$ 7,190,275	6823
TOTAL ALL BUDGET FUND GROUPS -				6824
Administration	\$	10,140,969	\$ 10,527,603	6825

Section 8.07. Debt Service				6827
State Highway Safety Fund Group				6828
036 761-401 Lease Rental Payments	\$	9,115,000	\$ 13,339,000	6829
TOTAL HSF State Highway Safety				6830
Fund Group	\$	9,115,000	\$ 13,339,000	6831
TOTAL ALL BUDGET FUND GROUPS -				6832
Debt Service	\$	9,115,000	\$ 13,339,000	6833
				6834

OBA Bond Authority/Lease Rental Payments 6835

The foregoing appropriation item 761-401, Lease Rental 6836
 Payments, shall be used for payments to the Ohio Building 6837
 Authority for the period July 1, 1997, to June 30, 1999, pursuant 6838
 to the primary leases and agreements for those buildings made 6839
 under Chapter 152. of the Revised Code which are pledged for bond 6840
 service charges on related obligations issued pursuant to Chapter 6841
 152. of the Revised Code. Notwithstanding section 152.24 of the 6842
 Revised Code, the Ohio Building Authority may, with approval of 6843
 the Office of Budget and Management, lease capital facilities to 6844
 the Department of Public Safety. 6845

Hilltop Transfer 6846

The Director of Public Safety shall determine, per an 6847
 agreement with the Director of Transportation, the share of each 6848
 debt service payment made out of line item 761-401, Lease Rental 6849
 Payments, which relates to the Department of Transportation's 6850
 portion of the Hilltop Building Project, and shall certify to the 6851
 Director of Budget and Management the amounts of this share. The 6852
 Director of Budget and Management shall transfer such shares from 6853
 the Highway Operating Fund (Fund 002) to the Highway Safety Fund 6854
 (Fund 036). 6855

Section 8.08. Revenue Distribution 6856

Holding Account Redistribution Fund Group				6857	
R24 762-619 Unidentified Motor	\$	1,600,000	\$	1,600,000	6858
Vehicle Receipts					
R27 764-608 Patrol Fee Refunds	\$	35,000	\$	35,000	6859
TOTAL 090 Holding Account					6860
Redistribution Fund Group	\$	1,635,000	\$	1,635,000	6861
TOTAL ALL BUDGET FUND GROUPS -					6862
Revenue Distribution	\$	1,635,000	\$	1,635,000	6863
TOTAL Department of Public Safety					6864
TOTAL HSF State Highway Safety					6865
Fund Group	\$	308,664,846	\$	322,875,423	6866
TOTAL SSR State Special Revenue					6867
Fund Group	\$	2,493,589	\$	2,549,661	6868
TOTAL LCF Liquor Control					6869
Fund Group	\$	7,582,426	\$	7,775,467	6870
TOTAL GSF General Services					6871
Fund Group	\$	7,610,406	\$	9,066,317	6872
TOTAL FED Federal Revenue Special					6873
Fund Group	\$	6,419,019	\$	6,435,184	6874
TOTAL 090 Holding Account					6875
Redistribution					
Fund Group	\$	1,635,000	\$	1,635,000	6876
TOTAL ALL BUDGET FUND GROUPS	\$	334,405,286	\$	350,337,052	6877

Section 8.09.

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Transfer of Funds

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the Director, shall set a monthly transfer schedule to meet any estimated deficiency in the State Highway Safety Fund (Fund 036) established in section 4501.06 of the Revised Code.

The Director shall transfer to the Highway Safety Fund from

the Highway Operating Fund (Fund 002) established in section 6886
5735.291 of the Revised Code such amounts at such times as 6887
determined by the transfer schedule. 6888

Relocation to New Building 6889

Notwithstanding sections 127.14 and 131.35 of the Revised 6890
Code, the Department of Public Safety may request Controlling 6891
Board approval to increase the appropriation for line items 6892
761-321, Operating Expense - Information and Education; 761-612, 6893
Traffic Safety - Federal; 761-625, Motorcycle Safety Education; 6894
762-616, Financial Responsibility; 762-627, Automated Title 6895
Processing Board; 762-632, Central Registration; 762-321, 6896
Operating Expense - BMV; 762-410, License Supplement; 764-321, 6897
Operating Expense - Highway Patrol; 765-624, Emergency Medical 6898
Services; and, 766-321, Operating Expense - Administration, during 6899
the biennium by the amount of anticipated expenses to be incurred 6900
due to the relocation to a new physical facility which were not 6901
included in the department's original budget submission. 6902

