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122nd General Assembly

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Am. 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, Garcia, Kasputis,
Lewis, Schuler, Brading, Colonna

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, 5516.05, 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
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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

sections 4501.16, 4501.28, 4507.45, 5512.01, 5512.02, 5512.03, 51
5512.04, 5512.05, 5512.06, 5512.07, 5512.08, 5512.09, 5512.10, 52
5512.11, and 5516.14 of the Revised Code be enacted to read as 53
follows: 54

Sec. 121.05. Except as otherwise provided in this section, in 55
each department there shall be an assistant director designated by 56
the director of that department. In the department of health there 57
shall be two assistant directors, each of whom shall be designated 58
by the director of health. In the department of transportation 59
there shall be an assistant director for business management, an 60
assistant director for field operations, and an assistant director 61
for transportation policy, each of whom shall be designated by the 62
director of transportation. In the department of insurance the 63
deputy superintendent of insurance shall be the assistant 64
director. In the department of administrative services, there 65
shall be two assistant directors, each of whom shall be designated 66
by the director of administrative services. In the department of 67
commerce, there shall be two assistant directors, each of whom 68
shall be designated by the director of commerce. In each 69
department, the assistant director shall act as director in the 70
absence or disability of the director and also shall act as 71
director when the position of director is vacant, except that in 72
the department of transportation, the department of health, the 73
department of commerce, and the department of administrative 74
services the director shall designate which assistant director 75
shall act as director in the director's absence. 76

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
81

present, shall be counted in determining whether a quorum is 82
present at any meeting. The ~~Such~~a designee may vote and 83
participate in all proceedings and actions of the board, 84
committee, authority, or commission, provided that the designee 85
shall not execute or cause a facsimile of the designee's signature 86
to be placed on any obligation, or execute any trust agreement or 87
indenture. Such designation shall be in writing, executed by the 88
designating director, filed with the secretary of the board, 89
committee, authority, or commission, and shall be in effect until 90
withdrawn or superseded by a new designation. 91

Sec. 121.08. (A) There is hereby created in the department of 92
commerce the position of deputy director of administration. This 93
officer shall be appointed by the director of commerce, serve 94
under the director's direction, supervision, and control, perform 95
such duties as the director prescribes, and hold office during the 96
director's pleasure. The director of commerce may designate an 97
assistant director of commerce ~~may~~ to serve as the deputy director 98
of administration. The deputy director of administration shall 99
perform such duties as are prescribed by the director of commerce 100
in supervising the activities of the division of administration of 101
the department of commerce. 102

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

or duties imposed upon any of such officers, such powers and 113
duties shall be construed as vested in the department of commerce. 114

(C)(1) There is hereby created in the department of commerce 115
a division of financial institutions, which shall have all powers 116
and perform all duties vested by law in the superintendent of 117
financial institutions. Wherever powers are conferred or duties 118
imposed upon the superintendent of financial institutions, such 119
powers and duties shall be construed as vested in the division of 120
financial institutions. The division of financial institutions 121
shall be administered by a superintendent of financial 122
institutions. 123

(2) All provisions of law governing the superintendent of 124
financial institutions shall apply to and govern the 125
superintendent of financial institutions provided for in this 126
section; all authority vested by law in the superintendent of 127
financial institutions with respect to the management of the 128
division of financial institutions shall be construed as vested in 129
the superintendent of financial institutions created by this 130
section with respect to the division of financial institutions 131
provided for in this section; and all rights, privileges, and 132
emoluments conferred by law upon the superintendent of financial 133
institutions shall be construed as conferred upon the 134
superintendent of financial institutions as head of the division 135
of financial institutions. The director of commerce shall not 136
transfer from the division of financial institutions any of the 137
functions specified in division (C)(2) of this section. 138

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

division of liquor control. The division of liquor control shall 145
be administered by a superintendent of liquor control. 146

(E) The director of commerce shall not be interested, 147
directly or indirectly, in any firm or corporation which is a 148
dealer in securities as defined in sections 1707.01 and 1707.14 of 149
the Revised Code, or in any firm or corporation licensed under 150
sections 1321.01 to 1321.19 of the Revised Code. 151

(F) The director of commerce shall not have any official 152
connection with a savings and loan association, a savings bank, a 153
bank, a bank holding company, a savings and loan association 154
holding company, a consumer finance company, or a credit union 155
that is under the supervision of the division of financial 156
institutions, or a subsidiary of any of the preceding entities, or 157
be interested in the business thereof. 158

(G) There is hereby created in the state treasury the 159
division of administration fund. The fund shall receive 160
assessments on the operating funds of the department of commerce 161
in accordance with procedures prescribed by the director of 162
commerce and approved by the director of budget and management. 163
All operating expenses of the division of administration shall be 164
paid from the division of administration fund. 165

Sec. 308.13. (A) The board of trustees of a regional airport 166
authority or any officer or employee designated by such board may 167
make any contract for the purchase of supplies or material or for 168
labor for any work, under the supervision of the board, the cost 169
of which shall not exceed ~~five~~ fifteen thousand dollars. Except 170
where the contract is for equipment, materials, or supplies 171
available from a qualified nonprofit agency pursuant to sections 172
4115.31 to 4115.35 of the Revised Code, when an expenditure, other 173
than for the acquisition of real estate, the discharge of 174
noncontractual claims, personal services, or for the product or 175

services of public utilities, exceeds ~~five~~ fifteen thousand 176
dollars, such expenditure shall be made only after a notice 177
calling for bids has been published once a week for three 178
consecutive weeks in at least one newspaper of general circulation 179
within the territorial boundaries of the regional airport 180
authority. If the bid is for a contract for the construction, 181
demolition, alteration, repair, or reconstruction of an 182
improvement, it shall meet the requirements of section 153.54 of 183
the Revised Code. If the bid is for any other contract authorized 184
by this section, it shall be accompanied by a good and approved 185
bond with ample security conditioned on the carrying out of the 186
contract. The board may let the contract to the lowest and best 187
bidder. Such contract shall be in writing and shall be accompanied 188
by or shall refer to plans and specifications for the work to be 189
done, approved by the board. The plans and specifications shall at 190
all times be made and considered part of the contract. Said 191
contract shall be approved by the board and signed by its chief 192
executive officer and by the contractor, and shall be executed in 193
duplicate. 194

(B) Whenever a board of trustees of a regional airport 195
authority or any officer or employee designated by the board makes 196
a contract for the purchase of supplies or material or for labor 197
for any work, the cost of which is greater than one thousand 198
dollars but no more than ~~five~~ fifteen thousand dollars, the board 199
or designated officer or employee shall solicit informal estimates 200
from no fewer than three potential suppliers before awarding the 201
contract. With regard to each such contract, the board shall 202
maintain a record of such estimates, including the name of each 203
person from whom an estimate is solicited, for no less than one 204
year after the contract is awarded. 205

Sec. 2925.44. (A) If property is seized pursuant to section 206

2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 207
custody of the head of the law enforcement agency that seized it, 208
and the head of that agency may do any of the following with 209
respect to that property prior to its disposition in accordance 210
with division (A)(4) or (B) of this section: 211

(1) Place the property under seal; 212

(2) Remove the property to a place that the head of that 213
agency designates; 214

(3) Request the issuance of a court order that requires any 215
other appropriate municipal corporation, county, township, park 216
district created pursuant to section 511.18 or 1545.01 of the 217
Revised Code, or state law enforcement officer or other officer to 218
take custody of the property and, if practicable, remove it to an 219
appropriate location for eventual disposition in accordance with 220
division (B) of this section; 221

(4)(a) Seek forfeiture of the property pursuant to federal 222
law. If the head of that agency seeks its forfeiture pursuant to 223
federal law, the law enforcement agency shall deposit, use, and 224
account for proceeds from a sale of the property upon its 225
forfeiture, proceeds from another disposition of the property upon 226
its forfeiture, or forfeited moneys it receives, in accordance 227
with the applicable federal law and otherwise shall comply with 228
that law. 229

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

highway patrol shall use and account for that interest or other 238
earnings in accordance with the applicable federal law. 239

(c) If the liquor enforcement unit of the department of 240
public safety seized the property and if the director of public 241
safety seeks its forfeiture pursuant to federal law, the 242
appropriate governmental officials shall deposit into the liquor 243
enforcement contraband, forfeiture, and other fund all interest or 244
other earnings derived from the investment of the proceeds from a 245
sale of the property upon its forfeiture, the proceeds from 246
another disposition of the property upon its forfeiture, or the 247
forfeited moneys. The department shall use and account for that 248
interest or other earnings in accordance with the applicable 249
federal law. 250

(d) If the food stamp fraud unit of the department of public 251
safety seized the property and if the director of public safety 252
seeks its forfeiture pursuant to federal law, the appropriate 253
governmental officials shall deposit into the food stamp 254
contraband, forfeiture, and other fund all interest or other 255
earnings derived from the investment of the proceeds from a sale 256
of the property upon its forfeiture, the proceeds from another 257
disposition of the property upon its forfeiture, or the forfeited 258
moneys. The department shall use and account for that interest or 259
other earnings in accordance with the applicable federal law. 260

(e) Division (B) of this section and divisions (D)(1) to (3) 261
of section 2933.43 of the Revised Code do not apply to proceeds or 262
forfeited moneys received pursuant to federal law or to the 263
interest or other earnings that are derived from the investment of 264
proceeds or forfeited moneys received pursuant to federal law and 265
that are described in division (A)(4)(b) of this section. 266

(B) In addition to complying with any requirements imposed by 267
a court pursuant to section 2925.42 or 2925.43 of the Revised 268

Code, and the requirements imposed by those sections, in relation 269
to the disposition of property forfeited to the state under either 270
of those sections, the prosecuting attorney who is responsible for 271
its disposition shall dispose of the property as follows: 272

(1) Any vehicle, as defined in section 4501.01 of the Revised 273
Code, that was used in a felony drug abuse offense or in an act 274
that, if committed by an adult, would be a felony drug abuse 275
offense shall be given to the law enforcement agency of the 276
municipal corporation or county in which the offense occurred if 277
that agency desires to have the vehicle, except that, if the 278
offense occurred in a township or in a park district created 279
pursuant to section 511.18 or 1545.01 of the Revised Code and a 280
law enforcement officer employed by the township or the park 281
district was involved in the seizure of the vehicle, the vehicle 282
may be given to the law enforcement agency of that township or 283
park district if that agency desires to have the vehicle, and 284
except that, if the state highway patrol made the seizure of the 285
vehicle, the vehicle may be given to the state highway patrol if 286
it desires to have the vehicle. 287

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

park district if that agency desires to have and can use the drug 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.

(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.

(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.

(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.

(6) Obscene materials shall be destroyed.

(7) Beer, intoxicating liquor, and alcohol shall be disposed 332
of in accordance with division (D)(4) of section 2933.41 of the 333
Revised Code. 334

(8) In the case of property not described in divisions (B)(1) 335
to (7) of this section and of property described in those 336
divisions but not disposed of pursuant to them, the property shall 337
be sold in accordance with division (B)(8) of this section or, in 338
the case of forfeited moneys, disposed of in accordance with 339
division (B)(8) of this section. If the property is to be sold, 340
the prosecuting attorney shall cause a notice of the proposed sale 341
of the property to be given in accordance with law, and the 342
property shall be sold, without appraisal, at a public auction to 343
the highest bidder for cash. The proceeds of a sale and forfeited 344
moneys shall be applied in the following order: 345

(a) First, to the payment of the costs incurred in connection 346
with the seizure of, storage of, maintenance of, and provision of 347
security for the property, the forfeiture proceeding or civil 348
action, and, if any, the sale; 349

(b) Second, the remaining proceeds or forfeited moneys after 350
compliance with division (B)(8)(a) of this section, to the payment 351
of the value of any legal right, title, or interest in the 352
property that is possessed by a person who, pursuant to division 353
(F) of section 2925.42 of the Revised Code or division (E) of 354
section 2925.43 of the Revised Code, established the validity of 355
and consequently preserved that legal right, title, or interest, 356
including, but not limited to, any mortgage, perfected or other 357
security interest, or other lien in the property. The value of 358
these rights, titles, or interests shall be paid according to 359
their record or other order of priority. 360

(c) Third, the remaining proceeds or forfeited moneys after 361
compliance with divisions (B)(8)(a) and (b) of this section, as 362

follows:

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(i) If the forfeiture was ordered in a juvenile court, ten 364
per cent to one or more alcohol and drug addiction treatment 365
programs that are certified by the department of alcohol and drug 366
addiction services under section 3793.06 of the Revised Code and 367
that are specified in the order of forfeiture. A juvenile court 368
shall not specify an alcohol or drug addiction treatment program 369
in the order of forfeiture unless the program is a certified 370
alcohol and drug addiction treatment program and, except as 371
provided in division (B)(8)(c)(i) of this section, unless the 372
program is located in the county in which the court that orders 373
the forfeiture is located or in a contiguous county. If no 374
certified alcohol and drug addiction treatment program is located 375
in any of those counties, the juvenile court may specify in the 376
order a certified alcohol and drug addiction treatment program 377
located anywhere within this state. 378

(ii) If the forfeiture was ordered in a juvenile court, 379
ninety per cent, and if the forfeiture was ordered in a court 380
other than a juvenile court, one hundred per cent to appropriate 381
funds in accordance with divisions (D)(1)(c) and (2) of section 382
2933.43 of the Revised Code. The remaining proceeds or forfeited 383
moneys so deposited shall be used only for the purposes authorized 384
by those divisions and division (D)(3)(a)(ii) of that section. 385

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 386
preclude a financial institution that possessed a valid mortgage, 387
security interest, or lien that is not satisfied prior to a sale 388
under division (B)(8) of this section or following a sale by 389
application of division (B)(8)(b) of this section, from commencing 390
a civil action in any appropriate court in this or another state 391
to obtain a deficiency judgment against the debtor if the 392
financial institution otherwise would have been entitled to do so 393
in this or another state. 394

(2) Any law enforcement agency that obtains any vehicle 395
pursuant to division (B)(1) of this section shall take the vehicle 396
subject to the outstanding amount of any security interest or lien 397
that attaches to the vehicle. 398

(3) Nothing in this section impairs a mortgage, security 399
interest, lien, or other interest of a financial institution in 400
property that was the subject of a forfeiture order under section 401
2925.42 or 2925.43 of the Revised Code and that was sold or 402
otherwise disposed of in a manner that does not conform to the 403
requirements of division (B) of this section, or any right of a 404
financial institution of that nature to commence a civil action in 405
any appropriate court in this or another state to obtain a 406
deficiency judgment against the debtor. 407

(4) Following the sale under division (B)(8) of this section 408
of any property that is required to be titled or registered under 409
the law of this state, the prosecuting attorney responsible for 410
the disposition of the property shall cause the state to issue an 411
appropriate certificate of title or registration to the purchaser 412
of the property. Additionally, if, in a disposition of property 413
pursuant to division (B) of this section, the state or a political 414
subdivision is given any property that is required to be titled or 415
registered under the law of this state, the prosecuting attorney 416
responsible for the disposition of the property shall cause the 417
state to issue an appropriate certificate of title or registration 418
to itself or to the political subdivision. 419

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

committed by an adult, would be a felony drug abuse offense. 427

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 428
prohibit a law enforcement officer from seeking the forfeiture of 429
contraband associated with a felony drug abuse offense pursuant to 430
section 2933.43 of the Revised Code. 431

Sec. 2933.43. (A)(1) Except as provided in this division or 432
in section 2913.34 or sections 2925.41 to 2925.45 of the Revised 433
Code, a law enforcement officer shall seize any contraband that 434
has been, is being, or is intended to be used in violation of 435
division (A) of section 2933.42 of the Revised Code. A law 436
enforcement officer shall seize contraband that is a watercraft, 437
motor vehicle, or aircraft and that has been, is being, or is 438
intended to be used in violation of division (A) of section 439
2933.42 of the Revised Code only if the watercraft, motor vehicle, 440
or aircraft is contraband because of its relationship to an 441
underlying criminal offense that is a felony. 442

Additionally, a law enforcement officer shall seize any 443
watercraft, motor vehicle, aircraft, or other personal property 444
that is classified as contraband under division (B) of section 445
2933.42 of the Revised Code if the underlying offense involved in 446
the violation of division (A) of that section that resulted in the 447
watercraft, motor vehicle, aircraft, or personal property being 448
classified as contraband, is a felony. 449

(2) If a law enforcement officer seizes property that is 450
titled or registered under law, including a motor vehicle, 451
pursuant to division (A)(1) of this section, the officer or the 452
officer's employing law enforcement agency shall notify the owner 453
of the seizure. The notification shall be given to the owner at 454
the owner's last known address within seventy-two hours after the 455
seizure, and may be given orally by any means, including 456
telephone, or by certified mail, return receipt requested. 457

If the officer or the officer's agency is unable to provide 458
the notice required by this division despite reasonable, good 459
faith efforts to do so, the exercise of the reasonable, good faith 460
efforts constitutes fulfillment of the notice requirement imposed 461
by this division. 462

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 463
this section and the contents of the vehicle may be retained for a 464
reasonable period of time, not to exceed seventy-two hours, for 465
the purpose of inspection, investigation, and the gathering of 466
evidence of any offense or illegal use. 467

At any time prior to the expiration of the seventy-two-hour 468
period, the law enforcement agency that seized the motor vehicle 469
may petition the court of common pleas of the county that has 470
jurisdiction over the underlying criminal case or administrative 471
proceeding involved in the forfeiture for an extension of the 472
seventy-two-hour period if the motor vehicle or its contents are 473
needed as evidence or if additional time is needed for the 474
inspection, investigation, or gathering of evidence. Upon the 475
filing of such a petition, the court immediately shall schedule a 476
hearing to be held at a time as soon as possible after the filing, 477
but in no event at a time later than the end of the next business 478
day subsequent to the day on which the petition was filed, and 479
upon scheduling the hearing, immediately shall notify the owner of 480
the vehicle, at the address at which notification of the seizure 481
was provided under division (A) of this section, of the date, 482
time, and place of the hearing. If the court, at the hearing, 483
determines that the vehicle or its contents, or both, are needed 484
as evidence or that additional time is needed for the inspection, 485
investigation, or gathering of evidence, the court may grant the 486
petition and issue an order authorizing the retention of the 487
vehicle or its contents, or both, for an extended period as 488
specified by the court in its order. An order extending a period 489

of retention issued under this division may be renewed.

490

If no petition for the extension of the initial
seventy-two-hour period has been filed, prior to the expiration of
that period, under this division, if the vehicle was not in the
custody and control of the owner at the time of its seizure, and
if, at the end of that seventy-two-hour period, the owner of the
vehicle has not been charged with an offense or administrative
violation that includes the use of the vehicle as an element and
has not been charged with any other offense or administrative
violation in the actual commission of which the motor vehicle was
used, the vehicle and its contents shall be released to its owner
or the owner's agent, provided that the law enforcement agency
that seized the vehicle may require proof of ownership of the
vehicle, proof of ownership or legal possession of the contents,
and an affidavit of the owner that the owner neither knew of nor
expressly or impliedly consented to the use of the vehicle that
resulted in its forfeiture as conditions precedent to release. If
a petition for the extension of the initial seventy-two-hour
period has been filed, prior to the expiration of that period,
under this division but the court does not grant the petition, if
the vehicle was not in the custody and control of the owner at the
time of its seizure, and if, at the end of that seventy-two-hour
period, the owner of the vehicle has not been charged with an
offense or administrative violation that includes the use of the
vehicle as an element and has not been charged with any other
offense or administrative violation in the actual commission of
which the motor vehicle was used, the vehicle and its contents
shall be released to its owner or the owner's agent, provided that
the court may require the proof and affidavit described in the
preceding sentence as conditions precedent to release. If the
initial seventy-two-hour period has been extended under this
division, the vehicle and its contents to which the extension

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applies may be retained in accordance with the extension order. 522
If, at the end of that extended period, the owner of the vehicle 523
has not been charged with an offense or administrative violation 524
that includes the use of the vehicle as an element and has not 525
been charged with any other offense or administrative violation in 526
the actual commission of which the motor vehicle was used, and if 527
the vehicle was not in the custody and control of the owner at the 528
time of its seizure, the vehicle and its contents shall be 529
released to its owner or the owner's agent, provided that the 530
court may require the proof and affidavit described in the third 531
preceding sentence as conditions precedent to release. In cases in 532
which the court may require proof and affidavits as conditions 533
precedent to release, the court also may require the posting of a 534
bond, with sufficient sureties approved by the court, in an amount 535
equal to the value of the property to be released, as determined 536
by the court, and conditioned upon the return of the property to 537
the court if it is forfeited under this section, as a further 538
condition to release. If, at the end of the initial 539
seventy-two-hour period or at the end of any extended period 540
granted under this section, the owner has been charged with an 541
offense or administrative violation that includes the use of the 542
vehicle as an element or has been charged with another offense or 543
administrative violation in the actual commission of which the 544
motor vehicle was used, or if the vehicle was in the custody and 545
control of the owner at the time of its seizure, the vehicle and 546
its contents shall be retained pending disposition of the charge, 547
provided that upon the filing of a motion for release by the 548
owner, if the court determines that the motor vehicle or its 549
contents, or both, are not needed as evidence in the underlying 550
criminal case or administrative proceeding, the court may permit 551
the release of the property that is not needed as evidence to the 552
owner; as a condition precedent to a release of that nature, the 553
court may require the owner to execute a bond with the court. Any 554

bond so required shall be in an amount equal to the value of the
property to be released, as determined by the court, shall have
sufficient sureties approved by the court, and shall be
conditioned upon the return of the property to the court to which
it is forfeited under this section.

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

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

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

A law enforcement agency that seizes property under division 586
(A) of this section because it was contraband of any type 587
described in division (A)(13) of section 2901.01 or division (B) 588
of section 2933.42 of the Revised Code shall maintain an accurate 589
record of each item of property so seized, which record shall 590
include the date on which each item was seized, the manner and 591
date of its disposition, and if applicable, the name of the person 592
who received the item; however, the record shall not identify or 593
enable the identification of the individual officer who seized the 594
item. The record of property of that nature that no longer is 595
needed as evidence shall be open to public inspection during the 596
agency's regular business hours. Each law enforcement agency that, 597
during any calendar year, seizes property under division (A) of 598
this section because it was contraband shall prepare a report 599
covering the calendar year that cumulates all of the information 600
contained in all of the records kept by the agency pursuant to 601
this division for that calendar year, and shall send a copy of the 602
cumulative report, no later than the first day of March in the 603
calendar year following the calendar year covered by the report, 604
to the attorney general. Each report received by the attorney 605
general is a public record open for inspection under section 606
149.43 of the Revised Code. The attorney general shall make copies 607
of each report received, and, no later than the fifteenth day of 608
April in the calendar year in which the report is received, shall 609
send a copy of it to the president of the senate and the speaker 610
of the house of representatives. 611

(C) The prosecuting attorney, village solicitor, city 612
director of law, or similar chief legal officer who has 613
responsibility for the prosecution of the underlying criminal case 614
or administrative proceeding, or the attorney general if the 615
attorney general has that responsibility, shall file a petition 616
for the forfeiture, to the seizing law enforcement agency of the 617

contraband seized pursuant to division (A) of this section. The
petition shall be filed in the court that has jurisdiction over
the underlying criminal case or administrative proceeding involved
in the forfeiture. If the property was seized on the basis of both
a criminal violation and an administrative regulation violation,
the petition shall be filed by the officer and in the court that
is appropriate in relation to the criminal case.

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

If the property seized was determined by the seizing law
enforcement officer to be contraband because of its relationship
to an underlying criminal offense or administrative violation, no
forfeiture hearing shall be held under this section unless the
person pleads guilty to or is convicted of the commission of, or

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an attempt or conspiracy to commit, the offense or a different
offense arising out of the same facts and circumstances or unless
the person admits or is adjudicated to have committed the
administrative violation or a different violation arising out of
the same facts and circumstances; a forfeiture hearing shall be
held in a case of that nature no later than forty-five days after
the conviction or the admission or adjudication of the violation,
unless the time for the hearing is extended by the court for good
cause shown. The owner of any property seized because of its
relationship to an underlying criminal offense or administrative
violation may request the court to release the property to the
owner. Upon receipt of a request of that nature, if the court
determines that the property is not needed as evidence in the
underlying criminal case or administrative proceeding, the court
may permit the release of the property to the owner. As a
condition precedent to a release of that nature, the court may
require the owner to execute a bond with the court. Any bond so
required shall have sufficient sureties approved by the court,
shall be in a sum equal to the value of the property, as
determined by the court, and shall be conditioned upon the return
of the property to the court if the property is forfeited under
this section. Any property seized because of its relationship to
an underlying criminal offense or administrative violation shall
be returned to its owner if charges are not filed in relation to
that underlying offense or violation within thirty days after the
seizure, if charges of that nature are filed and subsequently are
dismissed, or if charges of that nature are filed and the person
charged does not plead guilty to and is not convicted of the
offense or does not admit and is not found to have committed the
violation.

If the property seized was determined by the seizing law
enforcement officer to be contraband other than because of a

relationship to an underlying criminal offense or administrative 682
violation, the forfeiture hearing under this section shall be held 683
no later than forty-five days after the seizure, unless the time 684
for the hearing is extended by the court for good cause shown. 685

Where possible, a court holding a forfeiture hearing under 686
this section shall follow the Rules of Civil Procedure. When a 687
hearing is conducted under this section, property shall be 688
forfeited upon a showing, by a preponderance of the evidence, by 689
the petitioner that the person from which the property was seized 690
was in violation of division (A) of section 2933.42 of the Revised 691
Code. If that showing is made, the court shall issue an order of 692
forfeiture. If an order of forfeiture is issued in relation to 693
contraband that was released to the owner or the owner's agent 694
pursuant to this division or division (B)(1) of this section, the 695
order shall require the owner to deliver the property, by a 696
specified date, to the law enforcement agency that employed the 697
law enforcement officer who made the seizure of the property, and 698
the court shall deliver a copy of the order to the owner or send a 699
copy of it by certified mail, return receipt requested, to the 700
owner at the address to which notice of the seizure was given 701
under division (A)(2) of this section. Except as otherwise 702
provided in this division, all rights, interest, and title to the 703
forfeited contraband vests in the state, effective from the date 704
of seizure. 705

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

have known after a reasonable inquiry, that the property was used, 714
or likely to be used, in a crime or administrative violation, that 715
the holder of the interest did not expressly or impliedly consent 716
to the use of the property in a crime or administrative violation, 717
and that the security interest was perfected pursuant to law prior 718
to the seizure. If the holder of the interest satisfies the court 719
that these requirements are met, the interest shall be preserved 720
by the court. In a case of that nature, the court shall either 721
order that the agency to which the property is forfeited reimburse 722
the holder of the interest to the extent of the preserved interest 723
or order that the holder be paid for the interest from the 724
proceeds of any sale pursuant to division (D) of this section. 725

(D)(1) Contraband ordered forfeited pursuant to this section 726
shall be disposed of pursuant to divisions (D)(1) to (7) of 727
section 2933.41 of the Revised Code or, if the contraband is not 728
described in those divisions, may be used, with the approval of 729
the court, by the law enforcement agency that has custody of the 730
contraband pursuant to division (D)(8) of that section. In the 731
case of contraband not described in any of those divisions and of 732
contraband not disposed of pursuant to any of those divisions, the 733
contraband shall be sold in accordance with this division or, in 734
the case of forfeited moneys, disposed of in accordance with this 735
division. If the contraband is to be sold, the prosecuting 736
attorney shall cause a notice of the proposed sale of the 737
contraband to be given in accordance with law, and the property 738
shall be sold, without appraisal, at a public auction to the 739
highest bidder for cash. The proceeds of a sale and forfeited 740
moneys shall be applied in the following order: 741

(a) First, to the payment of the costs incurred in connection 742
with the seizure of, storage of, maintenance of, and provision of 743
security for the contraband, the forfeiture proceeding, and, if 744
any, the sale; 745

(b) Second, the remaining proceeds or forfeited moneys after 746
compliance with division (D)(1)(a) of this section, to the payment 747
of the balance due on any security interest preserved pursuant to 748
division (C) of this section; 749

(c) Third, the remaining proceeds or forfeited moneys after 750
compliance with divisions (D)(1)(a) and (b) of this section, as 751
follows: 752

(i) If the forfeiture was ordered in a juvenile court, ten 753
per cent to one or more alcohol and drug addiction treatment 754
programs that are certified by the department of alcohol and drug 755
addiction services under section 3793.06 of the Revised Code and 756
that are specified in the order of forfeiture. A juvenile court 757
shall not certify an alcohol or drug addiction treatment program 758
in the order of forfeiture unless the program is a certified 759
alcohol and drug addiction treatment program and, except as 760
provided in division (D)(1)(c)(i) of this section, unless the 761
program is located in the county in which the court that orders 762
the forfeiture is located or in a contiguous county. If no 763
certified alcohol and drug addiction treatment program is located 764
in any of those counties, the juvenile court may specify in the 765
order a certified alcohol and drug addiction treatment program 766
located anywhere within this state. 767

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

fund of a park district created pursuant to section 511.18 or 778
1545.01 of the Revised Code if the seizure was made by the park 779
district police force or law enforcement department, to the state 780
highway patrol contraband, forfeiture, and other fund if the state 781
highway patrol made the seizure, to the liquor enforcement 782
contraband, forfeiture, and other fund if the liquor enforcement 783
unit of the department of public safety made the seizure, to the 784
food stamp contraband, forfeiture, and other fund if the food 785
stamp trafficking unit of the department of public safety made the 786
seizure, to the board of pharmacy drug law enforcement fund 787
created by division (B)(1) of section 4729.65 of the Revised Code 788
if the board made the seizure, or to the treasurer of state for 789
deposit into the peace officer training commission fund if a state 790
law enforcement agency, other than the state highway patrol, the 791
department of public safety, or the state board of pharmacy, made 792
the seizure. The prosecuting attorney may decline to accept any of 793
the remaining proceeds or forfeited moneys, and, if the 794
prosecuting attorney so declines, the remaining proceeds or 795
forfeited moneys shall be applied to the fund described in this 796
division that relates to the law enforcement agency that made the 797
seizure. 798

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

state treasury the state highway patrol contraband, forfeiture, 810
and other fund, the liquor enforcement contraband, forfeiture, and 811
other fund, the food stamp contraband, forfeiture, and other fund, 812
and the peace officer training commission fund, for the purposes 813
described in this division. 814

Proceeds or forfeited moneys distributed to any municipal 815
corporation, township, or park district law enforcement trust fund 816
shall be allocated from the fund by the legislative authority only 817
to the police department of the municipal corporation, by the 818
board of township trustees only to the township police department, 819
township police district police force, or office of the constable, 820
and by the board of park commissioners only to the park district 821
police force or law enforcement department. 822

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

contraband, forfeiture, and other fund, the liquor enforcement 842
contraband, forfeiture, and other fund, the food stamp contraband, 843
forfeiture, and other fund, and a law enforcement trust fund shall 844
be expended only in accordance with the written internal control 845
policy so adopted by the recipient, and, subject to the 846
requirements specified in division (D)(3)(a)(ii) of this section, 847
only to pay the costs of protracted or complex investigations or 848
prosecutions, to provide reasonable technical training or 849
expertise, to provide matching funds to obtain federal grants to 850
aid law enforcement, in the support of DARE programs or other 851
programs designed to educate adults or children with respect to 852
the dangers associated with the use of drugs of abuse, or for 853
other law enforcement purposes that the superintendent of the 854
state highway patrol, department of public safety, prosecuting 855
attorney, county sheriff, legislative authority, board of township 856
trustees, or board of park commissioners determines to be 857
appropriate. The board of pharmacy drug law enforcement fund shall 858
be expended only in accordance with the written internal control 859
policy so adopted by the board and only in accordance with section 860
4729.65 of the Revised Code. The state highway patrol contraband, 861
forfeiture, and other fund, the liquor enforcement contraband, 862
seizure, and other fund, the food stamp contraband, forfeiture, 863
and other fund, the board of pharmacy drug law enforcement fund, 864
and a law enforcement trust fund shall not be used to meet the 865
operating costs of the state highway patrol, of the food stamp 866
trafficking unit or liquor enforcement unit of the department of 867
public safety, of the state board of pharmacy, of any political 868
subdivision, or of any office of a prosecuting attorney or county 869
sheriff that are unrelated to law enforcement. 870

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

costs of peace officer training.

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Any sheriff or prosecuting attorney who receives proceeds or
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

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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. The superintendent of the state highway patrol shall file
a report with the attorney general, no later than the thirty-first
day of January of each calendar year, verifying that proceeds and
forfeited moneys paid into the state highway patrol contraband,
forfeiture, and other fund pursuant to this division during the
prior calendar year were used by the state highway patrol during
the prior calendar year only for the purposes authorized by this
division and specifying the amounts expended for each authorized
purpose. The executive director of the state board of pharmacy
shall file a report with the attorney general, no later than the
thirty-first day of January of each calendar year, verifying that
proceeds and forfeited moneys paid into the board of pharmacy drug
law enforcement fund during the prior calendar year were used only
in accordance with section 4729.65 of the Revised Code and
specifying the amounts expended for each authorized purpose. The
peace officer training commission shall file a report with the
attorney general, no later than the thirty-first day of January of
each calendar year, verifying that proceeds and forfeited moneys
paid into the peace officer training commission fund pursuant to
this division during the prior calendar year were used by the
commission during the prior calendar year only to pay the costs of
peace officer training and specifying the amount used for that
purpose.

(2) If more than one law enforcement agency is substantially
involved in the seizure of contraband that is forfeited pursuant
to this section, the court ordering the forfeiture shall equitably
divide the proceeds or forfeited moneys, after calculating any
distribution to the law enforcement trust fund of the prosecuting

attorney pursuant to division (D)(1)(c) of this section, among any 938
county sheriff whose office is determined by the court to be 939
substantially involved in the seizure, any legislative authority 940
of a municipal corporation whose police department is determined 941
by the court to be substantially involved in the seizure, any 942
board of township trustees whose law enforcement agency is 943
determined by the court to be substantially involved in the 944
seizure, any board of park commissioners of a park district whose 945
police force or law enforcement department is determined by the 946
court to be substantially involved in the seizure, the state board 947
of pharmacy if it is determined by the court to be substantially 948
involved in the seizure, the food stamp trafficking unit or liquor 949
enforcement unit of the department of public safety if it is 950
determined by the court to be substantially involved in the 951
seizure, and the state highway patrol if it is determined by the 952
court to be substantially involved in the seizure. The proceeds or 953
forfeited moneys shall be deposited in the respective law 954
enforcement trust funds of the county sheriff, municipal 955
corporation, township, and park district, the board of pharmacy 956
drug law enforcement fund, the liquor enforcement contraband, 957
forfeiture, and other fund, the food stamp contraband, forfeiture, 958
and other fund, or the state highway patrol contraband, 959
forfeiture, and other fund, in accordance with division (D)(1)(c) 960
of this section. If a state law enforcement agency, other than the 961
state highway patrol, the food stamp trafficking unit or liquor 962
enforcement unit of the department of public safety, or the state 963
board of pharmacy, is determined by the court to be substantially 964
involved in the seizure, the state agency's equitable share of the 965
proceeds and forfeited moneys shall be paid to the treasurer of 966
state for deposit into the peace officer training commission fund. 967
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(3)(a)(i) Prior to being allocated or using any proceeds or 969
forfeited moneys out of the state highway patrol contraband, 970

forfeiture, and other fund, the liquor enforcement contraband, 971
forfeiture, and other fund, the food stamp contraband, seizure, 972
and other fund, the board of pharmacy drug law enforcement fund, 973
or a law enforcement trust fund under division (D)(1)(c) of this 974
section, the state highway patrol, the department of public 975
safety, the state board of pharmacy, and a county sheriff, 976
prosecuting attorney, municipal corporation police department, 977
township police department, township police district police force, 978
office of the constable, or park district police force or law 979
enforcement department shall adopt a written internal control 980
policy that addresses the state highway patrol's, department of 981
public safety's, state board of pharmacy's, sheriff's, prosecuting 982
attorney's, police department's, police force's, office of the 983
constable's, or law enforcement department's use and disposition 984
of all the proceeds and forfeited moneys received and that 985
provides for the keeping of detailed financial records of the 986
receipts of the proceeds and forfeited moneys, the general types 987
of expenditures made out of the proceeds and forfeited moneys, the 988
specific amount of each general type of expenditure, and the 989
amounts, portions, and programs described in division 990
(D)(3)(a)(ii) of this section. The policy shall not provide for or 991
permit the identification of any specific expenditure that is made 992
in an ongoing investigation. 993

All financial records of the receipts of the proceeds and 994
forfeited moneys, the general types of expenditures made out of 995
the proceeds and forfeited moneys, the specific amount of each 996
general type of expenditure by the state highway patrol, by the 997
department of public safety, by the state board of pharmacy, and 998
by a sheriff, prosecuting attorney, municipal corporation police 999
department, township police department, township police district 1000
police force, office of the constable, or park district police 1001
force or law enforcement department, and the amounts, portions, 1002

and programs described in division (D)(3)(a)(ii) of this section 1003
are public records open for inspection under section 149.43 of the 1004
Revised Code. Additionally, a written internal control policy 1005
adopted under this division is a public record of that nature, and 1006
the state highway patrol, the department of public safety, the 1007
state board of pharmacy, or the sheriff, prosecuting attorney, 1008
municipal corporation police department, township police 1009
department, township police district police force, office of the 1010
constable, or park district police force or law enforcement 1011
department that adopted it shall comply with it. 1012

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

proceeds and forfeited moneys deposited during each calendar year 1035
in the sheriff's, prosecuting attorney's, municipal corporation's, 1036
township's, or park district's law enforcement trust fund pursuant 1037
to division (B)(8)(c) of section 2925.44 of the Revised Code, the 1038
portion of that amount that was used pursuant to the requirements 1039
of this division, and the community preventive education programs 1040
in connection with which the portion of that amount was so used. 1041

As used in this division, "community preventive education 1042
programs" includes, but is not limited to, DARE programs and other 1043
programs designed to educate adults or children with respect to 1044
the dangers associated with the use of drugs of abuse. 1045

(b) Each sheriff, prosecuting attorney, municipal corporation 1046
police department, township police department, township police 1047
district police force, office of the constable, or park district 1048
police force or law enforcement department that receives in any 1049
calendar year any proceeds or forfeited moneys out of a law 1050
enforcement trust fund under division (D)(1)(c) of this section or 1051
uses any proceeds or forfeited moneys in its law enforcement trust 1052
fund in any calendar year shall prepare a report covering the 1053
calendar year that cumulates all of the information contained in 1054
all of the public financial records kept by the sheriff, 1055
prosecuting attorney, municipal corporation police department, 1056
township police department, township police district police force, 1057
office of the constable, or park district police force or law 1058
enforcement department pursuant to division (D)(3)(a) of this 1059
section for that calendar year, and shall send a copy of the 1060
cumulative report, no later than the first day of March in the 1061
calendar year following the calendar year covered by the report, 1062
to the attorney general. 1063

The superintendent of the state highway patrol shall prepare 1064
a report covering each calendar year in which the state highway 1065
patrol uses any proceeds or forfeited moneys in the state highway 1066

patrol contraband, forfeiture, and other fund under division 1067
(D)(1)(c) of this section, that cumulates all of the information 1068
contained in all of the public financial records kept by the state 1069
highway patrol pursuant to division (D)(3)(a) of this section for 1070
that calendar year, and shall send a copy of the cumulative 1071
report, no later than the first day of March in the calendar year 1072
following the calendar year covered by the report, to the attorney 1073
general. 1074

The department of public safety shall prepare a report 1075
covering each fiscal year in which the department uses any 1076
proceeds or forfeited moneys in the liquor enforcement contraband, 1077
seizure, and other fund and the food stamp contraband, forfeiture, 1078
and other fund under division (D)(1)(c) of this section that 1079
cumulates all of the information contained in all of the public 1080
financial records kept by the department pursuant to division 1081
(D)(3)(a) of this section for that fiscal year. The department 1082
shall send a copy of the cumulative report to the attorney general 1083
no later than the first day of August in the fiscal year following 1084
the fiscal year covered by the report. The director of public 1085
safety shall include in the report a verification that proceeds 1086
and forfeited moneys paid into the liquor enforcement contraband, 1087
seizure, and other fund and the food stamp contraband, forfeiture, 1088
and other fund under division (D)(1)(c) of this section during the 1089
preceding fiscal year were used by the department during that 1090
fiscal year only for the purposes authorized by that division and 1091
shall specify the amount used for each authorized purpose. 1092

The executive director of the state board of pharmacy shall 1093
prepare a report covering each calendar year in which the board 1094
uses any proceeds or forfeited moneys in the board of pharmacy 1095
drug law enforcement fund under division (D)(1)(c) of this 1096
section, that cumulates all of the information contained in all of 1097
the public financial records kept by the board pursuant to 1098

division (D)(3)(a) of this section for that calendar year, and 1099
shall send a copy of the cumulative report, no later than the 1100
first day of March in the calendar year following the calendar 1101
year covered by the report, to the attorney general. Each report 1102
received by the attorney general is a public record open for 1103
inspection under section 149.43 of the Revised Code. The attorney 1104
general shall make copies of each report received, and, no later 1105
than the fifteenth day of April in the calendar year in which the 1106
report is received, shall send a copy of it to the president of 1107
the senate and the speaker of the house of representatives. 1108

(4)(a) A law enforcement agency that receives pursuant to 1109
federal law proceeds from a sale of forfeited contraband, proceeds 1110
from another disposition of forfeited contraband, or forfeited 1111
contraband moneys shall deposit, use, and account for the proceeds 1112
or forfeited moneys in accordance with, and otherwise comply with, 1113
the applicable federal law. 1114

(b) If the state highway patrol receives pursuant to federal 1115
law proceeds from a sale of forfeited contraband, proceeds from 1116
another disposition of forfeited contraband, or forfeited 1117
contraband moneys, the appropriate governmental officials shall 1118
deposit into the state highway patrol contraband, forfeiture, and 1119
other fund all interest or other earnings derived from the 1120
investment of the proceeds or forfeited moneys. The state highway 1121
patrol shall use and account for that interest or other earnings 1122
in accordance with the applicable federal law. 1123

(c) If the liquor enforcement unit of the department of 1124
public safety receives pursuant to federal law proceeds from a 1125
sale of forfeited contraband, proceeds from another disposition of 1126
forfeited contraband, or forfeited contraband moneys, the 1127
appropriate governmental officials shall deposit into the liquor 1128
enforcement contraband, forfeiture, and other fund all interest or 1129
other earnings derived from the investment of the proceeds or 1130

forfeited moneys. The department shall use and account for that 1131
interest or other earnings in accordance with the applicable 1132
federal law. 1133

(d) If the food stamp fraud unit of the department of public 1134
safety receives pursuant to federal law proceeds from a sale of 1135
forfeited contraband, proceeds from another disposition of 1136
forfeited contraband, or forfeited contraband moneys, the 1137
appropriate governmental officials shall deposit into the food 1138
stamp contraband, forfeiture, and other fund all interest or other 1139
earnings derived from the investment of the proceeds or forfeited 1140
moneys. The department shall use and account for that interest or 1141
other earnings in accordance with the applicable federal law. 1142

(e) Divisions (D)(1) to (3) of this section do not apply to 1143
proceeds or forfeited moneys received pursuant to federal law or 1144
to the interest or other earnings that are derived from the 1145
investment of proceeds or forfeited moneys received pursuant to 1146
federal law and that are described in division (D)(4)(b) of this 1147
section. 1148

(E) Upon the sale pursuant to this section of any property 1149
that is required to be titled or registered under law, the state 1150
shall issue an appropriate certificate of title or registration to 1151
the purchaser. If the state is vested with title pursuant to 1152
division (C) of this section and elects to retain property that is 1153
required to be titled or registered under law, the state shall 1154
issue an appropriate certificate of title or registration. 1155

(F) Notwithstanding any provisions of this section to the 1156
contrary, any property that is lawfully seized in relation to a 1157
violation of section 2923.32 of the Revised Code shall be subject 1158
to forfeiture and disposition in accordance with sections 2923.32 1159
to 2923.36 of the Revised Code, and any property that is forfeited 1160
pursuant to section 2925.42 or 2925.43 of the Revised Code in 1161
relation to a felony drug abuse offense, as defined in section 1162

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
accordance with sections 2925.41 to 2925.45 of the Revised Code or
this section.

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

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

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

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

(B) "Provider" means a health professional, hospital, medical
equipment supplier, and any individual, group, or agency that is

approved by the department of health pursuant to division (C) of 1193
section 3701.023 of the Revised Code and that provides or intends 1194
to provide goods or services to a child who is eligible for the 1195
program for medically handicapped children. 1196

(C) "Service coordination" means case management services 1197
provided to medically handicapped children that promote effective 1198
and efficient organization and utilization of public and private 1199
resources and ensure that care rendered is family-centered, 1200
community-based, and coordinated. 1201

(D)(1) "Third party" means any person or government entity 1202
other than the following: 1203

(a) A medically handicapped child participating in the 1204
program for medically handicapped children or ~~his~~ THE CHILD'S 1205
parent or guardian; 1206

(b) The department or any program administered by the 1207
department, including the ~~hospital motor vehicle claims program~~ 1208
~~established under sections 3701.61 to 3701.69 of the Revised Code~~ 1209
~~and the~~ "Maternal and Child Health Block Grant," Title V of the 1210
"Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as 1211
amended; 1212

(c) The "caring program for children" operated by the 1213
nonprofit community mutual insurance corporation. 1214

(2) "Third party" includes all of the following: 1215

(a) Any trust established to benefit a medically handicapped 1216
child participating in the program or ~~his~~ THE CHILD'S family or 1217
guardians, if the trust was established after the date the 1218
medically handicapped child applied to participate in the program; 1219

(b) That portion of a trust designated to pay for the medical 1220
and ancillary care of a medically handicapped child, if the trust 1221
was established on or before the date the medically handicapped 1222

child applied to participate in the program;	1223
(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.	1224 1225
(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child participating in the program or his THE CHILD'S parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.	1226 1227 1228 1229 1230 1231
Sec. 3701.07. (A) The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of classification information by hospitals and dispensaries. The rules may require each hospital to report information in the following categories, shall limit the information to information necessary to classify hospitals and dispensaries as general or specialty facilities, and shall not include any confidential patient data or any information concerning the financial condition, income, expenses, or net worth of the facilities other than that financial information already contained in those portions of the medicare or medicaid cost report that is necessary for the department of health to certify the per diem cost under section 3701.62 of the Revised Code:	1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243 1244 1245
(1) Information needed to identify and classify the institution;	1246 1247
(2) Information on facilities and type and volume of services provided by the institution;	1248 1249
(3) The number of beds listed by category of care provided;	1250
(4) The number of licensed or certified professional employees by classification;	1251 1252

(5) ~~Information necessary for calculation of a per diem rate~~ 1253
~~for reimbursement under section 3701.62 of the Revised Code;~~ 1254

~~(6)~~ The number of births that occurred at the institution the 1255
previous calendar year. 1256

Every hospital and dispensary, public or private, annually 1257
shall register with and report to the department of health on 1258
forms prescribed in rules adopted under this division. 1259

(B) Every governmental entity or private nonprofit 1260
corporation or association whose employees or representatives are 1261
defined as residents' rights advocates under divisions (E)(1) and 1262
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 1263
the Revised Code shall register with the department of health on 1264
forms furnished by the director of health and shall provide such 1265
reasonable identifying information as ~~he~~ THE DIRECTOR may 1266
prescribe. 1267

The department shall compile a list of the governmental 1268
entities, corporations, or associations registering under this 1269
division and shall update the list annually. Copies of the list 1270
shall be made available to nursing home administrators as defined 1271
in division (C) of section 3721.10 of the Revised Code and to 1272
adult care facility managers as defined in section 3722.01 of the 1273
Revised Code. 1274

(C) Every governmental entity or private nonprofit 1275
corporation or association whose employees or representatives act 1276
as residents' rights advocates for community alternative homes 1277
pursuant to section 3724.08 of the Revised Code shall register 1278
with the department of health on forms furnished by the director 1279
of health and shall provide such reasonable identifying 1280
information as ~~he~~ THE DIRECTOR may prescribe. 1281

The department shall compile a list of the governmental 1282
entities, corporations, and associations registering under this 1283

division and shall update the list annually. Copies of the list 1284
shall be made available to operators or residence managers of 1285
community alternative homes as defined in section 3724.01 of the 1286
Revised Code. 1287

Sec. 3701.83. (A) There is hereby created in the state 1288
treasury the general operations fund. Moneys in the fund shall be 1289
used for the purposes specified in sections 3701.04, 3701.344, 1290
3701.88, 3702.20, 3710.15, 3711.021, 3721.02, 3722.04, 3732.04, 1291
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 1292
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 1293
Revised Code. 1294

(B) The alcohol testing program fund is hereby created in the 1295
state treasury. The director of health shall use the fund to 1296
administer and enforce the alcohol testing and permit program 1297
authorized by section 3701.143 Of the Revised Code. 1298

The fund shall receive transfers from the liquor control fund 1299
created under section 4301.12 Of the Revised Code. All investment 1300
earnings of the alcohol testing program fund shall be credited to 1301
the fund. 1302

Sec. 4301.12. The division of liquor control shall provide 1303
for the custody, safekeeping, and deposit of all moneys, checks, 1304
and drafts received by it or any of its employees or agents prior 1305
to paying them to the treasurer of state as provided by section 1306
113.08 of the Revised Code. 1307

A sum equal to three dollars and thirty-eight cents for each 1308
gallon of spirituous liquor sold by the division during the period 1309
covered by the payment shall be paid into the state treasury to 1310
the credit of the general revenue fund. All moneys received from 1311
permit fees shall be paid to the credit of the undivided liquor 1312
permit fund established by section 4301.30 of the Revised Code. 1313

Except as otherwise provided by law, all moneys collected 1314
under Chapters 4301. and 4303. of the Revised Code shall be paid 1315
by the division into the state treasury to the credit of the 1316
liquor control fund, which is hereby created. 1317

Whenever, in the judgment of the director of budget and 1318
management, the amount in the custody of the treasurer of state to 1319
the credit of the liquor control fund is in excess of that needed 1320
to meet the maturing obligations of the division ~~and~~, as working 1321
capital for its further operations, and as required for the 1322
alcohol testing program under section 3701.143 Of the Revised 1323
Code, the director shall transfer the excess to the state treasury 1324
to the credit of the general revenue fund. 1325

Sec. 4501.03. The registrar of motor vehicles shall open an 1326
account with each county and district of registration in the 1327
state, and may assign each county and district of registration in 1328
the state a unique code for identification purposes. Except as 1329
provided in ~~division (C) of~~ section 4501.14, section 4501.044, or 1330
division (B)(1) of section 4501.045 of the Revised Code, the 1331
registrar shall pay all moneys the registrar receives under 1332
sections 4503.02, 4503.12, and 4504.09 of the Revised Code into 1333
the state treasury to the credit of the auto registration 1334
distribution fund, which is hereby created, for distribution in 1335
the manner provided for in this section and sections 4501.04, 1336
4501.041, 4501.042, and 4501.043 of the Revised Code. All other 1337
moneys received by the registrar shall be deposited in the state 1338
bureau of motor vehicles fund established in section 4501.25 of 1339
the Revised Code for the purposes enumerated in that section, 1340
unless otherwise provided by law. 1341

All moneys credited to the auto registration distribution 1342
fund shall be distributed to the counties and districts of 1343
registration, except for funds received by the registrar under 1344

section 4504.09 of the Revised Code, after receipt of 1345
certifications from the commissioners of the sinking fund 1346
certifying, as required by sections 5528.15 and 5528.35 of the 1347
Revised Code, that there are sufficient moneys to the credit of 1348
the highway improvement bond retirement fund created by section 1349
5528.12 of the Revised Code to meet in full all payments of 1350
interest, principal, and charges for the retirement of bonds and 1351
other obligations issued pursuant to Section 2g of Article VIII, 1352
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1353
Code due and payable during the current calendar year, and that 1354
there are sufficient moneys to the credit of the highway 1355
obligations bond retirement fund created by section 5528.32 of the 1356
Revised Code to meet in full all payments of interest, principal, 1357
and charges for the retirement of highway obligations issued 1358
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1359
sections 5528.30 and 5528.31 of the Revised Code due and payable 1360
during the current calendar year, in the manner provided in 1361
section 4501.04 of the Revised Code. 1362

The treasurer of state may invest any portion of the moneys 1363
credited to the auto registration distribution fund, in the same 1364
manner and subject to all the laws with respect to the investment 1365
of state funds by the treasurer of state, and all investment 1366
earnings of the fund shall be credited to the fund. 1367

Once each month the registrar shall prepare vouchers in favor 1368
of the county auditor of each county for the amount of the tax 1369
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1370
Code apportioned to the county and to the districts of 1371
registration located wholly or in part in the county auditor's 1372
county. The county auditor shall distribute the proceeds of the 1373
tax collections due the county and the districts of registration 1374
in the manner provided in section 4501.04 of the Revised Code. 1375

Once each month the registrar also shall prepare vouchers in 1376

favor of the county auditor of each county levying a county motor
vehicle license tax pursuant to section 4504.02, 4504.15, or
4504.16 of the Revised Code and of each county in which is located
one or more townships levying a township motor vehicle license tax
pursuant to section 4504.18 of the Revised Code for the amount of
the tax due the county or townships in the county.