Data Services Fund 6903

Within five days of the effective date of this act, the 6904
Director of Budget and Management shall transfer not more than 6905
\$669,877 from the Highway Safety Fund (Fund 036) and \$519,086 from 6906
the Bureau of Motor Vehicles Fund (Fund 4W4) to the Data Services 6907
Fund (Fund 5C7) to be used as seed money. 6908

Cash Balance Fund Review 6909

Not later than April 1 in each fiscal year of the biennium, 6910
the Director of Budget and Management shall review the cash 6911
balances for each fund, except the State Highway Safety Fund (Fund 6912
036), in the State Highway Safety Fund Group and with the advice 6913
of the Legislative Budget Officer shall recommend to the 6914
Controlling Board an amount to be transferred to the credit of the 6915
State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, 6916

as appropriate.

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Section 8.10.

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Ohio Criminal Justice Network

At any time on or after the later of July 1, 1997, or the first day of the first pay period commencing after the effective date of this section, the Ohio Criminal Justice Network is transferred from the Department of Administrative Services to the Department of Public Safety. The Department of Public Safety thereupon and thereafter assumes these functions.

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Any business commenced but not completed by the Department of Administrative Services that relates to the operation of the Ohio Criminal Justice Network on the effective date of this section shall be completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the Department of Public Safety.

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Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, all of the employees of the Ohio Criminal Justice Network, as defined in the Memorandum of Understanding, are transferred to the Department of Public Safety.

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Wherever any contract or other documents related to the Ohio Criminal Justice Network refers to the Department of Administrative Services, the references shall be deemed to refer to the Department of Public Safety.

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No action or proceeding pending on the effective date of this section and relating to the Ohio Criminal Justice Network is affected by the transfer, and such action or proceeding shall be prosecuted or defended in the name of the Department of Public Safety. In all such actions and proceedings the Department of

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Public Safety shall be substituted for the Department of
Administrative Services upon application by another party to the
court or other appropriate tribunal.

The Department of Administrative Services and the Department
of Public Safety shall enter into a Memorandum of Understanding to
implement the transfer of the Ohio Criminal Justice Network from
the Department of Administrative Services to the Department of
Public Safety. This agreement shall provide for the transfer of
property and records, the cancellation and issuance of
encumbrances, a final cash reconciliation, including payment of
certain prepaid equipment costs incurred by the Department of
Administrative Services relative to this system, and any other
provision necessary for the transfer and continued administration
of the Ohio Criminal Justice Network.

After final reconciliation of revenues and expenses and in
accordance with the Memorandum of Understanding, the Department of
Administrative Services and the Department of Public Safety shall
determine the amount of the fund cash balance to be transferred
from the Department of Administrative Services to the Department
of Public Safety or from the Department of Public Safety to the
Department of Administrative Services.

Transfers of Balances to Ohio Criminal Justice Network

Notwithstanding any provision of law to the contrary, the
Director of Budget and Management is authorized to take the
actions as described in this section. This section applies to
budget changes made necessary by administrative reorganization,
program transfers, the creation of new funds, and the
consolidation of funds as authorized by this act. The Director of
Budget and Management may make any transfers of cash balances
between funds. At the request of the Office of Budget and
Management, the administering agency head shall certify to the

Director the amount of the cash balance to be transferred to the 6977
receiving fund. The Director may transfer the estimated amount 6978
when needed to make payments. No more than thirty days after 6979
certifying the estimated amount the administering agency head 6980
shall certify the final amount to the Director. The Director shall 6981
transfer the difference between any estimated amount previously 6982
transferred and such certified final amount. 6983

The Director of Budget and Management may cancel encumbrances 6984
and reestablish such encumbrances or parts of encumbrances as 6985
needed in fiscal year 1998 in the appropriate fund and 6986
appropriation line item for the same purpose and to the same 6987
vendor. As determined by the Director, the appropriation authority 6988
necessary to reestablish such encumbrances in fiscal year 1998 in 6989
a different fund or appropriation line item within an agency or 6990
between agencies is hereby authorized and appropriated. The 6991
Director shall reduce each year's appropriation balances by the 6992
amount of the encumbrances canceled in their respective funds and 6993
appropriation line items. 6994

Any fiscal year 1998 unencumbered or unallotted appropriation 6995
balances may be transferred to the appropriate line item to be 6996
used for the same purposes, as determined by the Director of 6997
Budget and Management. 6998

Section 9. DEV DEPARTMENT OF DEVELOPMENT 6999

State Special Revenue Fund Group				7000	
4W0 195-629 Roadwork Development	\$	14,270,000	\$	13,000,000	7001
TOTAL SSR State Special Revenue				7002	
Fund Group	\$	14,270,000	\$	13,000,000	7003
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,000	\$	13,000,000	7004

Roadwork Development Fund 7005

The Roadwork Development Fund shall be used for road 7006

improvements associated with economic development opportunities 7007
that will retain or attract businesses for Ohio. "Road 7008
improvements" are improvements to public roadway facilities 7009
located on, or serving or capable of serving, a project site. 7010

The Department of Transportation, under the direction of the 7011
Department of Development, shall provide these funds in accordance 7012
with all guidelines and requirements established for Department of 7013
Development item 195-412, Business Development, including 7014
Controlling Board review and approval as well as the requirements 7015
for usage of gas tax revenue prescribed in Section 5a of Article 7016
XII, Ohio Constitution. Should the Department of Development 7017
require the assistance of the Department of Transportation to 7018
bring a project to completion, the Department of Transportation 7019
shall use the authority under Title LV of the Revised Code to 7020
provide such assistance and enter into contracts on behalf of the 7021
Department of Development. In addition, these funds may be used in 7022
conjunction with item 195-412, Business Development, or any other 7023
state funds appropriated for infrastructure improvements. 7024

The Director of Budget and Management, pursuant to a plan 7025
submitted by the Department of Development or as otherwise 7026
determined by the Director, shall set a transfer schedule to meet 7027
any estimated deficiency in the Department of Development's 7028
Roadwork Development Fund (Fund 4W0). The Director shall transfer 7029
to the Roadwork Development Fund from the Highway Operating Fund 7030
(Fund 002), established in section 5735.291 of the Revised Code, 7031
such amounts at such times as determined by the transfer schedule. 7032

Transportation Improvement District 7033

Of the foregoing appropriation item 195-629, Roadwork 7034
Development, \$250,000 each fiscal year of the biennium shall be 7035
paid by the Director of Development to the Butler County 7036
Transportation Improvement District to support its administrative 7037

activities pursuant to section 5540.16 of the Revised Code. These 7038
 payments shall not be subject to the restrictions of appropriation 7039
 item 195-629, Roadwork Development. 7040

Section 10. DOH DEPARTMENT OF HEALTH 7041

State Special Revenue Fund Group 7042

4W7 440-615 Alcohol Testing and	\$	708,409	\$	726,664	7043
Permit					

TOTAL SSR State Special Revenue 7044

Fund Group	\$	708,409	\$	726,664	7045
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TOTAL ALL BUDGET FUND GROUPS	\$	708,409	\$	726,664	7046
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Cash Draws from Liquor Control Fund to Health 7047

The Director of Budget and Management, pursuant to a plan 7048
 submitted by the Department of Health or as otherwise determined 7049
 by the Director, shall set a transfer schedule to meet any 7050
 estimated deficiency in the Alcohol Testing Program Fund (Fund 7051
 4W7) established in section 3701.83 of the Revised Code. 7052

The Director shall transfer to the Alcohol Testing Program 7053
 Fund from the Liquor Control Fund (Fund 043) established in 7054
 section 4301.12 of the Revised Code such amounts at such times as 7055
 determined by the transfer schedule. 7056

Section 11. PWC PUBLIC WORKS COMMISSION 7057

Local Transportation Improvements Fund Group 7058

052 150-402 LTIP - Operating	\$	362,295	\$	387,817	7059
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052 150-701 Local Transportation	\$	60,000,000	\$	60,000,000	7060
Improvement Program					