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

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

credited to the central registration fund. 1408

~~(B) By the fifteenth day of October of each year, the registrar and the director of the office of budget and management shall determine and certify for the preceding fiscal year the 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:~~ 1409
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~~(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:~~ 1421
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~~(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.~~ 1425
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~~(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.~~ 1431
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Sec. 4501.15. (A) The department of public safety shall not 1438
provide social security numbers from its driver license and 1439
vehicle registration records to any person, except local, state, 1440
or federal governmental agencies. This ~~section~~ division does not 1441
preclude the registrar from reporting a person's social security 1442
number if the number was provided in the request for information. 1443

(B) The department shall not provide to any person credit 1444
card account numbers or any other information obtained when a 1445
person uses a credit card to pay motor vehicle registration taxes 1446
or fees, license fees, or other similar taxes, fees, penalties, or 1447
charges imposed or levied by the state and collected by the 1448
department, except that such information may be provided to the 1449
financial institutions and credit issuing companies directly 1450
involved in the credit transaction or to local, state, or federal 1451
governmental agencies. 1452

Sec. 4501.16. There is hereby created in the state treasury 1453
the MARCS maintenance fund. The fund shall consist of moneys 1454
received by the state highway patrol from users of the 1455
multi-agency radio communications system (MARCS). The fund shall 1456
be used to provide maintenance for MARCS-related equipment located 1457
at both the MARCS facilities and tower sites. All investment 1458
earnings on moneys in the fund shall be credited to the fund. 1459

Sec. 4501.19. There is hereby created in the state treasury 1460
the law enforcement reimbursement fund. The law enforcement 1461
reimbursement fund shall consist of ~~those~~ fees collected by the 1462
registrar of motor vehicles under division (A)(6) of section 1463
4503.233 of the Revised Code, and shall be used to make payments 1464
to law enforcement agencies in accordance with that division. 1465
However, the director of budget and management may transfer excess 1466
money from the law enforcement reimbursement fund to the bureau of 1467

motor vehicles fund created in section 4501.25 Of the Revised Code 1468
if the registrar determines that the amount of money in the law 1469
enforcement reimbursement fund exceeds the amounts required to be 1470
paid by division (A)(6) of section 4503.233 Of the Revised Code, 1471
and the registrar requests the director to make the transfer. All 1472
investment earnings of the law enforcement reimbursement fund 1473
shall be credited to the fund. 1474

Sec. 4501.20. There is hereby created in the state treasury 1475
the collegiate license plate fund. The fund shall consist of the 1476
contributions ~~and fees~~ that are paid to the registrar of motor 1477
vehicles by applicants who voluntarily choose to obtain collegiate 1478
license plates pursuant to section 4503.51 of the Revised Code. 1479

A contribution deposited in the fund shall be paid to the 1480
university or college whose name or marking or design appears on 1481
collegiate license plates that are issued to a person under 1482
section 4503.51 of the Revised Code. A university or college that 1483
receives contributions from the fund shall deposit the 1484
contributions into its general scholarship fund. ~~The fees~~ 1485
~~deposited in the fund shall be used to pay the expenses the bureau~~ 1486
~~of motor vehicles incurs in providing the additional services~~ 1487
~~required in the issuing of collegiate license plates.~~ All 1488

All investment earnings of the collegiate license plate fund 1489
shall be credited to the fund. 1490

Sec. 4501.22. There is hereby created in the state treasury 1491
the pro football hall of fame license plate fund. The fund shall 1492
consist of the contributions ~~and fees~~ that are paid to the 1493
registrar of motor vehicles by applicants who voluntarily choose 1494
to obtain pro football hall of fame license plates pursuant to 1495
section 4503.55 of the Revised Code. 1496

A contribution deposited in the fund shall be paid to the pro 1497

football hall of fame, which shall deposit the contribution into a 1498
special bank account that it establishes and that shall be 1499
separate and distinct from any other account maintained by the pro 1500
football hall of fame, to be used exclusively for the purpose of 1501
promoting the pro football hall of fame as a travel destination. 1502

~~The fees deposited in the pro football hall of fame license 1503
plate fund shall be used to pay the expenses the bureau of motor 1504
vehicles incurs in providing the additional services required in 1505
the issuing of pro football hall of fame license plates. 1506~~

All investment earnings of the pro football hall of fame 1507
license plate fund shall be credited to the fund. 1508

Sec. 4501.28. There is hereby created in the state treasury 1509
the MARCS operations fund. The fund shall consist of moneys 1510
received by the emergency management agency established under 1511
section 5502.22 Of the Revised Code from users of the multi-agency 1512
radio communications system (MARCS). The fund shall be used to 1513
provide for the systems operations of MARCS. All investment 1514
earnings on moneys in the fund shall be credited to the fund. 1515

Sec. 4503.102. (A) The registrar of motor vehicles shall 1516
adopt rules to establish a centralized system of motor vehicle 1517
registration renewal by mail. Any person owning a motor vehicle 1518
that was registered in ~~his~~ the person's name during the preceding 1519
registration year shall renew the registration of the motor 1520
vehicle either by mail through the centralized system of 1521
registration established under this section or in person at a 1522
deputy registrar's office. 1523

(B)(1) No less than forty-five days prior to the expiration 1524
date of any motor vehicle registration, the registrar shall mail a 1525
renewal notice to the person in whose name the motor vehicle is 1526
registered. The renewal notice shall clearly state that the 1527

registration of the motor vehicle may be renewed by mail through 1528
the centralized system of registration or in person at a deputy 1529
registrar's office and shall be preprinted with information 1530
including, but not limited to, the owner's name and residence 1531
address as shown in the records of the bureau of motor vehicles, a 1532
brief description of the motor vehicle to be registered, notice of 1533
the license taxes and fees due on the motor vehicle, the toll-free 1534
telephone number of the registrar as required under division 1535
(D)(1) of section 4503.031 of the Revised Code, and any additional 1536
information the registrar may require by rule. The renewal notice 1537
shall be sent by regular mail to the owner's last known address as 1538
shown in the records of the bureau of motor vehicles. 1539

(2) If the application for renewal of the registration of a 1540
motor vehicle is prohibited from being accepted by the registrar 1541
or a deputy registrar by division (D) of section 2935.27, division 1542
(A) of section 2937.221, division (B) of section 4507.168, or 1543
division (B)(1) of section 4521.10 of the Revised Code, the 1544
registrar is not required to send a renewal notice to the vehicle 1545
owner or vehicle lessee. 1546

(C) The owner of the motor vehicle shall verify the 1547
information contained in the notice, sign it, and return it, in 1548
person to a deputy registrar or by mail to the registrar, together 1549
with a credit card number, when permitted by rule of the 1550
registrar, check, or money order in the amount of the registration 1551
taxes and fees payable on the motor vehicle and a mail fee of two 1552
dollars and twenty-five cents plus postage as indicated on the 1553
notice, if the registration is renewed by mail, and an inspection 1554
certificate for the motor vehicle as provided in section 3704.14 1555
of the Revised Code. 1556

(D) If all registration and transfer fees for the motor 1557
vehicle for the preceding year or the preceding period of the 1558
current registration year have not been paid, if division (D) of 1559

section 2935.27, division (A) of section 2937.221, division (B) of 1560
section 4507.168, or division (B)(1) of section 4521.10 of the 1561
Revised Code prohibits acceptance of the renewal notice, or if the 1562
owner or lessee does not have an inspection certificate for the 1563
motor vehicle as provided in section 3704.14 of the Revised Code, 1564
if that section is applicable, the license shall be refused and 1565
the registrar or deputy registrar shall so notify the owner. This 1566
section does not require the payment of license or registration 1567
taxes on a motor vehicle for any preceding year, or for any 1568
preceding period of a year, if the motor vehicle was not taxable 1569
for that preceding year or period under section 4503.02, 4503.04, 1570
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code. 1571

(E)(1) Failure to receive a renewal notice does not relieve a 1572
motor vehicle owner from the responsibility to renew the 1573
registration for the motor vehicle. Any person who has a motor 1574
vehicle registered in this state and who does not receive a 1575
renewal notice as provided in division (B) of this section prior 1576
to the expiration date of the registration shall request an 1577
application for registration from the registrar or a deputy 1578
registrar and return the signed application and any applicable 1579
license taxes and fees to the registrar or deputy registrar. 1580

(2) If the owner of a motor vehicle submits an application 1581
for registration and the registrar is prohibited by division (D) 1582
of section 2935.27, division (A) of section 2937.221, division (B) 1583
of section 4507.168, or division (B)(1) of section 4521.10 of the 1584
Revised Code from accepting the application, the registrar shall 1585
return the application and the payment to the owner and also shall 1586
include an explanatory notice as described in division (B)(2) of 1587
this section. 1588

(F) Every deputy registrar shall post in a prominent place at 1589
the deputy's office a notice informing the public of the mail 1590
registration system required by this section, and also shall post 1591

a notice that every owner of a motor vehicle and every chauffeur 1592
holding a certificate of registration is required to notify the 1593
registrar in writing of any change of residence within ten days 1594
after the change occurs. The notice shall be in such form as the 1595
registrar prescribes by rule. 1596

(G) The two dollars and twenty-five cents fee, plus postage 1597
and any credit card surcharge collected by the registrar for 1598
registration by mail, shall be paid to the credit of the central 1599
registration fund established by section 4501.14 of the Revised 1600
Code. 1601

(H) ~~No later than January 1, 1991, the registrar shall~~ 1602
~~implement the initial phase of a credit card payment program~~ 1603
~~permitting payment of motor vehicle renewal registration taxes and~~ 1604
~~fees by means of a credit card when such renewal is made by mail.~~ 1605
~~No later than January 1, 1993, the~~ The registrar shall may 1606
~~implement the final phase of the credit card payment a~~ program 1607
~~permitting payment of motor vehicle registration taxes and fees,~~ 1608
~~driver's license and commercial driver's license fees, and any~~ 1609
~~other taxes, fees, penalties, or charges imposed or levied by the~~ 1610
~~state relating to such registrations and licenses that are~~ 1611
~~collected by the registrar or a deputy registrar by means of a~~ 1612
~~credit card when such motor vehicle registrations, license~~ 1613
~~applications, or other similar state related transactions are made~~ 1614
~~in person at the office of the registrar or at a deputy~~ 1615
~~registrar's office. The registrar shall may adopt rules as~~ 1616
~~necessary for this purpose. No deputy registrar shall accept a~~ 1617
~~credit card as payment for the purchase of any goods sold by the~~ 1618
~~deputy registrar and any tax imposed by Chapter 5739. of the~~ 1619
~~Revised Code on the sale of such goods.~~ 1620

If a person uses a credit card to pay motor vehicle 1621
registration taxes or fees, license fees, or other similar taxes, 1622
fees, penalties, or charges imposed or levied by the state as 1623

provided in this section, a surcharge sufficient to pay the 1624
required service charge of the financial institution or credit 1625
card company shall be paid by the person using the credit card. 1626

(I) For persons who reside in counties where tailpipe 1627
emissions inspections are required under the motor vehicle 1628
inspection and maintenance program, the notice required by 1629
division (B) of this section shall also include the toll-free 1630
telephone number maintained by the Ohio environmental protection 1631
agency to provide information concerning the locations of 1632
emissions testing centers. 1633

Sec. 4503.191. (A) The identification license plate shall be 1634
issued for a multi-year period as determined by the director of 1635
public safety, and shall be accompanied by a validation sticker, 1636
to be attached to the license plate. The validation sticker shall 1637
indicate the expiration of the registration period to which the 1638
motor vehicle for which the license plate is issued is assigned, 1639
in accordance with rules adopted by the registrar. During each 1640
succeeding year of the multi-year period following the issuance of 1641
the plate and validation sticker, upon the filing of an 1642
application for registration and the payment of the tax therefor, 1643
a validation sticker alone shall be issued. The validation 1644
stickers required under this section shall be of different colors 1645
or shades each year, the new colors or shades to be selected by 1646
the director. 1647

(B) Identification license plates and validation stickers 1648
required under this section, and county identification stickers 1649
shall be produced by Ohio penal industries. However, the registrar 1650
and Ohio penal industries may enter into an agreement under which 1651
the bureau of motor vehicles at certain times may produce certain 1652
types of validation and county identification stickers. The 1653
agreement shall specify those times and types of stickers. 1654

1655

Sec. 4503.51. (A) The owner of any passenger car, 1656
noncommercial motor vehicle, or recreational vehicle may 1657
voluntarily choose to submit an application to the registrar of 1658
motor vehicles for registration of such motor vehicle and for 1659
issuance of collegiate license plates. The request for a 1660
collegiate license plate may be combined with a request for a 1661
special reserved license plate under section 4503.40 or 4503.42 of 1662
the Revised Code. 1663

Upon receipt of an application for registration of a 1664
passenger car, noncommercial motor vehicle, or recreational 1665
vehicle in accordance with any rules adopted under this section 1666
and upon compliance with division (B) of this section, the 1667
registrar shall issue to the applicant appropriate vehicle 1668
registration and a set of collegiate license plates with a 1669
validation sticker, or a validation sticker alone when required by 1670
section 4503.191 of the Revised Code. 1671

In addition to the letters and numbers ordinarily inscribed 1672
thereon, collegiate license plates shall be inscribed with the 1673
name of a university or college that is participating with the 1674
registrar in the issuance of collegiate license plates, or any 1675
other identifying marking or design selected by such a university 1676
or college and approved by the registrar. Collegiate license 1677
plates shall bear county identification stickers unless the 1678
registrar approves a design for the license plates that does not 1679
allow for the placement of the county identification sticker. 1680

(B) The collegiate license plates and validation sticker 1681
shall be issued upon receipt of a contribution as provided in 1682
division (C) of this section and payment of the regular license 1683
fees as prescribed under section 4503.04 of the Revised Code, any 1684
applicable motor vehicle tax levied under Chapter 4504. of the 1685

Revised Code, a fee not to exceed ten dollars for the purpose of
compensating the bureau of motor vehicles for additional services
required in the issuing of collegiate license plates, and
compliance with all other applicable laws relating to the
registration of motor vehicles, including presentation of any
inspection certificate required to be obtained for the motor
vehicle under section 3704.14 of the Revised Code. If the
application for a collegiate license plate is combined with a
request for a special reserved license plate under section 4503.40
or 4503.42 of the Revised Code, the license plate and validation
sticker shall be issued upon payment of the contribution, fees,
and taxes referred to in this division, the additional fee
prescribed under section 4503.40 or 4503.42 of the Revised Code,
and compliance with all other laws relating to the registration of
motor vehicles, including presentation of any inspection
certificate required to be obtained for the motor vehicle under
section 3704.14 of the Revised Code.

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

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

(D) The registrar, in accordance with Chapter 119. of the
Revised Code, shall adopt rules necessary for the efficient

administration of the collegiate license plate program. 1718

(E) As used in this section, "university or college" means a 1719
state university or college or a private university or college 1720
located in this state that possesses a certificate of 1721
authorization issued by the Ohio board of regents pursuant to 1722
Chapter 1713. of the Revised Code. "University or college" also 1723
includes community colleges created pursuant to Chapter 3354. of 1724
the Revised Code, university branches created pursuant to Chapter 1725
3355. of the Revised Code, technical colleges created pursuant to 1726
Chapter 3357. of the Revised Code, and state community colleges 1727
created pursuant to Chapter 3358. of the Revised Code. 1728

Sec. 4503.52. (A) The owner of any passenger car, 1729
noncommercial motor vehicle, or recreational vehicle may apply to 1730
the registrar of motor vehicles for the registration of the 1731
vehicle and issuance of Lake Erie license plates. The application 1732
for Lake Erie license plates may be combined with a request for a 1733
special reserved license plate under section 4503.40 or 4503.42 of 1734
the Revised Code. Upon receipt of the completed application and 1735
compliance with division (B) of this section, the registrar shall 1736
issue to the applicant the appropriate vehicle registration and a 1737
set of Lake Erie license plates with a validation sticker or a 1738
validation sticker alone when required by section 4503.191 of the 1739
Revised Code. 1740

In addition to the letters and numbers ordinarily inscribed 1741
thereon, Lake Erie license plates shall be inscribed with 1742
identifying words or markings designed by the Ohio Lake Erie 1743
commission and approved by the registrar. Lake Erie license plates 1744
shall bear county identification stickers unless the registrar 1745
approves a design for the license plates that does not allow for 1746
the placement of the county identification sticker. 1747

(B) The Lake Erie license plates and validation sticker shall 1748

be issued upon receipt of a contribution as provided in division 1749
(C) of this section and upon payment of the regular license fees 1750
as prescribed under section 4503.04 of the Revised Code, a fee not 1751
to exceed ten dollars for the purpose of compensating the bureau 1752
of motor vehicles for additional services required in the issuing 1753
of the Lake Erie license plates, any applicable motor vehicle tax 1754
levied under Chapter 4504. of the Revised Code, and compliance 1755
with all other applicable laws relating to the registration of 1756
motor vehicles. If the application for Lake Erie license plates is 1757
combined with a request for a special reserved license plate under 1758
section 4503.40 or 4503.42 of the Revised Code, the license plate 1759
and validation sticker shall be issued upon payment of the 1760
contribution, fees, and taxes contained in this division and the 1761
additional fee prescribed under section 4503.40 or 4503.42 of the 1762
Revised Code. 1763

(C) For each application for registration and registration 1764
renewal ~~he receives~~ received under this section, the registrar 1765
shall collect a contribution in an amount not to exceed forty 1766
dollars as determined by the Ohio Lake Erie commission. The 1767
registrar shall transmit this contribution to the treasurer of 1768
state for deposit in the Lake Erie protection fund created in 1769
section 1506.23 of the Revised Code. 1770

The registrar shall deposit the additional fee not to exceed 1771
ten dollars specified in division (B) of this section that the 1772
applicant for registration voluntarily pays for the purpose of 1773
compensating the bureau for the additional services required in 1774
the issuing of ~~his~~ the Lake Erie license plates in the ~~Lake Erie~~ 1775
~~license plate~~ state bureau of motor vehicles fund created in 1776
section ~~4501.24~~ 4501.25 of the Revised Code. 1777

Sec. 4503.55. (A) The owner of any passenger car, 1778
noncommercial motor vehicle, or recreational vehicle may apply to 1779

the registrar of motor vehicles for the registration of the 1780
vehicle and issuance of pro football hall of fame license plates. 1781
The application for pro football hall of fame license plates may 1782
be combined with a request for a special reserved license plate 1783
under section 4503.40 or 4503.42 of the Revised Code. Upon receipt 1784
of the completed application and compliance with division (B) of 1785
this section, the registrar shall issue to the applicant the 1786
appropriate vehicle registration and a set of pro football hall of 1787
fame license plates with a validation sticker or a validation 1788
sticker alone when required by section 4503.191 of the Revised 1789
Code. 1790

In addition to the letters and numbers ordinarily inscribed 1791
thereon, pro football hall of fame license plates shall be 1792
inscribed with identifying words or markings designed by the pro 1793
football hall of fame and approved by the registrar. Pro football 1794
hall of fame plates shall bear county identification stickers 1795
unless the registrar approves a design for the license plates that 1796
does not allow for the placement of the county identification 1797
sticker. 1798

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

and validation sticker shall be issued upon payment of the 1812
contribution, fees, and taxes contained in this division and the 1813
additional fee prescribed under section 4503.40 or 4503.42 of the 1814
Revised Code. 1815

(C) For each application for registration and registration 1816
renewal under this section, the registrar shall collect a 1817
contribution of fifteen dollars. The registrar shall transmit this 1818
contribution to the treasurer of state for deposit in the pro 1819
football hall of fame license plate fund created in section 1820
4501.22 of the Revised Code. 1821

The registrar shall deposit the additional fee not to exceed 1822
ten dollars specified in division (B) of this section that the 1823
applicant for registration voluntarily pays for the purpose of 1824
compensating the bureau for the additional services required in 1825
the issuing of ~~his~~ the applicant's pro football hall of fame 1826
license plates in the ~~pro football hall of fame license plate~~ 1827
state bureau of motor vehicles fund created in section ~~4501.22~~ 1828
4501.25 of the Revised Code. 1829

Sec. 4503.56. (A) The owner of any passenger car, 1830
noncommercial motor vehicle, or recreational vehicle may apply to 1831
the registrar of motor vehicles for the registration of the 1832
vehicle and issuance of scenic rivers license plates. The 1833
application for scenic rivers license plates may be combined with 1834
a request for a special reserved license plate under section 1835
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 1836
completed application and compliance with division (B) of this 1837
section, the registrar shall issue to the applicant the 1838
appropriate vehicle registration and a set of scenic rivers 1839
license plates with a validation sticker or a validation sticker 1840
alone when required by section 4503.191 of the Revised Code. 1841

In addition to the letters and numbers ordinarily inscribed 1842

thereon, scenic rivers license plates shall be inscribed with 1843
identifying words or markings designed by the department of 1844
natural resources and approved by the registrar. Scenic rivers 1845
license plates shall bear county identification stickers unless 1846
the registrar approves a design for the license plates that does 1847
not allow for the placement of the county identification sticker. 1848

(B) The scenic rivers license plates and validation sticker 1849
shall be issued upon receipt of a contribution as provided in 1850
division (C) of this section and upon payment of the regular 1851
license fees as prescribed under section 4503.04 of the Revised 1852
Code, a fee not to exceed ten dollars for the purpose of 1853
compensating the bureau of motor vehicles for additional services 1854
required in the issuing of the scenic rivers license plates, any 1855
applicable motor vehicle tax levied under Chapter 4504. of the 1856
Revised Code, and compliance with all other applicable laws 1857
relating to the registration of motor vehicles. If the application 1858
for scenic rivers license plates is combined with a request for a 1859
special reserved license plate under section 4503.40 or 4503.42 of 1860
the Revised Code, the license plate and validation sticker shall 1861
be issued upon payment of the contribution, fees, and taxes 1862
contained in this division and the additional fee prescribed under 1863
section 4503.40 or 4503.42 of the Revised Code. 1864

(C) For each application for registration and registration 1865
renewal under this section, the registrar shall collect a 1866
contribution in an amount not to exceed forty dollars as 1867
determined by the department of natural resources. The registrar 1868
shall transmit this contribution to the treasurer of state for 1869
deposit in the scenic rivers protection fund created in section 1870
4501.24 of the Revised Code. 1871

The registrar shall deposit the additional fee not to exceed 1872
ten dollars specified in division (B) of this section that the 1873
applicant for registration voluntarily pays for the purpose of 1874

compensating the bureau for the additional services required in 1875
the issuing of ~~his~~ the applicant's scenic rivers license plates in 1876
the ~~scenic rivers protection license plate~~ state bureau of motor 1877
vehicles fund created in section ~~4501.23~~ 4501.25 of the Revised 1878
Code. 1879

Sec. 4505.11. (A) Each owner of a motor vehicle and each 1880
person mentioned as owner in the last certificate of title, when 1881
the motor vehicle is dismantled, destroyed, or changed in such 1882
manner that it loses its character as a motor vehicle, or changed 1883
in such manner that it is not the motor vehicle described in the 1884
certificate of title, shall surrender the certificate of title to 1885
that motor vehicle to the clerk of the court of common pleas who 1886
issued it, and thereupon the clerk, with the consent of any 1887
holders of any liens noted thereon, shall enter a cancellation 1888
upon the clerk's records and shall notify the registrar of motor 1889
vehicles of the cancellation. 1890

Upon the cancellation of a certificate of title in the manner 1891
prescribed by this section, the clerk and the registrar of motor 1892
vehicles may cancel and destroy all certificates and all 1893
memorandum certificates in that chain of title. 1894

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

motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

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

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

photocopy of the certificate of title to the salvage dealer or 1938
scrap metal processing facility for its records. 1939

(3) If an insurance company declares it economically 1940
impractical to repair a motor vehicle, agrees to pay to the 1941
insured or claimant owner an amount in settlement of a claim 1942
against a policy of motor vehicle insurance covering the motor 1943
vehicle, and agrees to permit the insured or claimant owner to 1944
retain possession of the motor vehicle, the insurance company 1945
shall not pay the insured or claimant owner any amount in 1946
settlement of the insurance claim until the owner obtains a 1947
salvage certificate of title to the vehicle and furnishes a copy 1948
of the salvage certificate of title to the insurance company. 1949

(D) When a self-insured organization, rental or leasing 1950
company, or secured creditor becomes the owner of a motor vehicle 1951
that is burned, damaged, or dismantled and is determined to be 1952
economically impractical to repair, the self-insured organization, 1953
rental or leasing company, or secured creditor shall do one of the 1954
following: 1955

(1) Mark the face of the certificate of title to the motor 1956
vehicle "FOR DESTRUCTION" and surrender the certificate of title 1957
to the clerk of the court of common pleas for cancellation as 1958
described in division (A) of this section. The self-insured 1959
organization, rental or leasing company, or secured creditor 1960
thereupon shall deliver the motor vehicle, together with a 1961
photocopy of the certificate of title, to a salvage dealer or 1962
scrap metal processing facility and shall cause the motor vehicle 1963
to be dismantled, flattened, crushed, or destroyed. 1964

(2) Obtain a salvage certificate of title to the motor 1965
vehicle in the name of the self-insured organization, rental or 1966
leasing company, or secured creditor, as provided in division 1967
(C)(1) of this section, and then sell or otherwise dispose of the 1968

motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from the clerk of the court of common pleas of the county in which the purchaser resides.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to the clerk of the court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title, shall bear the same number as the salvage certificate of title and the original certificate of title, and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or

those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of ~~twenty-five~~ forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the state highway safety fund established by section 4501.06 of the Revised Code.