TOTAL 052 Local Transportation 7061

Improvements Fund Group	\$	60,362,295	\$	60,387,817	7062
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Local Infrastructure Improvements Fund Group 7063

038 150-321 Operating Expenses	\$	846,687	\$	912,360	7064
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TOTAL LIF Local Infrastructure				7065	
Improvements					
Fund Group	\$	846,687	\$	912,360	7066
TOTAL ALL BUDGET FUND GROUPS	\$	61,208,982	\$	61,300,177	7067

District Administration Costs 7068

The Director of the Public Works Commission is authorized to 7069
create a District Administration Costs program from interest 7070
earnings of the Capital Improvements Fund and Local Transportation 7071
Improvement Program Fund proceeds. This program shall be used to 7072
provide for administration costs of the nineteen public works 7073
districts for the direct costs of district administration. 7074
Districts choosing to participate in this program shall only 7075
expend Capital Improvements Fund moneys for Capital Improvements 7076
Fund costs and Local Transportation Improvement Program Fund 7077
moneys for Local Transportation Improvement Program Fund costs. 7078
The account shall not exceed \$760,000 per fiscal year. Each public 7079
works district may be eligible for up to \$40,000 per fiscal year 7080
from its district allocation as provided in sections 164.08 and 7081
164.14 of the Revised Code. 7082

The Director, by rule, shall define allowable and 7083
nonallowable costs for the purpose of the District Administration 7084
Costs program. Nonallowable costs shall include indirect costs, 7085
elected official salaries and benefits, and project-specific 7086
costs. No district public works committee may participate in the 7087
District Administration Costs program without the approval of 7088
those costs by the district public works committee pursuant to 7089
section 164.04 of the Revised Code. 7090

Reappropriations and Transfers 7091

All appropriations to the Local Transportation Improvement 7092
Program Fund (Fund 052) made in Am. Sub. H.B. 107 of the 121st 7093
General Assembly remaining unencumbered as of June 30, 1997, are 7094

reappropriated for use during the period July 1, 1997 through June 30, 1999, for the same purpose. 7095
7096

Notwithstanding division (B) of section 127.14 of the Revised Code, all appropriations and reappropriations to the Local Transportation Improvement Program Fund (Fund 052) made in this act remaining unencumbered at June 30, 1998, may be transferred to fiscal year 1999 for the same purpose, subject to the availability of revenue as determined by the Director of the Public Works Commission. 7097
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The Public Works Commission shall report all reappropriations and transfers described in this section to the Controlling Board by August 1 of each year. 7104
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Section 12. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each item of appropriation made in this act, and shall determine the form and manner in which such appropriation accounts shall be maintained. Expenditures from appropriations contained in this act may be accounted as though made in the main operating appropriations act of the 122nd General Assembly. 7107
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Section 13. That Section 104 of Am. Sub. H.B. 117 of the 121st General Assembly be amended to be read as follows: 7115
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"Sec. 104. CSF COMMISSIONERS OF THE SINKING FUND 7117

General Revenue Fund 7118

GRF 155-900 Debt Service	\$	28,401,000	\$	30,616,000	7119
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TOTAL GRF General Revenue Fund	\$	28,401,000	\$	30,616,000	7120
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Debt Service Fund Group 7121

059 155-900 Development Bond	\$	4,253,400	\$	0	7122
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Retirement Fund

071	155-900	Highway Obligations	\$	115,000,000	\$	115,000,000	7123
		Bond Retirement Fund					
072	155-900	<u>Highway Capital</u>	\$	0	\$	<u>6,498,000</u>	7124
		<u>Improvements Bond</u>					
		<u>Service</u>					
076	155-900	Coal Research and	\$	12,641,825	\$	11,304,075	7125
		Development Bond					
		Retirement Fund					
073	155-900	Natural Resources Bond	\$	7,753,000	\$	8,506,000	7126
		Retirement					
TOTAL DSF Debt Service Fund Group			\$	139,648,225		134,810,075	7127
					\$	<u>141,308,075</u>	7128
TOTAL ALL BUDGET FUND GROUPS			\$	168,049,225		165,426,075	7129
					\$	<u>171,929,075</u>	7130