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

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

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

Sec. 4506.24. (A) ~~Until January 1, 1997, a~~ A restricted commercial driver's license and waiver for farm-related service industries may be issued by the registrar of motor vehicles to allow a person to operate a commercial motor vehicle during seasonal periods determined by the registrar and subject to the restrictions set forth in this section.

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

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

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

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

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

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

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

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

(4) Certifies and also provides evidence that ~~he~~ the person

is employed in one or more of the following farm-related service 2060
industries requiring ~~him~~ the person to operate a commercial motor 2061
vehicle: 2062

(a) Custom harvesters; 2063

(b) Farm retail outlets and suppliers; 2064

(c) Agri-chemical business; 2065

(d) Livestock feeders. 2066

(C) An annual waiver for farm-related service industries may 2067
be issued to authorize the holder of a restricted commercial 2068
driver's license to operate a commercial motor vehicle during 2069
seasonal periods designated by the registrar. The registrar shall 2070
determine the format of the waiver. The total number of days that 2071
a person may operate a commercial motor vehicle pursuant to a 2072
waiver for farm-related service industries shall not exceed one 2073
hundred eighty days in any twelve-month period. Each time the 2074
holder of a restricted commercial driver's license applies for a 2075
waiver for farm-related service industries, the registrar shall 2076
verify that the person meets all of the requirements set forth in 2077
division (B) of this section. The restricted commercial driver's 2078
license and waiver shall be carried at all times when a commercial 2079
motor vehicle is being operated by the holder of the license and 2080
waiver. 2081

(D) The holder of a restricted commercial driver's license 2082
and valid waiver for farm-related service industries may operate a 2083
class B or C commercial motor vehicle subject to all of the 2084
following restrictions: 2085

(1) The commercial motor vehicle is operated within a 2086
distance of no more than one hundred fifty miles of the employer's 2087
place of business or the farm currently being served; 2088

(2) The operation of the commercial motor vehicle does not 2089

involve transporting hazardous materials for which placarding is 2090
required, except as follows: 2091

(a) Diesel fuel in quantities of one thousand gallons or 2092
less; 2093

(b) Liquid fertilizers in vehicles or implements of husbandry 2094
with total capacities of three thousand gallons or less; 2095

(c) Solid fertilizers that are not transported with any 2096
organic substance. 2097

(E) Except as otherwise provided in this section an applicant 2098
for or holder of a restricted commercial driver's license and 2099
waiver for farm-related service industries is subject to the 2100
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 2101
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 2102
not apply to an applicant for a restricted commercial driver's 2103
license and waiver. 2104

Sec. 4507.45. If a person's driver's license, commercial 2105
driver's license, or nonresident operating privilege is suspended, 2106
disqualified, or revoked for an indefinite period of time or for a 2107
period of at least sixty days, and if at the end of the period of 2108
suspension, disqualification, or revocation the person is eligible 2109
to have the license or privilege reinstated, the registrar of 2110
motor vehicles shall collect a reinstatement fee of thirty dollars 2111
when the person requests reinstatement. However, the registrar 2112
shall not collect the fee prescribed by this section if a 2113
different driver's license, commercial driver's license, or 2114
nonresident operating privilege reinstatement fee is prescribed by 2115
law. 2116

Sec. 4511.101. (A) The director of transportation, in 2117
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 2118
shall establish a program for the placement of business logos for 2119

identification purposes on state directional signs within the 2120
rights-of-way of divided, multi-lane highways ~~on the interstate~~ 2121
~~system~~ in rural areas, except when any of the following conditions 2122
applies: 2123

(1) Upon approval by the director, a business logo sign may 2124
be located in an urban area if the land contiguous to the highway 2125
is sparsely populated and appears to be rural in character; 2126

(2) A business logo sign may be located in a rural or urban 2127
area, if the interchange providing access to the businesses 2128
indicated on the sign has been constructed and paid for primarily 2129
with private funds. 2130

(B) All direct and indirect costs of the business logo sign 2131
program established pursuant to this section shall be fully paid 2132
by the businesses applying for participation in the program. At 2133
any interchange where a business logo sign is erected, such costs 2134
shall be divided equally among the participating businesses. The 2135
direct and indirect costs of the program shall include, but not be 2136
limited to, the cost of capital, directional signs, blanks, posts, 2137
logos, installation, repair, engineering, design, insurance, 2138
removal, replacement, and administration. Nothing in this chapter 2139
shall be construed to prohibit the director from establishing such 2140
a program. 2141

(C) The director, in accordance with rules adopted pursuant 2142
to Chapter 119. of the Revised Code, may contract with any private 2143
person to operate, maintain, and market the business logo sign 2144
program. The rules shall describe the terms of the contract, and 2145
shall allow for a reasonable profit to be earned by the successful 2146
applicant. In awarding the contract, the director shall consider 2147
the skill, expertise, prior experience, and other qualifications 2148
of each applicant. The director shall include in the contract a 2149
requirement that a fee in an amount determined by the director 2150

shall be paid to this state for each business logo sign 2151
constructed. 2152

(D) As used in this section, "urban area" means an area 2153
having a population of fifty thousand or more according to the 2154
most recent federal census and designated as such on urban maps 2155
prepared by the department. 2156

(E) Neither the department nor the director shall do ~~any~~ 2157
either of the following: 2158

(1) Limit the right of any person to erect, maintain, repair, 2159
remove, or utilize any off-premises or on-premises advertising 2160
device; 2161

(2) Make participation in the business logo sign program 2162
conditional upon a business agreeing to limit, discontinue, 2163
withdraw, modify, alter, or change any advertising or sign; 2164

~~(3) Establish any program for the placement of business logos~~ 2165
~~on state directional signs on highways that are not part of the~~ 2166
~~interstate highway system.~~ 2167

~~(F) In accordance with 23 U.S.C.A. 109(d), 131(f), and 315,~~ 2168
~~as amended, and notwithstanding division (E)(3) of this section,~~ 2169
~~the director shall establish a test program for the placement of~~ 2170
~~business logos on state directional signs within the rights of way~~ 2171
~~of state highways. The initial location of the test program shall~~ 2172
~~be in Stark county at the intersection of United States route~~ 2173
~~number thirty and state highway number twenty one. Business logo~~ 2174
~~signs shall be placed at that location not later than sixty days~~ 2175
~~after June 30, 1993. The second location of the test program shall~~ 2176
~~be in Union county at the intersection of United States routes~~ 2177
~~thirty three and thirty six. Business logo signs shall be placed~~ 2178
~~at that location not later than sixty days after the effective~~ 2179
~~date of this amendment. The third location of the test program~~ 2180
~~shall be in Cuyahoga county at the intersection of United States~~ 2181

~~route four hundred twenty two and Harper road. Business logo signs~~ 2182
~~shall be placed at that location not later than sixty days after~~ 2183
~~the effective date of this amendment. In accordance with division~~ 2184
~~(B) of this section, the direct and indirect costs of the test~~ 2185
~~program shall be fully paid by businesses applying for~~ 2186
~~participation in the program.~~ 2187

Sec. 4511.102. As used in sections 4511.102 to 4511.106 of 2188
the Revised Code: 2189

(A) "Tourist-oriented activity" includes any lawful cultural, 2190
historical, recreational, educational, or commercial activity, 2191
such as a farm market or winery, a major portion of whose income 2192
or visitors are derived during the normal business season from 2193
motorists not residing in the immediate area of the activity and 2194
attendance at which is no less than two thousand visitors in any 2195
consecutive twelve-month period. 2196

(B) "Eligible attraction" means any tourist-oriented activity 2197
that meets all of the following criteria: 2198

(1) Is not eligible for inclusion ~~either~~ in the business logo 2199
sign program ~~or the pilot logo sign program~~ established under 2200
section 4511.101 of the Revised Code; 2201

(2) If currently advertised by signs adjacent to a highway on 2202
the interstate system or state system, those signs are consistent 2203
with Chapter 5516. of the Revised Code and the "National Highway 2204
Beautification Act of 1965," 79 Stat. 1028, 23 U.S.C. 131 and the 2205
national standards, criteria, and rules adopted pursuant to that 2206
act; 2207

(3) Is within ten miles of the highway for which signing is 2208
sought under sections 4511.102 to 4511.105 of the Revised Code; 2209

(4) Meets any additional criteria developed by the director 2210
of transportation and adopted by the director as rules in 2211

accordance with Chapter 119. of the Revised Code. 2212

(C) "Interstate system" has the same meaning as in section 2213
5516.01 of the Revised Code. 2214

Sec. 4511.191. (A) Any person who operates a vehicle upon a 2215
highway or any public or private property used by the public for 2216
vehicular travel or parking within this state shall be deemed to 2217
have given consent to a chemical test or tests of the person's 2218
blood, breath, or urine for the purpose of determining the 2219
alcohol, drug, or alcohol and drug content of the person's blood, 2220
breath, or urine if arrested for operating a vehicle while under 2221
the influence of alcohol, a drug of abuse, or alcohol and a drug 2222
of abuse or for operating a vehicle with a prohibited 2223
concentration of alcohol in the blood, breath, or urine. The 2224
chemical test or tests shall be administered at the request of a 2225
police officer having reasonable grounds to believe the person to 2226
have been operating a vehicle upon a highway or any public or 2227
private property used by the public for vehicular travel or 2228
parking in this state while under the influence of alcohol, a drug 2229
of abuse, or alcohol and a drug of abuse or with a prohibited 2230
concentration of alcohol in the blood, breath, or urine. The law 2231
enforcement agency by which the officer is employed shall 2232
designate which of the tests shall be administered. 2233

(B) Any person who is dead or unconscious, or who is 2234
otherwise in a condition rendering the person incapable of 2235
refusal, shall be deemed not to have withdrawn consent as provided 2236
by division (A) of this section and the test or tests may be 2237
administered, subject to sections 313.12 to 313.16 of the Revised 2238
Code. 2239

(C)(1) Any person under arrest for operating a vehicle while 2240
under the influence of alcohol, a drug of abuse, or alcohol and a 2241
drug of abuse or for operating a vehicle with a prohibited 2242

concentration of alcohol in the blood, breath, or urine shall be 2243
advised at a police station, or at a hospital, first-aid station, 2244
or clinic to which the person has been taken for first-aid or 2245
medical treatment, of both of the following: 2246

(a) The consequences, as specified in division (E) of this 2247
section, of the person's refusal to submit upon request to a 2248
chemical test designated by the law enforcement agency as provided 2249
in division (A) of this section; 2250

(b) The consequences, as specified in division (F) of this 2251
section, of the person's submission to the designated chemical 2252
test if the person is found to have a prohibited concentration of 2253
alcohol in the blood, breath, or urine. 2254

(2)(a) The advice given pursuant to division (C)(1) of this 2255
section shall be in a written form containing the information 2256
described in division (C)(2)(b) of this section and shall be read 2257
to the person. The form shall contain a statement that the form 2258
was shown to the person under arrest and read to the person in the 2259
presence of the arresting officer and either another police 2260
officer, a civilian police employee, or an employee of a hospital, 2261
first-aid station, or clinic, if any, to which the person has been 2262
taken for first-aid or medical treatment. The witnesses shall 2263
certify to this fact by signing the form. 2264

(b) The form required by division (C)(2)(a) of this section 2265
shall read as follows: 2266

"You now are under arrest for operating a vehicle while under 2267
the influence of alcohol, a drug of abuse, or both alcohol and a 2268
drug of abuse and will be requested by a police officer to submit 2269
to a chemical test to determine the concentration of alcohol, 2270
drugs of abuse, or alcohol and drugs of abuse in your blood, 2271
breath, or urine. 2272

If you refuse to submit to the requested test or if you 2273

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

(D)(1) If a person under arrest as described in division
(C)(1) of this section is not asked by a police officer to submit
to a chemical test designated as provided in division (A) of this
section, the arresting officer shall seize the Ohio or
out-of-state driver's or commercial driver's license or permit of
the person and immediately forward the seized license or permit to
the court in which the arrested person is to appear on the charge
for which the person was arrested. If the arrested person does not
have the person's driver's or commercial driver's license or
permit on his or her person or in his or her vehicle, the
arresting officer shall order the arrested person to surrender it
to the law enforcement agency that employs the officer within
twenty-four hours after the arrest, and, upon the surrender, the
officer's employing agency immediately shall forward the license
or permit to the court in which the arrested person is to appear
on the charge for which the person was arrested. Upon receipt of
the license or permit, the court shall retain it pending the
initial appearance of the arrested person and any action taken
under section 4511.196 of the Revised Code.

If a person under arrest as described in division (C)(1) of
this section is asked by a police officer to submit to a chemical

test designated as provided in division (A) of this section and is 2306
advised of the consequences of the person's refusal or submission 2307
as provided in division (C) of this section and if the person 2308
either refuses to submit to the designated chemical test or the 2309
person submits to the designated chemical test and the test 2310
results indicate that the person's blood contained a concentration 2311
of ten-hundredths of one per cent or more by weight of alcohol, 2312
the person's breath contained a concentration of ten-hundredths of 2313
one gram or more by weight of alcohol per two hundred ten liters 2314
of the person's breath, or the person's urine contained a 2315
concentration of fourteen-hundredths of one gram or more by weight 2316
of alcohol per one hundred milliliters of the person's urine at 2317
the time of the alleged offense, the arresting officer shall do 2318
all of the following: 2319

(a) On behalf of the registrar, serve a notice of suspension 2320
upon the person that advises the person that, independent of any 2321
penalties or sanctions imposed upon the person pursuant to any 2322
other section of the Revised Code or any other municipal 2323
ordinance, the person's driver's or commercial driver's license or 2324
permit or nonresident operating privilege is suspended, that the 2325
suspension takes effect immediately, that the suspension will last 2326
at least until the person's initial appearance on the charge that 2327
will be held within five days after the date of the person's 2328
arrest or the issuance of a citation to the person, and that the 2329
person may appeal the suspension at the initial appearance; seize 2330
the Ohio or out-of-state driver's or commercial driver's license 2331
or permit of the person; and immediately forward the seized 2332
license or permit to the registrar. If the arrested person does 2333
not 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 person to surrender it to the 2336
law enforcement agency that employs the officer within twenty-four 2337

hours after the service of the notice of suspension, and, upon the
surrender, the officer's employing agency immediately shall
forward the license or permit to the registrar.

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

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

(i) That the officer had reasonable grounds to believe that,
at the time of the arrest, the arrested person was operating a
vehicle upon a highway or public or private property used by the
public for vehicular travel or parking within this state 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;

(ii) That the person was arrested and charged with operating
a vehicle while under the influence of alcohol, a drug of abuse,
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, 2369
the person's breath contained a concentration of ten-hundredths of 2370
one gram or more by weight of alcohol per two hundred ten liters 2371
of the person's breath, or the person's urine contained a 2372
concentration of fourteen-hundredths of one gram or more by weight 2373
of alcohol per one hundred milliliters of the person's urine at 2374
the time of the alleged offense; 2375

(v) That the officer served a notice of suspension upon the 2376
person as described in division (D)(1)(a) of this section. 2377

(2) The sworn report of an arresting officer completed under 2378
division (D)(1)(c) of this section shall be given by the officer 2379
to the arrested person at the time of the arrest or sent to the 2380
person by regular first class mail by the registrar as soon 2381
thereafter as possible, but no later than fourteen days after 2382
receipt of the report. An arresting officer may give an unsworn 2383
report to the arrested person at the time of the arrest provided 2384
the report is complete when given to the arrested person and 2385
subsequently is sworn to by the arresting officer. As soon as 2386
possible, but no later than forty-eight hours after the arrest of 2387
the person, the arresting officer shall send a copy of the sworn 2388
report to the court in which the arrested person is to appear on 2389
the charge for which the person was arrested. 2390

(3) The sworn report of an arresting officer completed and 2391
sent to the registrar and the court under divisions (D)(1)(c) and 2392
(D)(2) of this section is prima-facie proof of the information and 2393
statements that it contains and shall be admitted and considered 2394
as prima-facie proof of the information and statements that it 2395
contains in any appeal under division (H) of this section relative 2396
to any suspension of a person's driver's or commercial driver's 2397
license or permit or nonresident operating privilege that results 2398
from the arrest covered by the report. 2399

(E)(1) Upon receipt of the sworn report of an arresting officer completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section in regard to a person who refused to take the designated chemical test, 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 (E)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods applies:

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

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

(c) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its

alcohol content, the period of suspension or denial shall be three 2432
years. 2433

(d) If the arrested person, within five years of the date on 2434
which the person refused the request to consent to the chemical 2435
test, had refused three or more previous requests to consent to a 2436
chemical test of the person's blood, breath, or urine to determine 2437
its alcohol content, the period of suspension or denial shall be 2438
five years. 2439

(2) The suspension or denial imposed under division (E)(1) of 2440
this section shall continue for the entire one-year, two-year, 2441
three-year, or five-year period, subject to appeal as provided in 2442
this section and subject to termination as provided in division 2443
(K) of this section. 2444

(F) Upon receipt of the sworn report of an arresting officer 2445
completed and sent to the registrar and a court pursuant to 2446
divisions (D)(1)(c) and (D)(2) of this section in regard to a 2447
person whose test results indicate that the person's blood 2448
contained a concentration of ten-hundredths of one per cent or 2449
more by weight of alcohol, the person's breath contained a 2450
concentration of ten-hundredths of one gram or more by weight of 2451
alcohol per two hundred ten liters of the person's breath, or the 2452
person's urine contained a concentration of fourteen-hundredths of 2453
one gram or more by weight of alcohol per one hundred milliliters 2454
of the person's urine at the time of the alleged offense, the 2455
registrar shall enter into the registrar's records the fact that 2456
the person's driver's or commercial driver's license or permit or 2457
nonresident operating privilege was suspended by the arresting 2458
officer under division (D)(1)(a) of this section and the period of 2459
the suspension, as determined under divisions (F)(1) to (4) of 2460
this section. The suspension shall be subject to appeal as 2461
provided in this section and shall be for whichever of the 2462
following periods that applies: 2463

(1) Except when division (F)(2), (3), or (4) of this section 2464
applies and specifies a different period of suspension or denial, 2465
the period of the suspension or denial shall be ninety days. 2466

(2) If the person has been convicted, within ten years of the 2467
date the test was conducted, of one violation of division (A) or 2468
(B) of section 4511.19 of the Revised Code, a municipal ordinance 2469
relating to operating a vehicle while under the influence of 2470
alcohol, a drug of abuse, or alcohol and a drug of abuse, a 2471
municipal ordinance relating to operating a vehicle with a 2472
prohibited concentration of alcohol in the blood, breath, or 2473
urine, section 2903.04 of the Revised Code in a case in which the 2474
offender was subject to the sanctions described in division (D) of 2475
that section, or section 2903.06, 2903.07, or 2903.08 of the 2476
Revised Code or a municipal ordinance that is substantially 2477
similar to section 2903.07 of the Revised Code in a case in which 2478
the jury or judge found that at the time of the commission of the 2479
offense the offender was under the influence of alcohol, a drug of 2480
abuse, or alcohol and a drug of abuse, or a statute of any other 2481
state or a municipal ordinance of a municipal corporation located 2482
in any other state that is substantially similar to division (A) 2483
or (B) of section 4511.19 of the Revised Code, the period of the 2484
suspension or denial shall be one year. 2485

(3) If the person has been convicted, within ten years of the 2486
date the test was conducted, of two violations of a statute or 2487
ordinance described in division (F)(2) of this section, the period 2488
of the suspension or denial shall be two years. 2489

(4) If the person has been convicted, within ten years of the 2490
date the test was conducted, of more than two violations of a 2491
statute or ordinance described in division (F)(2) of this section, 2492
the period of the suspension or denial shall be three years. 2493

(G)(1) A suspension of a person's driver's or commercial 2494

driver's license or permit or nonresident operating privilege 2495
under division (D)(1)(a) of this section for the period of time 2496
described in division (E) or (F) of this section is effective 2497
immediately from the time at which the arresting officer serves 2498
the notice of suspension upon the arrested person. Any subsequent 2499
finding that the person is not guilty of the charge that resulted 2500
in the person being requested to take, or in the person taking, 2501
the chemical test or tests under division (A) of this section 2502
affects the suspension only as described in division (H)(2) of 2503
this section. 2504

(2) If a person is arrested for operating a vehicle while 2505
under the influence of alcohol, a drug of abuse, or alcohol and a 2506
drug of abuse or for operating a vehicle with a prohibited 2507
concentration of alcohol in the blood, breath, or urine and 2508
regardless of whether the person's driver's or commercial driver's 2509
license or permit or nonresident operating privilege is or is not 2510
suspended under division (E) or (F) of this section, the person's 2511
initial appearance on the charge resulting from the arrest shall 2512
be held within five days of the person's arrest or the issuance of 2513
the citation to the person, subject to any continuance granted by 2514
the court pursuant to division (H)(1) of this section regarding 2515
the issues specified in that division. 2516

(H)(1) If a person is arrested for operating a vehicle while 2517
under the influence of alcohol, a drug of abuse, or alcohol and a 2518
drug of abuse or for operating a vehicle with a prohibited 2519
concentration of alcohol in the blood, breath, or urine and if the 2520
person's driver's or commercial driver's license or permit or 2521
nonresident operating privilege is suspended under division (E) or 2522
(F) of this section, the person may appeal the suspension at the 2523
person's initial appearance on the charge resulting from the 2524
arrest in the court in which the person will appear on that 2525
charge. If the person appeals the suspension at the person's 2526

initial appearance, the appeal does not stay the operation of the
suspension. Subject to division (H)(2) of this section, no court
has jurisdiction to grant a stay of a suspension imposed under
division (E) or (F) of this section, and any order issued by any
court that purports to grant a stay of any suspension imposed
under either of those divisions shall not be given administrative
effect.

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

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

(a) Whether the law enforcement officer had reasonable ground
to believe the arrested person was operating a vehicle upon a
highway or public or private property used by the public for
vehicular travel or parking within this state 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 and whether the arrested person was in fact
placed under arrest;

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

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

(d) Whichever of the following is applicable:

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

(ii) Whether the chemical test results indicate that the arrested 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.

(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
divisions (H)(1)(a) to (d) of this section have not been met, the
judge, referee, or mayor shall terminate the suspension, subject
to the imposition of a new suspension under division (B) of
section 4511.196 of the Revised Code; shall notify the registrar
of the decision on a form approved by the registrar; and, except
as provided in division (B) of section 4511.196 of the Revised
Code, shall order the registrar to return the driver's or
commercial driver's license or permit to the person or to take
such measures as may be necessary, if the license or permit was
destroyed under section 4507.55 of the Revised Code, to permit the
person to obtain a replacement driver's or commercial driver's
license or permit from the registrar or a deputy registrar in

accordance with that section. The court also shall issue to the
person a court order, valid for not more than ten days from the
date of issuance, granting the person operating privileges for
that period of time.

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

(I)(1) If a person's driver's or commercial driver's license
or permit or nonresident operating privilege has been suspended
pursuant to division (E) of this section, and the person, within
the preceding seven years, has refused three previous requests to
consent to a chemical test of the person's blood, breath, or urine
to determine its alcohol content or has been convicted of or
pleaded guilty to three or more violations 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
person 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 the person 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 person is not entitled to request, and the court shall
not grant to the person, occupational driving privileges under
this division. Any other person whose driver's or commercial
driver's license or nonresident operating privilege has been
suspended pursuant to division (E) of this section may file a
petition requesting occupational driving privileges in the
municipal court, county court, or, if the person is a minor,
juvenile court with jurisdiction over the place at which the
arrest occurred. The petition may be filed at any time subsequent
to the date on which the arresting officer serves the notice of
suspension upon the arrested person. The person shall pay the
costs of the proceeding, notify the registrar of the filing of the
petition, and send the registrar a copy of the petition.