Additional Appropriations 7131

Appropriation items in this section are for the purpose of 7132
 paying the principal and interest on bonds or other instruments of 7133
 indebtedness of this state issued pursuant to the Ohio 7134
 Constitution and acts of the General Assembly. If it is determined 7135
 that additional appropriations are necessary, such amounts are 7136
 hereby appropriated. 7137

Highway Capital Improvements Bond Service 7138

Appropriation item 155-900, Highway Capital Improvements Bond 7139
Service, is to pay debt service on highway improvements and is 7140
therefore a current expense of state government. 7141

Transfer to Highway Capital Improvements Bond Service Fund 7142

Upon the effective date of this section, the Commissioners of 7143
the Sinking Fund shall certify to the Director of Budget and 7144
Management and the Director of Transportation the amount of money 7145
required during fiscal year 1997 to make in full all required 7146
payments of bond service charges and financing costs for all bonds 7147

issued pursuant to section 5528.54 Of the Revised Code. Upon 7148
receipt of this certification, the Director of Budget and 7149
Management, in consultation with the Director of Transportation, 7150
shall transfer cash in an amount equal to that certified from the 7151
Highway Operating Fund (Fund 002) created in section 5735.291 Of 7152
the Revised Code to the Highway Capital Improvements Bond Service 7153
Fund (Fund 072) created in section 5528.55 Of the Revised Code." 7154

Section 14. That existing Section 104 of Am. Sub. H.B. 117 of 7155
the 121st General Assembly is hereby repealed. 7156

Section 15. That Section 201 of Am. Sub. H.B. 117 of the 7157
121st General Assembly be amended to read as follows: 7158

"Sec. 201. Notwithstanding division (B) of section 4981.09 of 7159
the Revised Code, upon receipt of the certifications required by 7160
that division in January and June of 1995, 1996, and 1997, the 7161
Director of Budget and Management shall transfer fifty per cent, 7162
rather than seventy-five per cent, of the identified amounts from 7163
the General Revenue Fund to the Rail Development Fund. In 7164
addition, the Director of Budget and Management shall, upon 7165
receipt of the ~~January~~ March 1998 certification, transfer to the 7166
Rail Development Fund seventy-five per cent of the identified 7167
amounts paid into the General Revenue Fund during the immediately 7168
preceding July through December, plus fifty per cent of the 7169
identified amounts paid into the General Revenue Fund for the 7170
immediately preceding June." 7171

Section 16. That existing Section 201 of Am. Sub. H.B. 117 of 7172
the 121st General Assembly is hereby repealed. 7173

Section 17. Except as otherwise specifically provided in this 7174
act, a section of the Revised Code amended or enacted within the 7175
purview of Sections 1 and 2 of this act is not subject to the 7176

referendum. Therefore, under Ohio Constitution, Article II, 7177
Section 1d and section 1.471 of the Revised Code, the sections of 7178
the Revised Code amended or enacted within the purview of Sections 7179
1 and 2 of this act, except as otherwise specifically provided in 7180
this act, go into immediate effect when this act becomes law. 7181

Except as otherwise specifically provided in this act, the 7182
repeal of sections of the Revised Code by Section 2 of this act is 7183
not subject to the referendum. Therefore, under Ohio Constitution, 7184
Article II, Section 1d and section 1.471 of the Revised Code, the 7185
repeal, except as otherwise specifically provided in this act, 7186
goes into immediate effect when this act becomes law. 7187

Section 18. Sections 121.05, 121.08, 308.13, 2925.44, 7189
2933.43, 3701.022, 3701.07, 4301.12, 4501.03, 4501.14, 4501.15, 7190
4501.19, 4503.102, 4503.191, 4505.11, 4505.111, 4511.101, 7191
4511.102, 4511.191, 4981.34, 5112.17, 5501.01, 5501.311, 5501.32, 7192
5501.34, 5501.37, 5502.01, 5502.12, 5513.01, 5513.04, 5513.06, 7193
5515.01, 5516.01, 5516.02, 5516.03, 5516.04, 5516.06, 5516.061, 7194
5516.07, 5516.08, 5516.10, 5516.11, 5516.12, 5516.13, 5516.99, 7195
5525.03, 5525.07, 5529.03, 5513.04, 5735.05, 5735.12, 5735.145, 7196
5735.19, 5735.23, and 6101.16 of the Revised Code, as amended 7197
within the purview of Sections 1 and 2 of this act, are subject to 7198
the referendum. Therefore, under Ohio Constitution, Article II, 7199
Section 1c and section 1.471 of the Revised Code, such sections of 7200
the Revised Code as amended within the purview of Sections 1 and 2 7201
of this act take effect on the ninety-first day after this act is 7202
filed with the Secretary of State. If, however, a referendum 7203
petition is filed against any such section of the Revised Code as 7204
amended within the purview of Sections 1 and 2 of this act, the 7205
section as amended, unless rejected at the referendum, takes 7206
effect at the earliest time permitted by law. 7207