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

The court, if it finds reasonable cause to believe that
suspension would seriously affect the person's ability to continue

in the person's employment, may grant the person occupational 2686
driving privileges during the period of suspension imposed 2687
pursuant to division (E) of this section, subject to the 2688
limitations contained in this division and division (I)(2) of this 2689
section. The court may grant the occupational driving privileges, 2690
subject to the limitations contained in this division and division 2691
(I)(2) of this section, regardless of whether the person appeals 2692
the suspension at the person's initial appearance under division 2693
(H)(1) of this section or appeals the decision of the court made 2694
pursuant to the appeal conducted at the initial appearance, and, 2695
if the person has appealed the suspension or decision, regardless 2696
of whether the matter at issue has been heard or decided by the 2697
court. The court shall not grant occupational driving privileges 2698
to any person who, within seven years of the filing of the 2699
petition, has refused three previous requests to consent to a 2700
chemical test of the person's blood, breath, or urine to determine 2701
its alcohol content or has been convicted of or pleaded guilty to 2702
three or more violations of division (A) or (B) of section 4511.19 2703
of the Revised Code, a municipal ordinance relating to operating a 2704
vehicle while under the influence of alcohol, a drug of abuse, or 2705
alcohol and a drug of abuse, a municipal ordinance relating to 2706
operating a vehicle with a prohibited concentration of alcohol in 2707
the blood, breath, or urine, section 2903.04 of the Revised Code 2708
in a case in which the person was subject to the sanctions 2709
described in division (D) of that section, or section 2903.06, 2710
2903.07, or 2903.08 of the Revised Code or a municipal ordinance 2711
that is substantially similar to section 2903.07 of the Revised 2712
Code in a case in which the jury or judge found that the person 2713
was under the influence of alcohol, a drug of abuse, or alcohol 2714
and a drug of abuse, or a statute of any other state or a 2715
municipal ordinance of a municipal corporation located in any 2716
other state that is substantially similar to division (A) or (B) 2717
of section 4511.19 of the Revised Code, and shall not grant 2718

occupational driving privileges for employment as a driver of 2719
commercial motor vehicles to any person who is disqualified from 2720
operating a commercial motor vehicle under section 2301.374 or 2721
4506.16 of the Revised Code. 2722

(2)(a) In granting occupational driving privileges under 2723
division (I)(1) of this section, the court may impose any 2724
condition it considers reasonable and necessary to limit the use 2725
of a vehicle by the person. The court shall deliver to the person 2726
a permit card, in a form to be prescribed by the court, setting 2727
forth the time, place, and other conditions limiting the 2728
defendant's use of a vehicle. The grant of occupational driving 2729
privileges shall be conditioned upon the person's having the 2730
permit in the person's possession at all times during which the 2731
person is operating a vehicle. 2732

A person granted occupational driving privileges who operates 2733
a vehicle for other than occupational purposes, in violation of 2734
any condition imposed by the court, or without having the permit 2735
in the person's possession, is guilty of a violation of section 2736
4507.02 of the Revised Code. 2737

(b) The court may not grant a person occupational driving 2738
privileges under division (I)(1) of this section when prohibited 2739
by a limitation contained in that division or during any of the 2740
following periods of time: 2741

(i) The first thirty days of suspension imposed upon a person 2742
who, within five years of the date on which the person refused the 2743
request to consent to a chemical test of the person's blood, 2744
breath, or urine to determine its alcohol content and for which 2745
refusal the suspension was imposed, had not refused a previous 2746
request to consent to a chemical test of the person's blood, 2747
breath, or urine to determine its alcohol content; 2748

(ii) The first ninety days of suspension imposed upon a 2749

person who, within five years of the date on which the person
refused the request to consent to a chemical test of the person's
blood, breath, or urine to determine its alcohol content and for
which refusal the suspension was imposed, had refused one previous
request to consent to a chemical test of the person's blood,
breath, or urine to determine its alcohol content;

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

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

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

(4) If a person's driver's or commercial driver's license or
permit or nonresident operating privilege has been suspended
pursuant to division (F) of this section, and the person, within
the preceding seven years, has been convicted of or pleaded guilty
to three or more violations 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 person 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 the
person 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 person is not entitled
to request, and the court shall not grant to the person,
occupational driving privileges under this division. Any other
person whose driver's or commercial driver's license or
nonresident operating privilege has been suspended pursuant to
division (F) of this section may file in the court specified in
division (I)(1) of this section a petition requesting occupational
driving privileges in accordance with section 4507.16 of the
Revised Code. The petition may be filed at any time subsequent to
the date on which the arresting officer serves the notice of
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 2812

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 2845
following: 2846

(1) A showing by the person that the person had proof of 2847
financial responsibility, a policy of liability insurance in 2848
effect that meets the minimum standards set forth in section 2849
4509.51 of the Revised Code, or proof, to the satisfaction of the 2850
registrar, that the person is able to respond in damages in an 2851
amount at least equal to the minimum amounts specified in section 2852
4509.51 of the Revised Code. 2853

(2) Payment by the person of a license reinstatement fee of 2854
two hundred ~~fifty~~ eighty dollars to the bureau of motor vehicles, 2855
which fee shall be deposited in the state treasury and credited as 2856
follows: 2857

(a) Seventy-five dollars shall be credited to the drivers' 2858
treatment and intervention fund, which is hereby established. The 2859
fund shall be used to pay the costs of driver treatment and 2860
intervention programs operated pursuant to sections 3793.02 and 2861
3793.10 of the Revised Code. The director of alcohol and drug 2862
addiction services shall determine the share of the fund that is 2863
to be allocated to alcohol and drug addiction programs authorized 2864
by section 3793.02 of the Revised Code, and the share of the fund 2865
that is to be allocated to drivers' intervention programs 2866
authorized by section 3793.10 of the Revised Code. 2867

(b) Fifty dollars shall be credited to the reparations fund 2868
created by section 2743.191 of the Revised Code. 2869

(c) Twenty-five dollars shall be credited to the indigent 2870
drivers alcohol treatment fund, which is hereby established. 2871
Except as otherwise provided in division (L)(2)(c) of this 2872
section, moneys in the fund shall be distributed by the department 2873
of alcohol and drug addiction services to the county indigent 2874
drivers alcohol treatment funds, the county juvenile indigent 2875

drivers alcohol treatment funds, and the municipal indigent 2876
drivers treatment funds that are required to be established by 2877
counties and municipal corporations pursuant to division (N) of 2878
this section, and shall be used only to pay the cost of an alcohol 2879
and drug addiction treatment program attended by an offender or 2880
juvenile traffic offender who is ordered to attend an alcohol and 2881
drug addiction treatment program by a county, juvenile, or 2882
municipal court judge and who is determined by the county, 2883
juvenile, or municipal court judge not to have the means to pay 2884
for attendance at the program. Moneys in the fund that are not 2885
distributed to a county indigent drivers alcohol treatment fund, a 2886
county juvenile indigent drivers alcohol treatment fund, or a 2887
municipal indigent drivers alcohol treatment fund under division 2888
(N) of this section because the director of alcohol and drug 2889
addiction services does not have the information necessary to 2890
identify the county or municipal corporation where the offender or 2891
juvenile offender was arrested may be transferred by the director 2892
of budget and management to the drivers' treatment and 2893
intervention fund, created in division (L)(2)(a) of this section, 2894
upon certification of the amount by the director of alcohol and 2895
drug addiction services. 2896

(d) Fifty dollars shall be credited to the Ohio 2897
rehabilitation services commission established by section 3304.12 2898
of the Revised Code, to the services for rehabilitation fund, 2899
which is hereby established. The fund shall be used to match 2900
available federal matching funds where appropriate, and for any 2901
other purpose or program of the commission to rehabilitate people 2902
with disabilities to help them become employed and independent. 2903

(e) Fifty dollars shall be deposited into the state treasury 2904
and credited to the drug abuse resistance education programs fund, 2905
which is hereby established, to be used by the attorney general 2906
for the purposes specified in division (L)(2)(e) of this section. 2907

(f) Thirty dollars shall be credited to the state bureau of 2908
motor vehicles fund created by section 4501.25 Of the Revised 2909
Code. 2910

The attorney general shall use amounts in the drug abuse 2911
resistance education programs fund to award grants to law 2912
enforcement agencies to establish and implement drug abuse 2913
resistance education programs in public schools. Grants awarded to 2914
a law enforcement agency under division (L)(2)(e) of this section 2915
shall be used by the agency to pay for not more than fifty per 2916
cent of the amount of the salaries of law enforcement officers who 2917
conduct drug abuse resistance education programs in public 2918
schools. The attorney general shall not use more than six per cent 2919
of the amounts the attorney general's office receives under 2920
division (L)(2)(e) of this section to pay the costs it incurs in 2921
administering the grant program established by division (L)(2)(e) 2922
of this section and in providing training and materials relating 2923
to drug abuse resistance education programs. 2924

The attorney general shall report to the governor and the 2925
general assembly each fiscal year on the progress made in 2926
establishing and implementing drug abuse resistance education 2927
programs. These reports shall include an evaluation of the 2928
effectiveness of these programs. 2929

(M) Suspension of a commercial driver's license under 2930
division (E) or (F) of this section shall be concurrent with any 2931
period of disqualification under section 2301.374 or 4506.16 of 2932
the Revised Code. No person who is disqualified for life from 2933
holding a commercial driver's license under section 4506.16 of the 2934
Revised Code shall be issued a driver's license under Chapter 2935
4507. of the Revised Code during the period for which the 2936
commercial driver's license was suspended under division (E) or 2937
(F) of this section, and no person whose commercial driver's 2938
license is suspended under division (E) or (F) of this section 2939

shall be issued a driver's license under that chapter during the 2940
period of the suspension. 2941

(N)(1) Each county shall establish an indigent drivers 2942
alcohol treatment fund, each county shall establish a juvenile 2943
indigent drivers alcohol treatment fund, and each municipal 2944
corporation in which there is a municipal court shall establish an 2945
indigent drivers alcohol treatment fund. All revenue that the 2946
general assembly appropriates to the indigent drivers alcohol 2947
treatment fund for transfer to a county indigent drivers alcohol 2948
treatment fund, a county juvenile indigent drivers alcohol 2949
treatment fund, or a municipal indigent drivers alcohol treatment 2950
fund, all portions of fees that are paid under division (L) of 2951
this section and that are credited under that division to the 2952
indigent drivers alcohol treatment fund in the state treasury for 2953
a county indigent drivers alcohol treatment fund, a county 2954
juvenile indigent drivers alcohol treatment fund, or a municipal 2955
indigent drivers alcohol treatment fund, and all portions of fines 2956
that are specified for deposit into a county or municipal indigent 2957
drivers alcohol treatment fund by section 4511.193 of the Revised 2958
Code shall be deposited into that county indigent drivers alcohol 2959
treatment fund, county juvenile indigent drivers alcohol treatment 2960
fund, or municipal indigent drivers alcohol treatment fund in 2961
accordance with division (N)(2) of this section. Additionally, all 2962
portions of fines that are paid for a violation of section 4511.19 2963
of the Revised Code or division (B)(2) of section 4507.02 of the 2964
Revised Code, and that are required under division (A)(1) or (2) 2965
of section 4511.99 or division (B)(5) of section 4507.99 of the 2966
Revised Code to be deposited into a county indigent drivers 2967
alcohol treatment fund or municipal indigent drivers alcohol 2968
treatment fund shall be deposited into the appropriate fund in 2969
accordance with the applicable division. 2970

(2) That portion of the license reinstatement fee that is 2971

paid under division (L) of this section and that is credited under 2972
that division to the indigent drivers alcohol treatment fund shall 2973
be deposited into a county indigent drivers alcohol treatment 2974
fund, a county juvenile indigent drivers alcohol treatment fund, 2975
or a municipal indigent drivers alcohol treatment fund as follows: 2976

(a) If the suspension in question was imposed under this 2977
section, that portion of the fee shall be deposited as follows: 2978

(i) If the fee is paid by a person who was charged in a 2979
county court with the violation that resulted in the suspension, 2980
the portion shall be deposited into the county indigent drivers 2981
alcohol treatment fund under the control of that court; 2982

(ii) If the fee is paid by a person who was charged in a 2983
juvenile court with the violation that resulted in the suspension, 2984
the portion shall be deposited into the county juvenile indigent 2985
drivers alcohol treatment fund established in the county served by 2986
the court; 2987

(iii) If the fee is paid by a person who was charged in a 2988
municipal court with the violation that resulted in the 2989
suspension, the portion shall be deposited into the municipal 2990
indigent drivers alcohol treatment fund under the control of that 2991
court. 2992

(b) If the suspension in question was imposed under division 2993
(B) of section 4507.16 of the Revised Code, that portion of the 2994
fee shall be deposited as follows: 2995

(i) If the fee is paid by a person whose license or permit 2996
was suspended by a county court, the portion shall be deposited 2997
into the county indigent drivers alcohol treatment fund under the 2998
control of that court; 2999

(ii) If the fee is paid by a person whose license or permit 3000
was suspended by a municipal court, the portion shall be deposited 3001

into the municipal indigent drivers alcohol treatment fund under
the control of that court.

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(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
an alcohol and drug addiction treatment program, the board shall
determine which program is suitable to meet the needs of the
offender or juvenile traffic offender, and when a suitable program
is located and space is available at the program, the offender or
juvenile traffic offender shall attend the program designated by
the board. A reasonable amount not to exceed five per cent of the
amounts credited to and deposited into the county indigent drivers
alcohol treatment fund, the county juvenile indigent drivers
alcohol treatment fund, or the municipal indigent drivers alcohol
treatment fund serving every court whose program is administered
by that board shall be paid to the board to cover the costs it
incurs in administering those indigent drivers alcohol treatment

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programs. 3034

Sec. 4511.951. (A) A fee of ~~twelve~~ thirty dollars ~~and fifty~~ 3035
~~cents~~ shall be charged by the registrar of motor vehicles for the 3036
reinstatement of any driver's license suspended pursuant to 3037
division (A) of Article IV of the compact enacted in section 3038
4511.95 of the Revised Code. 3039

(B) Pursuant to division (A) of Article VI of the nonresident 3040
violator compact of 1977 enacted in section 4511.95 of the Revised 3041
Code, the director of public safety shall serve as the compact 3042
administrator for Ohio. 3043

Sec. 4981.09. (A) There is hereby created in the state 3044
treasury the rail development fund. The fund shall consist of such 3045
moneys as may be provided by law, including moneys received from 3046
the sale, transfer, or lease of any rail property pursuant to 3047
section 4981.08 of the Revised Code, and amounts transferred 3048
pursuant to division (B) of this section. Moneys in the fund shall 3049
be used for the purpose of acquiring, rehabilitating, or 3050
developing rail property or service, or for participation in the 3051
acquisition of rail property with the federal government, 3052
municipal corporations, townships, counties, or other governmental 3053
agencies. For the purpose of acquiring such rail property, the 3054
Ohio rail development commission may obtain acquisition loans from 3055
the federal government or from any other source. 3056

The fund shall also be used to promote, plan, design, 3057
construct, operate, and maintain passenger and freight rail 3058
transportation systems, and may be used to pay the administrative 3059
costs of the Ohio rail development commission associated with 3060
conducting any authorized rail program, and for any purpose 3061
authorized by sections 4981.03 and 5501.56 of the Revised Code. 3062
The fund shall not be used to provide loan guarantees. 3063

(B) Twice each year~~+~~, by the last day of ~~January~~ March for 3064
the immediately preceding June through December~~+~~ and by the last 3065
day of ~~June~~ August for the immediately preceding January through 3066
May, the tax commissioner shall certify to the director of budget 3067
and management the ~~identified~~ amounts paid into the general 3068
revenue fund pursuant to Chapter 5733. of the Revised Code during 3069
those months by taxpayers engaged in the business of owning or 3070
operating a railroad either wholly or partially within this state 3071
~~on rights of way acquired and held exclusively by such taxpayer.~~ 3072
The certifications shall not include amounts refunded to such 3073
taxpayers. Upon receipt of each certification, the director of 3074
budget and management shall transfer seventy-five per cent of the 3075
amount certified from the general revenue fund to the rail 3076
development fund. 3077

Sec. 4981.34. (A) On behalf of a franchisee and pursuant to 3078
section 4981.15 of the Revised Code, the Ohio rail development 3079
commission may issue bonds for loans to finance development and 3080
construction of a franchisee's portion of a rail system. 3081
~~Notwithstanding section 4981.151 of the Revised Code, any any~~ 3082
bonds issued pursuant to this section do not, and shall state that 3083
they do not, represent or constitute a debt or pledge of the faith 3084
and credit of the state, nor do such bonds grant to the 3085
bondholders or noteholders any right to have the general assembly 3086
levy any taxes or appropriate any funds for the payment of the 3087
principal or interest thereon. Such bonds shall be payable solely 3088
from the loan repayments the commission receives from the 3089
franchisee to which the loan was made. The loan repayments shall 3090
be made from revenues that the franchisee receives from the 3091
operation of its portion of the rail system and that shall be 3092
pledged to repay the commission, or from such other credit sources 3093
as the franchisee may arrange. 3094

(B) The portion of the rail system awarded to a franchisee, 3095
any elements thereof, or the land upon which a franchise is 3096
situated may be owned by the franchisee or owned by the commission 3097
and leased to the franchisee for the term of the franchise. 3098

(C) The rail system may be financed partially by the 3099
commission and partially by franchisees. With respect to that 3100
portion of the rail system financed by the commission, the 3101
commission may utilize all of the bonding and financial authority 3102
contained in sections 4981.01 to 4981.26 of the Revised Code and 3103
also may seek to obtain state funding or federal financing on 3104
behalf of the rail system. Commission financing, credit support, 3105
and financial assistance may not be commingled with private 3106
financing obtained by the franchisee, and any moneys of the 3107
commission to be expended by the commission to finance a portion 3108
of a rail system shall be kept in accounts that are separate and 3109
apart from and not a part of the accounts in which are kept any 3110
moneys to be expended by a franchisee to finance its portion of a 3111
rail system. 3112

(D) The franchisee may arrange financing and refinancing of 3113
the system through any combination of debt, equity, and public 3114
sources available to it that it determines in its sole discretion. 3115
A franchisee shall not be precluded from utilizing any type of 3116
public or private assistance available to it in connection with 3117
the development of its franchise. A franchisee shall furnish the 3118
commission all relevant and necessary information with respect to 3119
financing terms to enable the commission to exercise its oversight 3120
responsibilities with respect to the franchisee's reasonable 3121
return on its investment. 3122

(E) When requested by a franchisee, the commission shall seek 3123
from the office of budget and management an allotment of proceeds 3124
from the issuance of private activity bonds. The commission shall 3125
distribute those proceeds to franchisees in such proportions and 3126

amounts as it determines in its discretion.

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

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(2) Upon written request of the commission, the county auditor of a county in which a rail system station or terminal commences operation shall assess each parcel of real property that is located in the immediate vicinity of the station or terminal and that the commission has reasonable cause to believe has increased in true value in money because of the existence of the station or terminal. The county auditor shall utilize appropriate assessment techniques specified in rules adopted by the tax commissioner pursuant to Chapter 5713. of the Revised Code to determine the increase in true value, if any, of the real property. Any increase shall be measured by comparing the true value of the real property in the year in which the commission adopted the resolution designating the location of the station or terminal, as reflected on the tax list for that year, with the highest true value of the real property as of the month in which rail system operations commenced at the station or terminal. The county auditor shall then determine what percentage of the true

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value increase, if any, is directly attributable to the existence
of and commencement of operations at the station or terminal. The
county auditor shall convert the percentage increase to an amount
certain, and certify the results of the assessments to the
commission. Within thirty days after receipt of the certified
results, the commission shall reimburse the county auditor for the
actual cost to the auditor of making the assessments.

(3) In no case shall any special assessment levied by the
commission upon a parcel of real property exceed twenty per cent
of the increase in the true value of the property that the county
auditor certifies to the commission as being directly attributable
to the existence of and commencement of operations at the station
or terminal. A special assessment shall constitute a lien against
the property and shall be added to the tax list and duplicate for
collection. Payments on the special assessment shall be made
semiannually at the same time as real property taxes are required
to be paid, but upon written request of the owner of the real
property assessed, the county auditor may permit the owner to pay
the assessment in equal installments over a period of not longer
than ten years.

(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.

(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.

Sec. 5112.17. (A) As used in this section:	3191
(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.	3192 3193 3194 3195 3196 3197
(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.	3198 3199 3200 3201
(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 whose income is at or below the federal poverty guideline. Recipients of disability assistance under Chapter 5115. of the Revised Code qualify for services under this section. The department of human services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.	3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212
(C) Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medical assistance program, in accordance with Chapter 5111. of the Revised Code and the rules adopted under that chapter, for services rendered under this section if the individual becomes a recipient of the program. Hospitals may bill individuals for services under this section if all of the following apply:	3213 3214 3215 3216 3217 3218 3219
(1) The hospital has an established post-billing procedure	3220

for determining the individual's income and canceling the charges 3221
if the individual is found to qualify for services under this 3222
section. 3223

(2) The initial bill, and at least the first follow-up bill, 3224
is accompanied by a written statement that does all of the 3225
following: 3226

(a) Explains that individuals with income at or below the 3227
federal poverty guideline are eligible for services without 3228
charge; 3229

(b) Specifies the federal poverty guideline for individuals 3230
and families of various sizes at the time the bill is sent; 3231

(c) Describes the procedure required by division (C)(1) of 3232
this section. 3233

(3) The hospital complies with any additional rules the 3234
department adopts under section 5112.03 of the Revised Code. 3235

Notwithstanding division (B) of this section, a hospital 3236
providing care to an individual under this section is subrogated 3237
to the rights of any individual to receive compensation or 3238
benefits from any person or governmental entity for the hospital 3239
goods and services rendered. 3240

(D) Each hospital shall collect and report to the department, 3241
in the form and manner prescribed by the department, information 3242
on the number and identity of patients served pursuant to this 3243
section. 3244

(E) This section applies beginning May 22, 1992, regardless 3245
of whether the department has adopted rules specifying the 3246
services to be provided. Nothing in this section alters the scope 3247
or limits the obligation of any governmental entity or program, 3248
including the program awarding reparations to victims of crime 3249
under sections 2743.51 to 2743.72 of the Revised Code, and the 3250

program for medically handicapped children established under 3251
section 3701.023 of the Revised Code, ~~and the hospital motor~~ 3252
~~vehicle claims program established under sections 3701.61 to~~ 3253
~~3701.69 of the Revised Code,~~ to pay for hospital services in 3254
accordance with state or local law. 3255

Sec. 5501.01. As used in Chapters 5501., 5503., 5511., 5513., 3256
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 3257
5529., 5531., 5533., and 5535. of the Revised Code: 3258

(A) "Transportation facilities" means all publicly owned 3259
modes and means of transporting people and goods, including the 3260
physical facilities, garages, district offices, radio towers, and 3261
other buildings or fixtures therefor, and including, but not 3262
limited to, highways, rights-of-way, roads and bridges, parking 3263
facilities, aviation facilities, port facilities, rail facilities, 3264
~~and~~ public transportation facilities, rest areas, and roadside 3265
parks. 3266

(B) "Public transportation" means publicly owned or operated 3267
transportation by bus, rail, or other conveyance, which provides 3268
to the public transit or paratransit service on a regular and 3269
continuing basis within the state, and may include 3270
demand-responsive transportation, subscription bus service, 3271
shared-ride taxi service, car pools, van pools, or jitney service. 3272
"Public transportation" does not include school bus transportation 3273
or charter or sightseeing services. 3274

(C) "Road" or "highway" includes bridges, viaducts, grade 3275
separations, appurtenances, and approaches on or to such road or 3276
highway. 3277

(D) "Right-of-way" has the same meaning as in division 3278
(UU)(2) of section 4511.01 of the Revised Code. 3279

(E) "Telecommunications service" means a telecommunications 3280

company that charges for the provision of telecommunications 3281
services, including wireless transmission of interactive, two-way, 3282
voice or data communications. 3283

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 3284
of the Revised Code the director of transportation may lease or 3285
lease-purchase all or any part of a transportation facility to or 3286
from one or more persons, one or more governmental agencies, a 3287
transportation improvement district, or any combination thereof, 3288
and, in conjunction therewith, may grant leases, easements, or 3289
licenses for lands under the control of the department of 3290
transportation. The director ~~shall~~ may adopt ~~such~~ rules ~~as~~ are 3291
necessary to give effect to this section. 3292

(B) Plans and specifications for the construction of a 3293
transportation facility under a lease or lease-purchase agreement 3294
are subject to approval of the director and must meet or exceed 3295
all applicable standards of the department. 3296

(C) Any lease or lease-purchase agreement under which the 3297
department is the lessee shall be for a period not exceeding the 3298
then current two-year period for which appropriations have been 3299
made by the general assembly to the department, and such agreement 3300
may contain such other terms as the department and the other 3301
parties thereto agree, notwithstanding any other provision of law, 3302
including provisions that rental payments in amounts sufficient to 3303
pay bond service charges payable during the current two-year lease 3304
term shall be an absolute and unconditional obligation of the 3305
department independent of all other duties under the agreement 3306
without set-off or deduction or any other similar rights or 3307
defenses. Any such agreement may provide for renewal of the 3308
agreement at the end of each term for another term, not exceeding 3309
two years, provided that no renewal shall be effective until the 3310
effective date of an appropriation enacted by the general assembly 3311

from which the department may lawfully pay rentals under such 3312
agreement. Any such agreement may include, without limitation, any 3313
agreement by the department with respect to any costs of 3314
transportation facilities to be included prior to acquisition and 3315
construction of such transportation facilities. Any such agreement 3316
shall not constitute a debt or pledge of the faith and credit of 3317
the state, or of any political subdivision of the state, and the 3318
lessor shall have no right to have taxes or excises levied by the 3319
general assembly, or the taxing authority of any political 3320
subdivision of the state, for the payment of rentals thereunder. 3321
Any such agreement shall contain a statement to that effect. 3322