Section 19. New section 5516.09 and sections 5512.01, 7208
5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 5512.07, 5512.08, 7209
5512.09, 5512.10, 5512.11, and 5516.14 of the Revised Code, as 7210
enacted by Section 1 of this act, are subject to the referendum. 7211
Therefore, under Ohio Constitution, Article II, Section 1c and 7212
section 1.471 of the Revised Code, such sections as enacted by 7213
Section 1 of this act take effect on the ninety-first day after 7214
this act is filed with the Secretary of State. If, however, a 7215
referendum petition is filed against any such section as enacted 7216
by Section 1 of this act, that section as enacted, unless rejected 7217
at the referendum, takes effect at the earliest time permitted by 7218
law. 7219

Section 20. The repeals of sections 3701.61, 3701.611, 7220
3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 7221
3701.69, 5516.05, 5516.09, and 5735.146 of the Revised Code by 7222
Section 2 of this act are subject to the referendum. Therefore, 7223
under Ohio Constitution, Article II, Section 1c and section 1.471 7224
of the Revised Code, such repeals take effect on the ninety-first 7225
day after this act is filed with the Secretary of State. If, 7226
however, a referendum petition is filed against any such repeal, 7227
that repeal, unless rejected at the referendum, takes effect at 7228
the earliest time permitted by law. 7229

Section 21. The items in the uncodified sections of law 7230
contained in this act that appropriate money for the current 7231
expenses of state government, earmark this class of 7232
appropriations, or depend for their implementation upon an 7233
appropriation for the current expenses of state government are not 7234
subject to the referendum. Therefore, under Ohio Constitution, 7235
Article II, Section 1d and section 1.471 of the Revised Code, 7236
these items go into immediate effect when this act becomes law. 7237

The items in the uncodified sections of law contained in this act that appropriate money other than for the current expenses of state government, earmark this class of appropriations, or do not depend for their implementation upon an appropriation for the current expenses of state government are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, these items take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against such an item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

Section 22. The reinstatement fee prescribed by section 4507.45 of the Revised Code and the fee increases prescribed by this act's amendments to section 4511.951 and division (L) of section 4511.191 of the Revised Code first apply on October 1, 1997.

Section 23. Notwithstanding the repeal by this act of sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, and 3701.69 of the Revised Code, the Director of Health and the Attorney General may take any actions formerly authorized by those sections to collect any claim paid illegally or erroneously before such repeal.

Section 24. Section 121.05 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 572 and Am. Sub. S.B. 293 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters.

Section 2933.43 of the Revised Code is presented in this act as a 7268
composite of the section as amended by both Sub. H.B. 670 and Sub. 7269
S.B. 277 of the 121st General Assembly, with the new language of 7270
neither of the act shown in capital letters. Section 3701.83 of 7271
the Revised Code is presented in this act as a composite of the 7272
section as amended by both Sub. S.B. 19 and Am. Sub. S.B. 162 of 7273
the 121st General Assembly, with the new language of neither of 7274
the acts shown in capital letters. Section 4511.191 of the Revised 7275
Code is presented in this act as a composite of the section as 7276
amended by both Am. Sub. H.B. 353 and Am. Sub. S.B. 166 of the 7277
121st General Assembly, with the new language of neither of the 7278
acts shown in capital letters. This is in recognition of the 7279
principle stated in division (B) of section 1.52 of the Revised 7280
Code that such amendments are to be harmonized where not 7281
substantively irreconcilable and constitutes a legislative finding 7282
that such is the resulting version in effect prior to the 7283
effective date of this act. 7284