(D) A municipal corporation, township, or county may use 3323
service payments in lieu of taxes credited to special funds or 3324
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 3325
Revised Code to provide its contribution to the cost of a 3326
transportation facility, provided such facility was among the 3327
purposes for which such service payments were authorized. The 3328
contribution may be in the form of a lump sum or periodic 3329
payments. 3330

(E)(1) Pursuant to 47 U.S.C. 332, the director may grant a 3331
lease, easement, or license in a transportation facility to a 3332
telecommunications service for construction, placement, or 3333
operation of a wireless transmission tower or other wireless 3334
transmission equipment. The transportation facility must be owned 3335
in fee simple by this state at the time the director grants the 3336
lease, easement, or license. The director shall adopt rules 3337
prescribing competitive procedures for granting such a lease, 3338
easement, or license, and shall make any grant to the highest 3339
bidder in accordance with those procedures. The director shall 3340
require indemnity agreements in favor of the department as a 3341
condition of the lease, easement, or license. The indemnity 3342
agreement shall secure this state and its agents from liability 3343

for damages arising out of safety hazards, zoning, and any other 3344
matter of public interest the director requires. A lease, 3345
easement, or license granted under this division is subject to all 3346
of the following conditions: 3347

(a) The director may require the tower or other equipment to 3348
be designed to accommodate the department's radio communication 3349
system and intelligent transportation system, the state's 3350
multi-agency radio communication system, or any other 3351
communication system the director determines necessary for highway 3352
purposes. 3353

(b) If technically feasible as determined by the director, 3354
the director may require the tower or other equipment to be 3355
designed to accommodate the wireless transmission equipment of one 3356
or more other telecommunications services in addition to the 3357
equipment of the telecommunications service granted the lease, 3358
easement, or license. 3359

(c) If required by the director, the telecommunications 3360
service granted the lease, easement, or license shall permit other 3361
telecommunications services to co-locate on the tower or other 3362
equipment, under terms and conditions that are reasonable and that 3363
comply with any rules adopted by the director under this section. 3364

(d) The telecommunications service shall comply with the 3365
conditions of any permit issued under section 5515.01 of the 3366
Revised Code pertaining to land that is the subject of the lease, 3367
easement, or license. 3368

(e) All plans and specifications for a tower or other 3369
equipment shall be approved by the director prior to construction 3370
or placement. 3371

(f) Any other conditions the director determines necessary. 3372

(2) Money received by the department under division (D)(1) of 3373
this section shall be deposited to the credit of the highway 3374

operating fund. 3375

(3) A lease, easement, or license granted under division 3376
(D)(1) of this section, and any wireless transmission tower or 3377
other wireless transmission equipment relating to such a lease, 3378
easement, or license, is hereby deemed to further the essential 3379
highway purpose of building and maintaining a safe, efficient, and 3380
accessible transportation system. 3381

Sec. 5501.32. The director of transportation may purchase 3382
property in fee simple in the name of the state by warranty deed, 3383
and all or any part of a tract of land when the acquisition of a 3384
part of the land needed for highway purposes will result in 3385
substantial damages to the residue by severance, controlled 3386
access, or isolation. The warranty deed shall contain a 3387
description of the property suitable for platting on tax maps. 3388

The director, in the name of the state, may sell all the 3389
right, title, and interest of the state in any part of land not 3390
required for highway purposes, provided the director shall have 3391
the parcel of land appraised by a department prequalified 3392
appraiser. 3393

Except as otherwise provided in this section, the director 3394
shall advertise ~~such~~ the sale of land not required for highway 3395
purposes in a newspaper of general circulation in the county in 3396
which the land is situated for at least two consecutive weeks 3397
prior to the date set for ~~such~~ the sale. ~~Such~~ The land ~~shall~~ may 3398
be sold at public auction to the highest bidder for not less than 3399
two-thirds of its appraised value, but the director may reject all 3400
bids that are less than the full appraised value of the land. 3401

If, however, ~~such~~ land not required for highway purposes is 3402
appraised as having a current fair market value of five thousand 3403
dollars or less, the director may sell the land to the sole 3404

abutting owner through a private sale at a price not less than its 3405
appraised value. If there is more than one abutting owner, the 3406
director may invite all of the abutting owners to submit sealed 3407
bids and may sell the land to the highest bidder at not less than 3408
its appraised value. 3409

All expense incurred in the sale of each parcel of land shall 3410
be paid out of the proceeds of the sale and the balance shall be 3411
deposited in the highway fund from which the purchase was made. 3412

The deed to ~~such~~ the purchaser of land under this section 3413
shall be prepared by the auditor of state, executed by the 3414
governor ~~and~~, countersigned by the secretary of state, and shall 3415
bear the great seal of the state. 3416

Sec. 5501.34. In the event that circumstances alter the 3417
highway requirements after the director of transportation has 3418
purchased and acquired property from the administrator of workers' 3419
compensation or retirement board, or otherwise, so that the 3420
property, or part thereof, is no longer required for highway 3421
purposes, the director ~~may sell~~, in the name of the state, may 3422
sell all the right, title, and interest of the state in any of the 3423
real property. As soon as reasonably practical after determining 3424
that any of the real property is no longer required for highway 3425
purposes, the director shall have the parcel of land appraised by 3426
a department prequalified appraiser. 3427

Except as otherwise provided in this section, the director 3428
shall advertise the sale in a newspaper of general circulation in 3429
the county in which the land is situated for at least two 3430
consecutive weeks prior to the date set for the sale. ~~Such~~ The 3431
land ~~shall~~ may be sold at public auction to the highest bidder for 3432
not less than two-thirds of its appraised value, ~~provided that~~ but 3433
the director may reject all bids that are less than the full 3434
appraised value of the land. However, if no sale has been effected 3435

after an effort to sell under this paragraph, the director may set 3436
aside the appraisement, order a new appraisement, and, except as 3437
otherwise provided in this section, readvertise the property for 3438
sale. 3439

If, ~~however, such~~ land not required for highway purposes is 3440
appraised or reappraised as having a current fair market value of 3441
five thousand dollars or less, the director may sell the land to 3442
the sole abutting owner through a private sale at a price not less 3443
than the appraised value. If there is more than one abutting 3444
owner, the director may invite all of the abutting owners to 3445
submit sealed bids and may sell the land to the highest bidder at 3446
not less than its appraised value. 3447

If such land is reappraised as having a fair market value of 3448
one thousand dollars or less, and no sale has been effected after 3449
an effort to sell to the abutting owner or owners, the director 3450
may readvertise and sell the land at public auction to the highest 3451
bidder. 3452

Conveyances of the lands shall be by deed executed by the 3453
governor, bear the great seal of the state of Ohio, and shall be 3454
in the form as prescribed by the attorney general. Section 5301.13 3455
of the Revised Code, relating to the sale of public lands, shall 3456
not apply to conveyances made pursuant to this section. The 3457
director shall keep a record of all such conveyances. 3458

Sec. 5501.37. In the event that circumstances alter the 3459
highway requirements after the director of transportation has 3460
purchased and acquired property from the commissioners of the 3461
sinking fund, or otherwise, so that ~~such~~ the property, or part 3462
thereof, is no longer required for highway or recreation purposes, 3463
the director ~~may sell,~~ in the name of the state, may sell all the 3464
right, title, and interest of the state in ~~any such~~ the real 3465
property. The director may convey property that is no longer 3466

needed for highway purposes and rights-of-way and easements in 3467
such property to the director of natural resources or any 3468
political subdivisions for the use and protection of any public 3469
recreational trail. As soon as reasonably practical after 3470
determining that any such real property is no longer required for 3471
highway or recreation purposes the director shall have the parcel 3472
of land appraised by a department prequalified appraiser. 3473

Except as otherwise provided in this section, the director 3474
shall advertise ~~such~~ the sale in a newspaper of general 3475
circulation in the county in which the land is situated for at 3476
least two consecutive weeks prior to the date set for ~~such~~ the 3477
sale. ~~Such~~ The land ~~shall~~ may be sold at public auction to the 3478
highest bidder for not less than two-thirds of its appraised 3479
value, ~~provided that~~ but the director may reject all bids that are 3480
less than the full appraised value of the land. However, if no 3481
sale has been effected after an effort to sell under this 3482
paragraph, the director may set aside the appraisalment, order a 3483
new appraisalment, and, except as otherwise provided in this 3484
section, readvertise the property for sale. 3485

~~If, however, such~~ land not required for highway or recreation 3486
purposes is appraised or reappraised as having a current fair 3487
market value of five thousand dollars or less, the director may 3488
sell the land to the sole abutting owner through a private sale at 3489
a price not less than the appraised value. If there is more than 3490
one abutting owner, the director may invite all of the abutting 3491
owners to submit sealed bids and may sell the land to the highest 3492
bidder at not less than its appraised value. 3493

If such land is reappraised as having a fair market value of 3494
one thousand dollars or less, and if no sale has been effected 3495
after an effort to sell to the abutting owner or owners, the 3496
director may readvertise and sell the land at public auction to 3497

the highest bidder. 3498

Conveyances of such land shall be by deed executed by the 3499
governor, bear the great seal of the state of Ohio, and shall be 3500
in the form as prescribed by the attorney general. The provisions 3501
of section 5301.13 of the Revised Code, relating to the sale of 3502
public lands, do not apply to conveyances made pursuant to this 3503
section. The director shall keep a record of all such conveyances. 3504
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Sec. 5502.01. (A) The department of public safety shall 3506
administer and enforce the laws relating to the registration, 3507
licensing, sale and operation of motor vehicles and the laws 3508
pertaining to the licensing of drivers of motor vehicles. 3509

The department shall compile, analyze, and publish statistics 3510
relative to motor vehicle accidents and the causes thereof, 3511
prepare and conduct educational programs for the purpose of 3512
promoting safety in the operation of motor vehicles on the 3513
highways, assist the state board of education in the formulation 3514
of minimum standards for driver education courses of instruction, 3515
encourage driver instruction in the high schools of the state, and 3516
conduct research and studies for the purpose of promoting safety 3517
on the highways of this state. 3518

(B) The department shall administer the laws and rules 3519
applicable to the division of state emergency medical services. 3520

(C) The department shall administer and enforce the laws 3521
contained in Chapters 4301. and 4303. of the Revised Code and 3522
enforce the rules and orders of the liquor control commission 3523
pertaining to retail liquor permit holders. 3524

(D) The department shall administer the laws governing the 3525
state emergency management agency and shall enforce all additional 3526
duties and responsibilities as prescribed in the Revised Code 3527

related to emergency management services. 3528

(E) The department shall conduct investigations pursuant to 3529
Chapter 5101. of the Revised Code in support of the duty of the 3530
department of human services to administer food stamp programs 3531
throughout this state. The department of public safety shall 3532
conduct investigations necessary to protect the state's property 3533
rights and interests in the food stamp program. 3534

(F) The department of public safety shall enforce compliance 3535
with orders and rules of the public utilities commission and 3536
applicable laws in accordance with Chapters 4919., 4921., and 3537
4923. of the Revised Code regarding commercial motor vehicle 3538
transportation safety, economic, and hazardous materials 3539
requirements. 3540

(G) Notwithstanding Chapter 4117. of the Revised Code, the 3541
department of public safety may establish requirements for its 3542
enforcement personnel that include standards of conduct, work 3543
rules and procedures, and criteria for eligibility as law 3544
enforcement personnel. 3545

(H) The department shall administer, maintain, and operate 3546
the Ohio criminal justice network. The Ohio criminal justice 3547
network shall be a computer network that supports state and local 3548
criminal justice activities. The network shall be an electronic 3549
repository for various data, which may include arrest warrants, 3550
notices of persons wanted by law enforcement agencies, criminal 3551
records, prison inmate records, stolen vehicle records, vehicle 3552
operator's licenses, and vehicle registrations and titles. 3553

Sec. 5502.12. The accident reports submitted pursuant to 3554
section 5502.11 of the Revised Code shall be for the use of the 3555
director of public safety for purposes of statistical, safety, and 3556
other studies. The director of public safety shall search and 3557

furnish a copy of such report to any person claiming an interest 3558
arising out of a motor vehicle accident, or to ~~his~~ the person's 3559
attorney, upon the payment of a nonrefundable fee of ~~two~~ three 3560
dollars. With respect to accidents investigated by the state 3561
highway patrol, the director of public safety shall furnish to 3562
such person all related reports and statements upon the payment of 3563
a nonrefundable fee of ~~three~~ four dollars. The cost of photographs 3564
shall be in addition to the nonrefundable ~~three-dollar~~ four-dollar 3565
fee. 3566

Such state highway patrol reports, statements, and 3567
photographs ~~may~~, in the discretion of the director of public 3568
safety, may be withheld until all criminal prosecution has been 3569
concluded; ~~and~~ the director of public safety may require proof, 3570
satisfactory to ~~him~~ the director, of the right of any applicant to 3571
be furnished such documents. 3572

Sec. 5512.01. The director of transportation shall develop a 3573
list of the goals of the department relating to the construction 3574
of new highway capacity. Not more than six months after the 3575
effective date of this section, the director shall submit the list 3576
to the transportation review advisory council. The council shall 3577
review the goals, and approve them or suggest revisions to the 3578
director. If the council suggests revisions, the director shall 3579
make the revisions and resubmit the list to the council. If the 3580
council is satisfied with the revisions, it shall approve the list 3581
of goals. 3582

Sec. 5512.02. (A) Using the goals approved by the 3583
transportation review advisory council, the director of 3584
transportation shall develop a written project selection process 3585
for construction of new highway capacity. The director shall 3586
include the following in the process: 3587

(1) A description of how the goals approved by the council 3588

are advanced by the process; 3589

(2) A definition of the kinds of projects to which the process applies; 3590
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(3) Criteria that are used to rank proposed projects by how much a project contributes to the advancement of the goals approved by the council; 3592
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(4) Data that is necessary to apply the ranking criteria; 3595

(5) A description of how the department will gather that data; 3596
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(6) Any other provisions the director considers appropriate. 3598

(B) In developing the project selection process, the director shall seek and consider public comment on the process. In doing so, the director may hold public hearings in various locations around the state. 3599
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Sec. 5512.03. Upon completing the written project selection process for construction of new highway capacity, the director of transportation shall submit it to the transportation review advisory council. The council shall review the process, and approve it or suggest revisions to the director. If the council suggests revisions, the director shall make the revisions and resubmit the written process to the council. If the council is satisfied with the revisions, it shall approve the process. 3603
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Sec. 5512.04. Any time the director of transportation proposes to make changes to the list of goals for construction of new highway capacity or to the written project selection process for construction of new highway capacity, the director shall submit the proposed changes to the transportation review advisory council. The council shall review the proposed changes, and approve them or suggest revisions to the director. If the council suggests revisions, the director shall make the revisions and 3611
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resubmit the proposal to the council. If the council is satisfied 3619
with the revisions, it shall approve the proposed changes. 3620

Sec. 5512.05. At least once every two years, the director of 3621
transportation shall prepare both of the following: 3622

(A) A fiscal forecast predicting the amount of funding 3623
expected to be available for construction of new highway capacity 3624
during the period of the forecast; 3625

(B) A list of new highway capacity projects, selected using 3626
the process approved by the transportation review advisory 3627
council, that will be constructed or continued during the forecast 3628
period using the predicted amount of funding. 3629

Sec. 5512.06. Upon completing the fiscal forecast and the 3630
list of new highway capacity projects, the director of 3631
transportation shall submit them to the transportation review 3632
advisory council. The council shall review the forecast and list 3633
of new projects, and approve them or suggest revisions to the 3634
director. If the council suggests revisions, the director shall 3635
make the revisions and resubmit the forecast and list of new 3636
projects to the council. If the council is satisfied with the 3637
revisions, it shall approve the forecast and list. The council 3638
shall not require any additions to the list of new projects that 3639
would cause spending to significantly exceed the funding predicted 3640
to be available by the fiscal forecast. 3641

Sec. 5512.07. In performing its duty to approve the goals, 3642
project selection process, fiscal forecast, and list of new 3643
projects submitted to it by the director of transportation, the 3644
transportation review advisory council shall conduct public 3645
hearings as needed at various locations around the state. At the 3646
hearings, the council shall accept public comment on the 3647
director's proposals, and on the merits of particular construction 3648
projects. Members of the council shall attend the hearings in 3649

person. 3650

Sec. 5512.08. The director of transportation, with the 3651
approval of the transportation review advisory council, shall 3652
submit periodic reports to the governor and the general assembly 3653
on the conduct of the project selection process for construction 3654
of new highway capacity, and on the progress of construction 3655
undertaken under that process. 3656

Sec. 5512.09. (A) There is hereby created the transportation 3657
review advisory council. no member of the general assembly shall 3658
be a member of the council. The council shall consist of seven 3659
members, one of whom is the director of transportation. Four 3660
members shall be appointed by the governor with the advice and 3661
consent of the senate. One member shall be appointed by the 3662
speaker of the house of representatives and one member shall be 3663
appointed by the president of the senate. Within ninety days after 3664
the effective date of this section, the governor, speaker, and 3665
president shall make the initial appointments to the council. 3666

The members the governor appoints shall have the following 3668
qualifications: 3669

(1) Two members shall have at least five years' experience in 3670
an executive or decision-making role in the transportation sector. 3671
This experience shall have been obtained as a current or former 3672
elected officer of a local transportation office; current or 3673
former member or employee of a statewide transportation 3674
professional association, metropolitan planning organization, or 3675
transit authority; current or former officer or employee of a 3676
federal transportation agency; or other comparable role. 3677

(2) One member shall have at least five years' experience in 3678
a leadership and fiduciary role with either a business or an 3679
economic development organization. 3680

(3) One member shall be selected from a list of five names 3681
provided by the Ohio public expenditure council. 3682

(B) Of the governor's initial appointments made to the 3683
council, two shall be for a term ending one year after the 3684
effective date of this section and two shall be for a term ending 3685
two years after the effective date of this section. The speaker's 3686
and president's initial appointments made to the council shall be 3687
for a term ending three years after the effective date of this 3688
section. Thereafter, all terms of office shall be for five years, 3689
with each term ending on the same day of the same month as did the 3690
term that it succeeds. Each member shall hold office from the date 3691
of appointment until the end of the term for which the member was 3692
appointed. Members may be reappointed. Vacancies shall be filled 3693
in the manner provided for original appointments. Any member 3694
appointed to fill another member's unexpired term shall hold 3695
office for the remainder of that unexpired term. A member shall 3696
continue in office subsequent to the expiration of the member's 3697
term until the member's successor takes office or until a period 3698
of sixty days has elapsed, whichever occurs first. 3699

(C) The director of transportation is the chairperson of the 3700
council. 3701

Sec. 5512.10. Members of the transportation review advisory 3702
council, except the director of transportation, shall be 3703
compensated at the rate of one hundred fifty dollars per day 3704
worked, plus the necessary travel and other expenses involved with 3705
their duties. However, the combined amount of compensation and 3706
expenses paid to a member under this section shall not exceed ten 3707
thousand dollars per fiscal year. 3708

Sec. 5512.11. At the request of the transportation review 3709
advisory council, the department of transportation shall provide 3710
staff assistance and office space for the council. 3711

Sec. 5513.01. (A) All purchases of machinery, materials, 3712
supplies, or other articles that the director of transportation 3713
makes shall be in the manner provided in this section. In all 3714
cases except those in which the director ~~authorizes~~ provides 3715
written authorization for purchases by district deputy directors 3716
of transportation, all such purchases shall be made at the central 3717
office of the department of transportation in Columbus. Before 3718
making any purchase at that office, the director, as provided in 3719
this section, shall give notice to bidders of the intention to 3720
purchase. Where the expenditure ~~is~~ does not more than five hundred 3721
dollars exceed the amount applicable to the purchase of supplies 3722
specified in division (B) of section 125.05 Of the Revised Code, 3723
as adjusted pursuant to division (D) of that section, the director 3724
shall give such notice as the director considers proper, or the 3725
director may make the purchase without notice. Where the 3726
expenditure ~~is more than five hundred dollars~~ exceeds the amount 3727
applicable to the purchase of supplies specified in division (B) 3728
of section 125.05 Of the Revised Code, as adjusted pursuant to 3729
division (D) of that section, the director shall give notice by 3730
posting for not less than ten days a written, typed, or printed 3731
invitation to bidders on a bulletin board, which shall be located 3732
in a place in the offices assigned to the department and open to 3733
the public during business hours. Producers or distributors of any 3734
product may notify the director, in writing, of the class of 3735
articles for the furnishing of which they desire to bid and their 3736
post-office addresses, in which case copies of all invitations to 3737
bidders relating to the purchase of such articles shall be mailed 3738
to such persons by the director by regular first class mail at 3739
least ten days prior to the time fixed for taking bids. The 3740
director also may mail copies of all invitations to bidders to 3741
news agencies or other agencies or organizations distributing 3742
information of this character. Requests for invitations shall not 3743

be valid ~~or~~ nor require action by the director unless renewed, 3744
either annually or after such shorter period as the director may 3745
prescribe by a general ~~regulation~~ rule. The invitation to bidders 3746
shall contain a brief statement of the general character of the 3747
article that it is intended to purchase, the approximate quantity 3748
desired, and a statement of the time and place where bids will be 3749
received, and may relate to and describe as many different 3750
articles as the director thinks proper, it being the intent and 3751
purpose of this section to authorize the inclusion in a single 3752
invitation of as many different articles as the director desires 3753
to invite bids upon at any given time. Invitations issued during 3754
each calendar year shall be given consecutive numbers, and the 3755
number assigned to each invitation shall appear on all copies 3756
thereof. In all cases where notice is required by this section, 3757
sealed bids shall be taken, on forms prescribed and furnished by 3758
the director, and modification of bids after they have been opened 3759
shall not be permitted. 3760

(B) The director may permit any political subdivision and any 3762
state university or college to participate in contracts into which 3763
the director has entered for the purchase of machinery, materials, 3764
supplies, or other articles. Any political subdivision or state 3765
university or college desiring to participate in such purchase 3766
contracts shall file with the director a certified copy of the 3767
ordinance or resolution of its legislative authority, board of 3768
trustees, or other governing board requesting authorization to 3769
participate in such contracts and agreeing to be bound by such 3770
terms and conditions as the director prescribes. Purchases made by 3771
political subdivisions or state universities or colleges under 3772
this division are exempt from any competitive bidding required by 3773
law for the purchase of machinery, materials, supplies, or other 3774
articles. 3775

(C) As used in this section: 3776

(1) "Political subdivision" means any county, township, 3777
municipal corporation, conservancy district, township park 3778
district, park district created under Chapter 1545. of the Revised 3779
Code, port authority, regional transit authority, regional airport 3780
authority, regional water and sewer district, or county transit 3781
board. 3782

(2) "State university or college" has the same meaning as in 3783
division (A)(1) of section 3345.32 of the Revised Code. 3784

(D) This is an interim section effective until March 4, 1998. 3785
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Sec. 5513.04. (A) The Notwithstanding sections 125.12, 3787
125.13, and 125.14 Of the Revised Code, the director of 3788
transportation, after notice as provided in sections 5513.01 and 3789
5513.02 of the Revised Code with respect to purchase, may sell any 3790
structure, machinery, tools, equipment, parts, material, office 3791
furniture, or supplies unfit for use or not ~~required~~ needed by the 3792
department of transportation. ~~Prior~~ The director may sell or 3793
transfer any item specified in this division to any agency of the 3794
state or a political subdivision of the state without notice of 3795
the proposed disposal and upon any mutually agreed upon terms. The 3796
director may exchange any such item, in the manner provided for in 3797
this chapter, and pay the balance of the cost of such new item 3798
from any funds appropriated to the department. The director also 3799
may accept a credit voucher in an amount mutually agreed upon 3800
between a vendor and the department. The amount of the credit 3801
voucher shall be applied to future purchases from that vendor. 3802

(B) Notwithstanding sections 125.12, 125.13, and 125.14 of 3803
the Revised Code, the director, after notice as provided in this 3804
chapter with respect to purchase, may sell any passenger vehicle, 3805

van, truck, trailer, or other heavy equipment unfit for use or not 3806
required by the department. Prior to such sale, the director shall 3807
notify each county, municipal corporation, township, and school 3808
district of the sale. The director shall similarly notify the 3809
board of trustees of any regional water and sewer district 3810
established under Chapter 6119. of the Revised Code, when the 3811
board has forwarded to the director the district's name and 3812
current business address. For the purposes of this division, the 3813
name and current business address of a regional water and sewer 3814
district shall be forwarded to the director once each year during 3815
any year in which the board wishes the notification to be given. 3816
The notice required by this division may be given by the most 3817
economical means considered to be effective, including, but not 3818
limited to, regular mail, electronic mail, electronic bulletin 3819
board, and publication in a periodical or newspaper. If after 3820
~~fourteen~~ seven days following mailing or other issuance of the 3821
director's notice, no county, municipal corporation, township, 3822
regional water and sewer district, educational service center, or 3823
school district has notified the director that it wishes to 3824
purchase any such ~~machinery, tools, equipment, parts, material,~~ 3825
vehicle or ~~supplies~~ other heavy equipment, the director may 3826
proceed with the sale under division (D) of this section. The 3827
director may exchange such ~~machinery, tools,~~ vehicles and other 3828
heavy equipment, ~~and parts~~ for new ~~machinery, tools,~~ vehicles or 3829
other heavy equipment, ~~or parts,~~ in the manner provided for in 3830
sections 5513.01 to 5513.04 of the Revised Code, and pay the 3831
balance of the cost of such new ~~items~~ vehicles or other heavy 3832
equipment from the ~~highway operating fund of~~ funds appropriated to 3833
the department. The director also may elect to accept a credit 3834
voucher from a vendor in an amount mutually agreed to by the 3835
department and the vendor. The director shall apply the credit 3836
voucher to future purchases from that vendor. 3837

~~The In an emergency situation as determined by the director, 3838
the director may transfer any machinery, tools, equipment, parts, 3839
materials, vehicles or supplies other heavy equipment that is 3840
unfit for use or not ~~required~~ needed by the department to 3841
~~counties, municipal corporations, any agency of the state or other~~ 3842
~~governmental subdivisions~~ political subdivision of the state 3843
without advertising for bids and upon ~~such~~ mutually agreed to 3844
terms as ~~the director may agree with the public authorities~~ 3845
~~empowered to arrange for the transfer.~~ 3846~~

~~(B)(C)~~ The director may sell or otherwise dispose of any 3847
structure or structural materials salvaged on the state highway 3848
system that in the director's judgment are no longer ~~required~~ 3849
needed by the department, or that, through wear or obsolescence, 3850
have become unfit for use. The director may ~~authorize the sale of~~ 3851
~~the structure or materials by the district deputy directors of~~ 3852
~~transportation, and proceedings of such sale shall be conducted in~~ 3853
~~the same manner as provided for sales by the director.~~ 3854

~~Sale of such structure or materials shall be made to the~~ 3855
~~highest responsible bidder and, before making any sale, the~~ 3856
~~director shall give notice of such sale by posting, for not less~~ 3857
~~than ten days, a written, typed, or printed invitation to bidders~~ 3858
~~on a bulletin board in the offices of the department. The bulletin~~ 3859
~~board shall be located in a place open to the public during~~ 3860
~~business hours. If, in the opinion of the director, the structure~~ 3861
~~or materials to be sold have a fair market value of two hundred~~ 3862
~~dollars or less, the director need not advertise the proposed sale~~ 3863
~~except by notice posted on the bulletin board in the offices of~~ 3864
~~the department. If the structure or materials to be sold have a~~ 3865
~~fair market value in excess of two hundred dollars, then the~~ 3866
~~director shall publish one notice of the sale in a newspaper of~~ 3867
~~general circulation in the county in which such structure or~~ 3868
~~materials are located, and notice shall be published at least ten~~ 3869

~~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. In the same invitation, the director may 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 the director 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 the director 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~~

structure or materials by providing in the contract for the 3902
improvement that the structure or materials, or any part thereof, 3903
shall become the property of the contractor, the director may so 3904
proceed. 3905

(D)(1) Any item specified in division (A), (B), or (C) of 3906
this section that has an estimated market value greater than one 3907
thousand dollars and that has not been sold or transferred as 3908
provided in those divisions may be sold at public sale. The 3909
Director may authorize such sale by the district deputy directors 3910
of transportation, and the proceedings of such sale shall be 3911
conducted in the same manner as provided for sales by the 3912
director. 3913

Before making any sale under division (D)(1) of this section, 3914
the director shall give notice of the sale by posting, for not 3915
less than ten days, a written, typed, or printed invitation to 3916
bidders on a traditional or electronic bulletin board in the 3917
offices of the department. The bulletin board shall be located in 3918
a place open to the public during normal business hours. At least 3919
ten days before bids are to be received, the Director also shall 3920
publish one notice of the sale in a periodical or newspaper of 3921
general circulation in the region in which the items are located. 3922
The invitation to bidders and the published notice of the sale 3923
shall contain a brief description of the items to be sold and a 3924
statement of the time and place where bids will be received. The 3925
Director may receive bids and make such sale on any basis the 3926
director determines is most advantageous to the Department. A sale 3927
under division (D)(1) of this section shall be made to the highest 3928
responsible bidder. If, after invitations are issued, it develops 3929
that any public authority has use for any of the items, the 3930
Director may reject all bids and dispose of the items as set out 3931
in this section. 3932

(2) If, in the opinion of the Director, any item specified in 3933

division (A), (B), or (C) of this section has an estimated fair 3934
market value of one thousand dollars or less, the Director is not 3935
required to advertise the proposed sale except by notice posted on 3936
a traditional or electronic bulletin board in one or more offices 3937
of the Department. The bulletin board shall be located in a place 3938
open to the public during normal business hours. The notice shall 3939
be posted for at least five working days and shall contain a brief 3940
description of the items to be sold and a statement of the time 3941
and place where bids will be received. The Director may receive 3942
bids and make such sale on any basis the director determines is 3943
most advantageous to the Department. Sale of any item using this 3944
method of advertising shall be made to the highest responsible 3945
bidder. If it develops that any public authority has use for any 3946
of the items, the Director may reject all bids and dispose of the 3947
items as set out in this section. 3948

(E) Proceeds of any sale described in this section shall be 3949
paid into the state treasury to the credit of the state highway 3950
operating fund or any other fund of the department as determined 3951
by the director. 3952

~~(E)~~(F) As used in this section, "school district" means any 3953
city school district, local school district, exempted village 3954
school district, cooperative education school district, and joint 3955
vocational school district, as defined in Chapter 3311. of the 3956
Revised Code. Once each year, the state board of education shall 3957
provide the director with a current list of the addresses of all 3958
school districts and educational service centers in the state. 3959

Sec. 5513.06. (A) The director of transportation may debar a 3960
vendor from consideration for contract awards upon a finding based 3961
upon a reasonable belief that the vendor has done any of the 3962
following: 3963

(1) Abused the solicitation process by repeatedly withdrawing 3964

bids before purchase orders or contracts are issued or failing to	3965
accept orders based upon firm bids;	3966
(2) Failed to substantially perform a contract according to	3967
its terms, conditions, and specifications within specified time	3968
limits;	3969
(3) Failed to cooperate in monitoring contract performance by	3970
refusing to provide information or documents required in a	3971
contract, failed to respond and correct matters related to	3972
complaints to the vendor, or accumulated repeated justified	3973
complaints regarding performance of a contract;	3974
(4) Attempted to influence a public employee to breach	3975
ethical conduct standards;	3976
(5) Colluded with other bidders to restrain competition by	3977
any means;	3978
(6) Been convicted of a criminal offense related to the	3979
application for or performance of any public or private contract,	3980
including, but not limited to, embezzlement, theft, forgery,	3981
bribery, falsification or destruction of records, receiving stolen	3982
property, and any other offense that directly reflects on the	3983
vendor's business integrity;	3984
(7) Been convicted under state or federal antitrust laws;	3985
(8) Deliberately or willfully submitted false or misleading	3986
information in connection with the application for or performance	3987
of a public contract;	3988
(9) <u>Has been debarred by another state or by any agency or</u>	3989
<u>department of the federal government;</u>	3990
(10) Violated any other responsible business practice or	3991
performed in an unsatisfactory manner as determined by the	3992
director.	3993
(B) When the director reasonably believes that grounds for	3994

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 4026
location as prescribed by the director. 4027

(B) Such location shall be changed as prescribed by the 4028
director when ~~he~~ the director deems such change necessary for the 4029
convenience of the traveling public, or in connection with or 4030
contemplation of the construction, reconstruction, improvement, 4031
relocating, maintenance, or repair of such road or highway. 4032

(C) The placing of objects or things shall be at a grade and 4033
in accordance with such plans, specifications, or both, as shall 4034
be first approved by the director. 4035

(D) The road or highway in all respects shall be fully 4036
restored to its former condition of usefulness and at the expense 4037
of such individual, firm, or corporation. 4038

(E) Such individual, firm, or corporation shall maintain all 4039
objects and things in a proper manner, promptly repair all damages 4040
resulting to such road or highway on account thereof, and in event 4041
of failure to so repair such road or highway to pay to the state 4042
all costs and expenses which may be expended by the director in 4043
repairing any damage. 4044

(F) Such other conditions as may seem reasonable to the 4045
director, but no condition shall be prescribed which imposes the 4046
payment of a money consideration for the privilege granted. 4047
Nothing in this division prohibits the director from requiring 4048
payment of money consideration for a lease, easement, license, or 4049
other interest in a transportation facility under control of the 4050
department. 4051

(G) Permits may be revoked by the director at any time for a 4052
noncompliance with the conditions imposed. 4053

(H) Before issuing a permit to a telecommunications service 4054
in connection with the construction, placement, or operation of a 4055

wireless transmission tower or other transmission equipment in a 4056
transportation facility under division (E) of section 5501.311 of 4057
the Revised Code, the director shall require the applicant to 4058
provide proof it is party to a lease, easement, or license for 4059
such construction, placement, or operation. 4060

~~Chapters~~ Except as otherwise provided in this section and 4061
section 5501.311 Of the Revised Code, Chapters 5501., 5503., 4062
5511., ~~5512.~~, 5513., 5515., 5516., 5517., 5519., 5521., 5523., 4063
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 4064
Code do not prohibit telegraph, telephone, and electric light and 4065
power companies ~~to construct~~ from constructing, maintain 4066
maintaining, and use using telegraph, telephone, or electric light 4067
and power lines along and upon such roads or highways under 4068
sections 4931.01, 4931.03, 4931.19, 4933.14, or other sections of 4069
the Revised Code, or to affect existing rights of any such 4070
companies, or to require such companies to obtain a permit from 4071
the director, except with respect to the location of poles, wires, 4072
conduits, and other equipment comprising lines on or beneath the 4073
surface of such road or highways. 4074

This section does not prohibit steam or electric railroad 4075
companies from constructing tracks across such roads or highways, 4076
nor authorize the director to grant permission to any company 4077
owning, operating, controlling, or managing a steam railroad or 4078
interurban railway in this state to build a new line of railroad, 4079
or to change or alter the location of existing tracks across any 4080
road or highway on the state highway system at grade. No such 4081
company shall change the elevation of any of its tracks across 4082
such road or highway except in accordance with plans and 4083
specifications first approved by the director. 4084

This section does not relieve any individual, firm, or 4085
corporation from the obligation of satisfying any claim or demand 4086
of an owner of lands abutting on such road or highway on the state 4087

highway system on account of placing in such road or highway a 4088
burden in addition to public travel. 4089

Sec. 5516.01. As used in sections 5516.01 to ~~5516.13~~ 5516.14 4090
of the Revised Code: 4091

(A) "Advertising device" includes any outdoor sign, display, 4092
device, figure, painting, drawing, message, placard, poster, 4093
billboard, or any other contrivance designed, intended, or used to 4094
advertise or to give information in the nature of advertising, or 4095
any part thereof, the advertising or informative contents of which 4096
are visible from the main traveled way of any highway on the 4097
interstate system or primary system in this state. 4098

(B) "Visible" means capable of being seen, ~~whether or not~~ 4099
~~legible, and comprehended~~ without visual aid by a person of ~~normal~~ 4100
~~acuity traveling the posted speed limit on the main traveled way~~ 4101
~~of the highway.~~ 4102

(C) "Interstate system" means that portion of the interstate 4103
~~system of highways as defined in 74 Stat. 415 (1960), 23 U.S.C.A.~~ 4104
~~103, or amendments thereof, or the national highway system,~~ 4105
located within this state, as designated by the director of 4106
transportation and approved by the secretary of transportation of 4107
the United States, pursuant to 23 U.S.C.A. 103(b) and (e). 4108

(D) "Erect" means to construct or allow to be constructed, 4109
but it shall not include any activity when performed as an 4110
incident to the change of advertising message or normal 4111
maintenance of a sign or sign structure. 4112

(E) "Maintain" means to preserve, keep in repair, continue, 4113
allow to exist, or restore ~~if destroyed by an act of God or~~ 4114
~~vandalism.~~ 4115

(F) "National policy" means the provisions ~~relating to~~ 4116
~~control of advertising, signs, displays, and devices adjacent to~~ 4117

~~the interstate system and primary system contained in the~~ 4118
~~"National Highway Beautification Act of 1965," 79 Stat. 1028, of~~ 4119
23 U.S.C.A. 131 and the national standards, criteria, and rules 4120
promulgated pursuant to such provisions. 4121

(G) "Primary system" means that portion of the state highway 4122
system or national highway system located within this state as 4123
~~designated or as may hereafter be designated by the state as part~~ 4124
~~of the federal aid primary system of highways, which designation~~ 4125
~~has been~~ director and approved by the secretary of transportation 4126
of the United States, pursuant to ~~70 Stat. 374 (1956),~~ 23 U.S.C.A. 4127
103**(b)**. 4128

(H) "Zoned commercial or industrial areas" means those 4129
nonagricultural areas which are reserved for business, commerce, 4130
or trade, pursuant to local zoning laws, regulations, or state 4131
laws. 4132

(I) "Unzoned commercial or industrial ~~areas~~ area" means ~~those~~ 4133
~~areas~~ an area not zoned by state or local law, regulation, or 4134
ordinance, ~~upon in~~ in which ~~there is conducted~~ located one or more 4135
commercial or industrial activities, ~~and~~. Such area may also 4136
include the lands along the highway for a distance of eight 4137
hundred fifty feet immediately adjacent to such activities. ~~All~~ 4138
~~measurements~~ This distance shall be measured from the buildings, 4139
parking lots, storage or processing areas of the activities, and 4140
~~shall be measured~~ along or parallel to the near edge of the main 4141
traveled way of the highway. ~~Unzoned commercial or industrial~~ 4142
~~areas~~ This distance shall not include land on the opposite side of 4143
the highway from such activities, nor land predominantly used for 4144
residential purposes. An area shall be considered predominately 4145
residential if fifty per cent or more of the eight hundred feet 4146
immediately adjacent to the activities contains land used as 4147
residential property. Each side of the highway will be considered 4148
separately in applying this definition. ~~As used in this section~~ 4149

" commercial	4150
(J) " <u>Commercial</u> or industrial activities" means those	4151
activities generally recognized as commercial or industrial by	4152
zoning authorities of this state, except that none of the. <u>The</u>	4153
following activities shall <u>not</u> be considered commercial or	4154
industrial:	4155
(1) Outdoor <u>Activities relating to</u> advertising structures;	4156
(2) Agricultural, forestry, ranching, grazing, farming, and	4157
related activities, including, but not limited to, <u>activities</u>	4158
<u>relating to</u> wayside fresh produce stands;	4159
(3) Transient or temporary activities;	4160
(4) Activities not visible from the main traveled way;	4161
(5) Activities <u>located</u> more than six hundred sixty feet from	4162
the nearest edge of the right-of-way;	4163
(6) Activities conducted in a building principally used as a	4164
residence;	4165
(7) Railroad <u>Activities relating to railroad</u> tracks and minor	4166
sidings;	4167
(8) Highways <u>Activities relating to highways, roads, and</u>	4168
streets.	4169
(K) " <u>Directional and official signs and notices</u> " means those	4170
<u>signs and notices that are required or authorized by law and</u>	4171
<u>conform to the rules for such signs and notices as adopted by the</u>	4172
<u>director in accordance with 23 C.F.R. 750.151 to 750.155.</u>	4173
(L) " <u>Nonconforming advertising device</u> " means an advertising	4174
<u>device that was:</u>	4175
(1) <u>Lawfully in existence prior to December 7, 1971;</u>	4176
(2) <u>Lawfully on any highway made a part of the interstate</u>	4177
<u>system or primary highway system on or after December 7, 1971;</u>	4178

(3) <u>Lawfully erected prior to any revision in the law</u>	4179
<u>effective December 7, 1971; or</u>	4180
(4) <u>Lawfully erected but:</u>	4181
(a) <u>No longer in compliance with the provisions of state law</u>	4182
<u>enacted or rules adopted at a later date; or</u>	4183
(b) <u>No longer in compliance with state laws or rules due to</u>	4184
<u>changed conditions, including, but not limited to, zoning changes,</u>	4185
<u>highway relocation, highway reclassification, or changes in</u>	4186
<u>restrictions on sizing, lighting, spacing, or distance of</u>	4187
<u>advertising devices.</u>	4188
<u>Illegally erected or maintained advertising devices are not</u>	4189
<u>nonconforming signs.</u>	4190
(M) <u>"Scenic byway" means any linear transportation corridor</u>	4191
<u>as designated or as may hereafter be so designated by the director</u>	4192
<u>under the Ohio scenic byways program as having outstanding scenic</u>	4193
<u>qualities.</u>	4194
(N) <u>"Director" means the director of the Ohio department of</u>	4195
<u>transportation.</u>	4196
(O) <u>"Commercial or industrial zone" means those areas</u>	4197
<u>established by any state, county, municipal, or other local zoning</u>	4198
<u>authority as being most appropriate for business, commerce,</u>	4199
<u>industry, or trade. Any action taken by a state, county,</u>	4200
<u>municipal, or other local zoning authority that is not part of</u>	4201
<u>comprehensive zoning and is created primarily to permit outdoor</u>	4202
<u>advertising devices shall not be considered a commercial or</u>	4203
<u>industrial zone for purposes of this chapter.</u>	4204
Sec. 5516.02. No advertising device shall be erected or	4205
maintained within six hundred sixty feet of the edge of the	4206
right-of-way of a highway on the interstate system except the	4207
following:	4208

(A) Directional ~~or other~~ and official signs ~~or~~ and notices 4209
that ~~are required or authorized by law~~ conform to rules adopted by 4210
the director of transportation; 4211

(B) Signs advertising the sale or lease of the property upon 4212
which they are located; 4213

(C) Advertising devices indicating the name of the business 4214
or profession conducted on such property or ~~which~~ that identify 4215
the goods produced, sold, or services rendered on such property, 4216
and that conform to rules adopted by the director; 4217

(D) Advertising devices ~~which~~ that are located in commercial 4218
or industrial zones traversed by segments of the interstate system 4219
within the boundaries of ~~incorporated municipalities~~ a municipal 4220
corporation as such boundaries existed on September 21, 1959, 4221
~~which and that~~ conform to regulations promulgated rules adopted by 4222
the director ~~of transportation, provided that no such sign or~~ 4223
~~notice shall be erected or maintained until a permit is obtained~~ 4224
~~as provided in section 5516.10 of the Revised Code.~~ 4225

Sec. 5516.03. The director of transportation shall ~~promulgate~~ 4226
~~adopt, amend, and enforce regulations~~ rules, consistent with the 4227
customary use of outdoor advertising, the safety of the traveling 4228
public, ~~and consistent with the national policy, governing any or~~ 4229
~~all aspects of the advertising devices erected or maintained~~ 4230
~~within six hundred sixty feet of the edge of the right of way of a~~ 4231
~~highway on the interstate system and coming within the exceptions~~ 4232
~~contained in section 5516.02 of the Revised Code~~ as are necessary 4233
to carry out the provisions of this chapter. Such rules may 4234
include, but shall not be limited to, sizing, lighting, spacing, 4235
and such other conditions as may be necessary to promote the 4236
safety of the traveling public and effect the national policy. The 4237
rules shall be in addition to the provisions of municipal 4238
ordinances regulating advertising devices and shall not invalidate 4239

the provisions of any municipal ordinance that are equivalent to 4240
and consistent with the rules adopted by the director under this 4241
section. The director shall furnish a copy of such ~~regulations~~ 4242
rules, without charge, to any person making a request therefor. 4243

~~The director may adopt such amendments to such regulations as~~ 4245
~~are necessary and consistent with public safety and which are~~ 4246
~~consistent with the national policy.~~ 4247

~~Whoever violates such regulations is in violation of section~~ 4248
~~5516.02 of the Revised Code.~~ 4249

Sec. 5516.04. (A) Any advertising device which violates 4250
sections 5516.02 and 5516.03 of the Revised Code, that is located 4251
within six hundred sixty feet of the edge of the right-of-way of a 4252
highway on the interstate system, or within six hundred sixty feet 4253
of the edge of the right-of-way of a highway on the primary system 4254
or outside of an urban area between six hundred sixty feet and 4255
three thousand feet of the right-of-way of a highway on the 4256
interstate system or primary system and does not come within any 4257
of the exceptions contained in section 5516.02, 5516.06, or 4258
5516.061 of the Revised Code or the rules adopted thereunder, or 4259
that is being maintained without a validly issued permit is a 4260
public and private nuisance, and shall be removed. Immediately 4261
upon learning of the existence of such a nuisance, and without an 4262
adjudication, the director of transportation shall ~~give thirty~~ 4263
~~days notice, by registered or certified mail,~~ issue an order to 4264
the owner or lessee of the land on which such advertising device 4265
is located, and to the owner of such advertising device, if known, 4266
to remove ~~such advertising~~ the device within thirty days of the 4267
issuance of the order. The order shall be in writing and shall be 4268
sent by certified mail. If the owner of the advertising device is 4269
unknown, the director shall make a reasonable attempt to ascertain 4270

the identity of such owner. An order issued under this section 4271
shall contain information that such order may be appealed in 4272
accordance with section 119.12 Of the Revised Code. 4273

If an appeal is entered and removal of the advertising device 4274
is subsequently affirmed, the director may immediately remove the 4275
advertising device. If no appeal is entered within the period 4276
specified in section 119.12 Of the Revised Code, the director may 4277
immediately remove the sign without further notice or file a 4278
complaint in the court of common pleas of the county in which such 4279
advertising device is located. Upon a finding by the court of 4280
common pleas that a violation of sections 5516.02 to 5516.14 Of 4281
the Revised Code exists as alleged in the petition, the court 4282
shall enter an order of abatement against the person or persons 4283
erecting or maintaining such advertising device, or against the 4284
owner or owners of the land upon which such advertising device is 4285
situated. 4286

~~If any such advertising device has not been removed on or~~ 4287
~~before the expiration of thirty days following the receipt of the~~ 4288
~~said notice by the owner or lessee of the land upon which the~~ 4289
~~advertising device is located, the director, or any of his duly~~ 4290
~~authorized agents, may, at his discretion, either:~~ 4291

~~(A) Remove, obliterate, or abate the advertising device. (B)~~ 4292
~~The cost of or expense of such removal, obliteration, or~~ 4293
~~abatement, shall be paid by the director out of any appropriation~~ 4294
~~of the department of transportation available for the~~ 4295
~~establishment, using, maintaining, or repairing use, maintenance,~~ 4296
~~or repair of highways, and the amount thereof shall be certified~~ 4297
~~to the attorney general for collection by civil action against the~~ 4298
~~person maintaining or erecting device owner or the owner or lessee~~ 4299
~~of the land on which such advertising device is located. Such~~ 4300
~~owners and lessees shall be jointly liable for such costs or~~ 4301

expenses. 4302

~~(B) File a complaint by petition in the court of common pleas
of the county in which such advertising device is located, and,
upon a finding by the court that a violation of sections 5516.02
to 5516.04 of the Revised Code, exists as alleged in the petition,
the court shall enter an order of abatement against the person or
persons erecting or maintaining such advertising device, or
against the owner or owners of the land upon which such
advertising device is situated, as the case may be.~~ 4303
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(C) Employees, agents, or independent contractors of the
department of transportation may enter upon private property for
the purpose of removing advertising devices in accordance with
this section, without incurring any liability for so entering. 4311
4312
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4314

Sec. 5516.06. No advertising device shall be erected or 4315
maintained within six hundred sixty feet of the edge of the 4316
right-of-way of a highway on the primary system except the 4317
following: 4318

~~(A) Directional and other official signs and notices required
or authorized by law; which signs and notices shall include signs
and notices pertaining to natural wonders, scenic and historical
attractions, which shall that conform to regulations promulgated
rules adopted by the director of transportation consistent with
the national policy, provided that no such sign or notice shall be
erected until a permit is obtained as provided for in section
5516.10 of the Revised Code;~~ 4319
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~~(B) Signs advertising the sale or lease of the property upon
which they are located;~~ 4327
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~~(C) Advertising devices indicating the name of the business,
activities, or profession conducted on such property or which
identify the goods produced, sold, or services rendered on such~~ 4329
4330
4331

property; 4332

(D) Precautionary signs relating to the premises; 4333

(E) Signs, displays, or devices which locate, identify, mark, 4334
or warn of the presence of pipe lines, utility lines, or rail 4335
lines, and appurtenances thereof, including, but not limited to, 4336
markers used in the maintenance, operation, observation, and 4337
safety of said lines; 4338

(F) Advertising devices located in zoned or unzoned 4339
industrial or commercial areas adjacent to highways on the primary 4340
system. ~~No such advertising device in such areas shall be erected~~ 4341
~~until a permit is obtained as provided in section 5516.10 of the~~ 4342
~~Revised Code that conform to rules adopted by the director;~~ 4343

(G) Signs lawfully in existence on October 22, 1965, that the 4344
director, subject to the approval of the secretary of the United 4345
States department of transportation, has determined to be landmark 4346
signs, including signs on farm structures or natural surfaces, 4347
which are of historic or artistic significance, ~~provided that no~~ 4348
~~such sign shall be maintained without a permit as provided for in~~ 4349
~~section 5516.10 of the Revised Code.~~ 4350

Sec. 5516.061. No advertising device shall be erected outside 4351
of urban areas between six hundred sixty feet and three thousand 4352
feet of the right-of-way of the main traveled way of a highway on 4353
the interstate or primary system ~~for the purpose of a message~~ 4354
~~being read~~ if such device would be visible from such main traveled 4355
way, except the following: 4356

(A) Directional and ~~other~~ official signs and notices ~~required~~ 4357
~~or authorized by law, which include signs and notices pertaining~~ 4358
~~to natural wonders and scenic and historical attractions, which~~ 4359
~~shall~~ that conform to rules ~~promulgated~~ adopted by the director of 4360
transportation ~~consistent with the national policy, provided that~~ 4361

~~no such sign or notice shall be erected until a permit is obtained~~ 4362
~~as provided for in section 5516.10 of the Revised Code;~~ 4363

4364

(B) Signs advertising the sale or lease of the property upon 4365
which they are located; 4366

(C) Advertising devices indicating the name of the business, 4367
activities, or profession conducted on such property or which 4368
identify the goods produced, sold, or services rendered on such 4369
property; 4370

(D) Signs lawfully in existence on October 22, 1965, that the 4371
director, subject to the approval of the secretary of the United 4372
States department of transportation, has determined to be landmark 4373
signs, including signs on farm structures or natural surfaces, 4374
which are of historic or artistic significance, ~~provided that no~~ 4375
~~such sign shall be maintained without a permit as provided for in~~ 4376
~~section 5516.10 of the Revised Code.~~ 4377

~~No advertising device or series of devices erected outside of~~ 4378
~~urban areas and beyond three thousand feet of the right of way of~~ 4379
~~the main traveled way of a highway on the interstate or primary~~ 4380
~~system for the purpose of a message being read from the main~~ 4381
~~traveled way shall exceed one hundred fifty square feet in area.~~ 4382
~~For purposes of this section, a series of devices conveying a~~ 4383
~~single message shall not have a combined area in excess of one~~ 4384
~~hundred fifty square feet in area.~~ 4385

Any advertising device lawfully in existence prior to ~~the~~ 4386
~~effective date of this section~~ November 28, 1975, or lawfully on 4387
any highway made a part of the interstate or primary system on or 4388
after ~~this~~ that date, the erection of which would be illegal under 4389
this section, is nonconforming, and may be maintained subject to 4390
the permit provisions of section 5516.10 of the Revised Code ~~until~~ 4391
~~ordered removed under section 5516.08 of the Revised Code.~~ 4392

As used in this section, "urban area" means an urbanized area 4393
or an urban place as designated by the bureau of the census having 4394
a population of five thousand or more, and within boundaries 4395
approved by the ~~U.S.~~ United States secretary of transportation. 4396

~~Sec. 5516.07. Any advertising device lawfully in existence 4397
prior to December 7, 1971, or lawfully on any highway made a part 4398
of the interstate or primary system on or after December 7, 1971, 4399
the erection of which would be illegal under division (D) of 4400
section 5516.02 and section 5516.06 of the Revised Code, is 4401
nonconforming. Any such nonconforming advertising device located 4402
within zoned or unzoned commercial or industrial areas may be 4403
maintained and shall not be ordered removed by the director of 4404
transportation or, except upon the payment of compensation as 4405
provided in division (A) of section 5516.08 of the Revised Code, 4406
by a state, county, or local zoning authority, but such 4407
advertising devices are subject to the permit provisions of 4408
section 5516.10 of the Revised Code. All other nonconforming 4409
advertising devices ~~may~~ shall be maintained, subject to the ~~permit~~ 4410
provisions of ~~section~~ sections 5516.10 and 5516.12 of the Revised 4411
Code, until ordered removed under section 5516.08 of the Revised 4412
Code. 4413~~

~~The director shall not require the removal of any advertising 4414
device for which federal reimbursement is contemplated pursuant to 4415
subsection (g), 89 Stat. 2700 (1978), 23 U.S.C.A. 131, nor approve 4416
any application for reimbursement made under division (C) of 4417
section 5516.08 of the Revised Code, unless, until, and to the 4418
extent that federal funds for the federal share of compensation 4419
therefor have been appropriated by the federal government and made 4420
available to the director for such purposes. 4421~~

~~Sec. 5516.08. (A) The director of transportation, or a state, 4422~~

county, municipal, or other local zoning authority, may order the 4423
removal of nonconforming advertising devices that are 4424
~~nonconforming in accordance with~~ lawfully maintained pursuant to 4425
section 5516.07 of the Revised Code, or ~~with~~ under a zoning 4426
ordinance or regulation, ~~and each.~~ Each such removal ~~of an~~ 4427
~~advertising device~~ ordered by the director or zoning authority 4428
shall be deemed to constitute a taking of all right, title, and 4429
interest in such advertising device, including any leasehold 4430
interest, of the owner of the advertising device and of the right 4431
of the owner of the real property on which the advertising device 4432
is located to erect and maintain such advertising device thereon. 4433
The director or zoning authority shall pay just compensation for 4434
all such interests in any such taking, in the same manner as other 4435
property is acquired pursuant to Chapter 163. of the Revised Code, 4436
notwithstanding the right or obligation of the owner of such 4437
advertising device, as against the owner of the real property on 4438
which the advertising device is located, to remove such device at 4439
any time. The director, or a state, county, municipal, or other 4440
local zoning authority is authorized to acquire by gift, purchase, 4441
or appropriation, devices ordered removed under this section. 4442

If the director or zoning authority and any such owner of a 4443
compensable right or interest under this section do not reach 4444
agreement as to the amount of compensation to be paid for the 4445
taking of such right or interest, the director or zoning authority 4446
shall institute an action to appropriate the interest of such 4447
person in accordance with Chapter 163. of the Revised Code. In any 4448
such action, loss of business shall not be considered an item of 4449
compensable damages. 4450

Neither the director nor a state, county, municipal, or other 4451
local zoning authority shall enter upon any property ~~pursuant to a~~ 4452
~~removal order~~ to cause the physical removal of any nonconforming 4453
advertising device, for which an owner is entitled to just 4454

compensation, until the owner and the director or zoning authority 4455
have reached agreement as to the compensation to be paid or until 4456
the compensation proposed to be paid by the director or zoning 4457
authority has been deposited pursuant to section 163.06 of the 4458
Revised Code. 4459

(B) The director shall not order the removal of any 4460
advertising device for which federal reimbursement is contemplated 4461
pursuant to 23 U.S.C.A. 131(g), nor approve any application for 4462
reimbursement made under division (C) of this section, unless and 4463
until federal funds for the federal share of compensation therefor 4464
have been appropriated by the federal government and made 4465
available to the director for such purposes. The director shall 4466
provide by ~~regulation~~ rule for the making of reimbursements to 4467
state, county, municipal, and other local zoning authorities for 4468
the removal of nonconforming advertising devices for which federal 4469
reimbursement is contemplated ~~pursuant to subsection (g), 89 Stat.~~ 4470
~~2700 (1978), 23 U.S.C.A. 131.~~ 4471

(C) No state, county, municipal, or other local zoning 4472
authority shall be reimbursed by the director for the removal of 4473
any nonconforming advertising device as provided in this section 4474
unless the zoning authority, prior to such removal, makes 4475
application for reimbursement to the director and the director 4476
approves the application. The application shall include such 4477
information as the director requires by ~~regulation~~ rule. 4478

Sec. 5516.09. Unless otherwise provided by law, both of the 4479
following are prohibited: 4480

(A) The use of the right-of-way of a limited access highway 4481
for construction, maintenance, or copy change of a lawful 4482
advertising device; 4483

(B) The use of the right-of-way of any highway other than a 4484
limited access highway to construct, maintain, or service a lawful 4485

advertising device without the written permission of the 4486
appropriate district office of the department of transportation. 4487

~~Sec. 5516.10. (A) No private off-premise advertising device~~ 4488
~~shall be erected or a conforming advertising device maintained~~ 4489
~~within the areas covered by divisions (A) and (D) of section~~ 4490
~~5516.02 and divisions (A) and (F) of section 5516.06 of the~~ 4491
~~Revised Code without a permit. No nonconforming advertising device~~ 4492
~~may be maintained without a permit, except that permits shall be~~ 4493
~~issued to maintain nonconforming advertising devices subject to~~ 4494
~~the limitations set forth in section 5516.07 of the Revised Code.~~ 4495
~~If such a permit has been previously issued by a municipal~~ 4496
~~authority, a copy thereof may be furnished to the director of~~ 4497
~~transportation in lieu of securing a new permit as required by~~ 4498
~~this section person shall do either of the following without first~~ 4499
~~obtaining a permit and permit plates from the director:~~ 4500

(1) Erect, use, maintain, operate, construct, or cause or 4502
permit to be erected, used, maintained, operated, or constructed, 4503
any advertising device located in: 4504

(a) Commercial or industrial zones traversed by segments of 4505
the interstate system within the boundaries of a municipal 4506
corporation as such boundaries existed on September 21, 1959; or 4507

(b) Located in zoned or unzoned industrial or commercial 4508
areas adjacent to highways on the primary system; or 4509

(2) Maintain any nonconforming advertising device. 4510

(B) Applications for such ~~permits~~ a permit shall be made ~~to~~ 4511
~~the director or, within a municipal corporation, to the municipal~~ 4512
~~authority designated by its legislative authority, and permits~~ 4513
~~authorized herein shall not unreasonably be withheld, provided~~ 4514
~~that no permit for the erection of an advertising device under~~ 4515

~~division (A) of section 5516.02 or division (A) of section 5516.06 4516
of the Revised Code shall be issued by a municipal authority 4517
without the prior approval of the director. The applications and 4518
permits shall be on forms designated by the director, and a copy 4519
of any such permits issued by a municipal corporation shall be 4520
furnished to the director prior to its effective date. The 4521
director or municipal authority may make a charge for any 4522
advertising device permit issued under authority of this section, 4523
such charge to be based on the reasonable cost of administering 4524
and processing such permits. However, the director may not make a 4525
charge for any advertising device permit for an advertising device 4526
maintained or erected within the areas covered by division (A) of 4527
section 5516.02 or division (A) of section 5516.06 of the Revised 4528
Code on forms prescribed by the director, and a separate 4529
application must be submitted for each sign face. The director 4530
shall adopt rules setting forth the requirements for completion of 4531
the application process and the issuance of permits consistent 4532
with the provisions of this section. 4533~~

~~(1) As part of the application process, the director may 4534
require an acknowledgment to be signed by the owner or person in 4535
lawful possession or control of the proposed location of the 4536
advertising device. Such acknowledgment may include, but shall not 4537
be limited to, a statement that the applicant has the right to 4538
occupy the land at the subject location, that if at any time 4539
removal is required, the owner or person in lawful possession or 4540
control of the location may be jointly liable, and that the 4541
applicant may only occupy the land for a specified time period. If 4542
legal use of the location is terminated at any time during the 4543
permit period, the permit is subject to cancellation pursuant to 4544
section 5516.12 Of the Revised Code. 4545~~

~~(2) As part of the application process, the director may 4546
require an applicant or the applicant's authorized representative 4547~~

to certify in a notarized signed statement that the applicant has 4548
not knowingly provided materially false, misleading, or inaccurate 4549
information. 4550

(3) Each application shall be accompanied by the appropriate 4551
application fee as set forth in the fee schedule established by 4552
the director. Such fee schedule shall be based on the reasonable 4553
cost of administering and processing such permits. Application 4554
fees shall be nonrefundable. 4555

(4) Applications for permits will be disapproved and permits 4556
will not be issued under any of the following conditions: 4557

(a) The proposed location for an advertising device is not 4558
visible from the main traveled portion of the highway due to 4559
existing landscaping on the right-of-way of any highway; 4560

(b) The advertising device can only be erected or maintained 4561
from the right-of-way of an interstate or primary highway system; 4562

(c) The proposed location for the advertising device is on 4563
land that is used principally as a residence. 4564

(C) The issuance of a permit under this section shall not be 4565
construed to invalidate municipal ordinances requiring a permit or 4566
license or providing for an inspection fee for advertising 4567
devices, or regulating such advertising devices. The cost of the 4568
application fee for such permits or licenses issued, or the cost 4569
of initial inspection fees charged under municipal ordinances 4570
shall be credited against and shall reduce the cost of the permit 4571
issued by the director under this section. If a permit is issued 4572
by a zoning authority pursuant to its ordinances, rules, or 4573
regulations controlling outdoor advertising devices, a copy 4574
thereof shall be furnished to the director with any application 4575
for a new permit required by this section or within thirty days of 4576
its issuance by a zoning authority. 4577

(D) Where an application is submitted for the erection, use, 4578

maintenance, operation, or construction of an advertising device, 4579
the director may conditionally approve such application as to 4580
location only, and final approval will remain pending until the 4581
advertising device is erected, used, maintained, constructed, or 4582
becomes operational. Upon notification by the permit applicant 4583
that the erection, use, maintenance, construction, or operation of 4584
the advertising device is completed, the director shall verify 4585
that the advertising device complies with the terms and conditions 4586
of the conditional permit. Upon verification of compliance with 4587
the terms and conditions of the conditional permit, the director 4588
may approve and issue a permit and permit plates which shall be 4589
securely and permanently attached in the corner of the face of the 4590
advertising device nearest to the highway in such a manner as to 4591
be visible from the main traveled way of the interstate or primary 4592
highway system. Replacement plates may be issued upon request and 4593
upon the payment of a replacement fee to be determined by the 4594
director. 4595

(E) All permits issued pursuant to this section shall be in 4596
effect for a period of one year. Permits may be renewed upon 4597
application made on forms designated by the director and upon the 4598
payment of a nonrefundable renewal fee in an amount to be 4599
determined by the director based on the reasonable cost of 4600
administering and processing such renewal permits. Any permits 4601
that are not renewed, and any permit plates issued in connection 4602
with such permits, shall be returned to the director for 4603
cancellation by the expiration date. The director may adopt rules 4604
for the reinstatement of permits canceled as a result of 4605
nonpayment of renewal fees, and shall develop a fee schedule for 4606
late renewals. 4607

(F) Where the director conditionally approves the issuance of 4608
a permit as to location only and the permit applicant fails to 4609
exercise the privilege of constructing, erecting, using, 4610

operating, or maintaining an advertising device within the period 4611
for which the permit was issued, such permit shall not be renewed 4612
unless a renewal fee is paid to extend the privilege for one 4613
additional permit period. No conditional permit shall be renewed 4614
and no extensions shall be granted after the second renewal 4615
period. 4616

(G) Permits for advertising devices erected and maintained 4617
with a valid permit issued before July 1, 1997, may be renewed 4618
unless the director finds that the permit application contains 4619
materially false, misleading, or inaccurate information or the 4620
sign has been erected or maintained contrary to the provisions of 4621
this chapter or the rules adopted thereunder, and in such event 4622
the director may take appropriate action pursuant to section 4623
5516.12 Of the Revised Code. An applicant who has a conditional 4624
permit issued by the director before the effective date of this 4625
amendment and who has not yet exercised the privilege of 4626
constructing, using, operating, erecting, or maintaining an 4627
advertising device at the proposed location as of that effective 4628
date, shall have until December 31, 1997, to comply with the terms 4629
and conditions of the conditional permit or such permit shall be 4630
canceled. However, the applicant may request that the conditional 4631
permit be renewed by submitting a renewal application and paying a 4632
nonrefundable renewal fee to extend the privilege for one 4633
additional permit period. 4634

(H) Permits may be transferred from one sign owner to another 4635
upon written acknowledgment from the current permittee and the 4636
payment of a transfer fee in an amount to be determined by the 4637
director for each permit to be transferred. The new permit holder 4638
is subject to all the terms and conditions of the prior permit 4639
holder and shall be subject to all provisions of this chapter and 4640
the rules adopted thereunder. 4641

Sec. 5516.11. This chapter does not affect the authority of a 4642
state, county, municipal, or other local zoning authority to zone 4643
areas for commercial or industrial purposes under its respective 4644
zoning laws. Whenever a state, county, municipal, or other local 4645
zoning authority has adopted comprehensive zoning and established 4646
rules and regulations that control controlling the size, lighting, 4647
and spacing of outdoor advertising devices, that are equivalent to 4648
and consistent with the intent of this act, and are part of a bona 4649
fide commercial and industrial zoning plan chapter, such rules and 4650
regulations will be accepted in lieu of the controls provided in 4651
division (D) of section 5516.02 and in ~~sections 5516.06 and~~ 4652
~~5516.09~~ section 5516.061 of the Revised Code in the ~~zoned~~ 4653
commercial and industrial ~~areas~~ zones within the geographical 4654
jurisdiction of such authority. 4655

Whenever a zoning authority establishes ~~such~~ new 4656
comprehensive zoning rules or regulations, a copy thereof shall be 4657
furnished to the director of transportation within thirty days 4658
after its passage. 4659

Chapter 5516. of the Revised Code shall not be construed to 4660
allow the erection of an advertising device in an area zoned by 4661
state, county, municipal, or other local authorities to exclude 4662
such devices. 4663

Sec. 5516.12. Any advertising device that violates sections 4664
5516.06 to 5516.13 of the Revised Code is a public and private 4665
nuisance and the The director of transportation may disapprove, 4666
cancel, or revoke any permit requested or issued under this 4667
chapter if the director determines any of the following: 4668

(A) That the application for the permit contains materially 4669
false, misleading, or inaccurate information; 4670

(B) An advertising device has been erected or maintained 4671

contrary to the terms and conditions of the permit; 4672

(C) The required fee has not been paid; 4673

(D) That the location does not conform to the laws and rules
of the state; 4674
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(E) That any other provisions of this chapter or the rules
adopted thereunder have been violated. 4676
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The director shall give thirty days' notice, by certified 4678
mail, to the owner or lessee of the land on which such advertising 4679
device is located and to the owner of such advertising device, if 4680
known, ~~to remove such advertising device, or to cause it to~~ 4681
~~conform to the requirements of this chapter.~~ If the owner of such 4682
advertising device is unknown, the director shall make a 4683
reasonable attempt to ascertain the identity of such owner. 4684

~~If any such advertising device has not been removed or caused~~ 4685
~~to be conformed on or before the expiration of thirty days~~ 4686
~~following the receipt of said notice by the owner or lessee of the~~ 4687
~~land upon which the advertising device is located and the owner of~~ 4688
~~the advertising device, if known, the director, or any of his duly~~ 4689
~~authorized agents, may, at his discretion, either:~~ 4690

~~(A) Remove, obliterate, or abate the advertising device. The~~ 4691
~~cost or expense of such removal, obliteration, or abatement shall~~ 4692
~~be paid by the director out of any appropriation of the department~~ 4693
~~of transportation available for the establishment, using,~~ 4694
~~maintaining, or repairing of highways and the amount thereof shall~~ 4695
~~be certified to the attorney general for collection by civil~~ 4696
~~action against the person maintaining or erecting such advertising~~ 4697
~~device.~~ 4698

~~(B) File a complaint by petition in the court of common pleas~~ 4699
~~of the county in which such advertising device is located, and,~~ 4700
~~upon a finding by the court that a violation of sections 5516.06~~ 4701

~~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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or the performance of duties so delegated to the director has the 4733
right of appeal provided in section 119.11 of the Revised Code. 4734

Sec. 5516.14. The director may issue a permit to any sign 4735
owner who has a lawful permit issued pursuant to section 5516.10 4736
Of the Revised Code to remove, cut, and trim vegetation located on 4737
the right-of-way of any highway of the interstate or primary 4738
system adjacent to the permitted advertising device and replace 4739
the same as directed, whenever such vegetation prevents clear 4740
visibility from the main traveled way of such highway. The 4741
director shall adopt rules for the enforcement of this section. 4742
The rules may include requirements for appropriate vehicle 4743
identification signage, appropriate bond or insurance, distance 4744
limits, and any other conditions as may be required by the 4745
director. 4746

An application for a vegetation permit shall be made on forms 4747
designated by the director and a separate application must be 4748
submitted for each sign face. Each application shall be 4749
accompanied by a nonrefundable application fee in an amount to be 4750
determined by the director. Permits issued hereunder shall run for 4751
a period of one year and may be renewed upon application made upon 4752
forms prescribed by the director and upon the payment of a 4753
nonrefundable renewal fee in an amount to be determined by the 4754
director. Any permits that are not renewed shall be returned to 4755
the director for cancellation by the expiration date. 4756

The director may modify any vegetation permit as is 4757
considered necessary for the safety of the traveling public. The 4758
director may revoke, cancel, or disapprove a permit or an 4759
application pursuant to section 5516.12 Of the Revised Code for 4760
any violation of this section or the rules adopted thereunder. 4761

Sec. 5516.99. Whoever erects or maintains an advertising 4762
device in violation of sections 5516.01 to ~~5516.13, inclusive,~~ 4763

5516.14 of the Revised Code, or rules adopted thereunder, shall be 4764
fined not less than one hundred nor more than ~~one~~ five thousand 4765
dollars. 4766

Sec. 5525.03. All prospective bidders other than 4767
environmental remediators and specialty contractors for which 4768
there are no classes of work provided for in the rules adopted by 4769
the director of transportation shall apply for qualification on 4770
forms prescribed and furnished by the director. The application 4771
shall be accompanied by a certificate of compliance with 4772
affirmative action programs issued pursuant to section 9.47 of the 4773
Revised Code and dated no earlier than one hundred eighty days 4774
prior to the date fixed for the opening of bids for a particular 4775
project. The director shall act upon an application for 4776
qualification within thirty days after it is presented to the 4777
director. Upon the receipt of any application for qualification, 4778
the director shall examine the application to determine whether 4779
the applicant is competent and responsible and possesses the 4780
financial resources required by section 5525.04 of the Revised 4781
Code. If the applicant is found to possess the qualifications 4782
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 4783
by rules adopted by the director, including a certificate of 4784
compliance with affirmative action programs, a certificate of 4785
qualification shall be issued to the applicant, which shall be 4786
valid for the period of one year or such shorter period of time as 4787
the director prescribes, unless revoked by the director for cause 4788
as defined by rules adopted by the director under section 5525.05 4789
of the Revised Code. The certificate of qualification shall 4790
contain a statement fixing the aggregate amount of work, for any 4791
or all owners, that the applicant may have under construction and 4792
uncompleted at any one time and may contain a statement limiting 4793
such bidder to the submission of bids upon a certain class of 4794

work. Subject to any restriction as to amount or class of work 4795
therein contained, the certificate of qualification shall 4796
authorize its holder to bid on all work on which bids are taken by 4797
the department of transportation during the period of time therein 4798
specified. An applicant who has received a certificate of 4799
qualification and desires to amend the certificate by the dollar 4800
amount or by the classes of work may submit to the director such 4801
documentation as the director considers appropriate. The director 4802
shall review the documentation submitted by the applicant and, 4803
within fifteen days, shall either amend the certificate of 4804
qualification or deny the request. If the director denies the 4805
request to amend the certificate, the applicant may appeal that 4806
decision to the director's prequalification review board in 4807
accordance with section 5525.07 of the Revised Code. Two or more 4808
persons, partnerships, or corporations may bid jointly on any one 4809
project, but only on condition that prior to the time bids are 4810
taken on the project the bidders make a joint application for 4811
qualification and obtain a joint certificate qualification. 4812

~~A certificate of qualification may be revoked by the director 4813
only after notice to the qualified bidder and an opportunity to be 4814
heard, which notice and hearing shall be in accordance with 4815
Chapter 119. of the Revised Code. The notice shall be in writing 4816
and state the grounds of the proposed revocation. An qualified 4817
bidder, aggrieved by the decision of the director upon the matter 4818
of revoking the bidder's certificate, may appeal from that 4819
decision in the manner provided by Chapter 119. of the Revised 4820
Code. 4821~~

The director may debar from participating in future contracts 4822
with the department any bidding company as well as any partner of 4823
a partnership, or the officers and directors of an association or 4824
corporation if the certificate of qualification of the company, 4825
partnership, association, or corporation is revoked or not renewed 4826

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 4859
qualifications. The review board shall consider the matter and 4860
either may adhere to or modify the director's previous decision. 4861
The review board shall act upon any request for reconsideration 4862
within fifteen days after the hearing and shall notify the 4863
applicant of the action taken. Upon being notified of the final 4864
action of the review board upon reconsideration, any applicant 4865
that is still aggrieved by the decision, within ten days after 4866
receiving notification of the decision, may take an appeal 4867
therefrom to the court of common pleas of Franklin county. The 4868
appeal shall be perfected by the filing of a bond with the clerk 4869
of the court of common pleas in an amount determined by the clerk, 4870
conditioned for payment by the appellant of the costs of the 4871
appeal in case the decision of the review board is sustained, and 4872
by causing a summons to be served upon the review board as in 4873
other civil actions involving the department. The grounds of 4874
appeal shall be fraud or abuse of discretion by the review board. 4875
The court shall hear the evidence offered by the appellant and by 4876
the review board, and if it finds there was neither fraud nor 4877
abuse of discretion, it shall dismiss the appeal; otherwise it may 4878
make the order with respect to qualification which it finds should 4879
have been made by the review board. 4880

Sec. 5529.03. The director of transportation may acquire by 4881
gift, purchase, or appropriation, any interest, estate, or right 4882
in and to real property adjacent to highways of this state as 4883
necessary for the restoration, preservation, and enhancement of 4884
scenic beauty adjacent to said highways, or for the establishment 4885
of publicly owned and controlled rest and recreation areas and 4886
sanitary and other facilities within or adjacent to the 4887
right-of-way of said highways to accommodate the traveling public. 4888
Nothing in this section authorizes the director to appropriate fee 4889

simple title to real property further than three hundred feet from 4890
the nearest edge of the highway right-of-way. 4891

The director may convey or lease any such property adjacent 4892
to the highway right-of-way ~~back to its original owner or to~~ 4893
~~another~~ any person or entity in the manner and subject to such 4894
reservations, conditions, covenants, or other contractual 4895
arrangements as the director determines will ~~preserve~~ not 4896
substantially interfere with the scenic character or beauty of the 4897
area traversed by the highway. 4898

The director may employ consulting engineers and enter into 4899
contracts for consulting engineering services with any qualified 4900
person, firm, partnership, corporation, or association to prepare 4901
plans and estimates and generally supervise the construction and 4902
landscaping for scenic enhancement and roadside beautification 4903
projects, and in the awarding of such contracts compliance with 4904
sections 5501.17 and 5525.01 of the Revised Code is not required. 4905

Sec. 5531.09. (A) The state infrastructure bank shall consist 4906
of the highway and transit infrastructure bank fund, the aviation 4907
infrastructure bank fund, the rail infrastructure bank fund, and 4908
the infrastructure bank obligations fund, which are hereby created 4909
as funds of the state treasury, to be administered by the director 4910
of transportation and used for the purposes described in division 4911
(B) of this section. The highway and transit infrastructure bank 4912
fund, the aviation infrastructure bank fund, and the rail 4913
infrastructure bank fund shall consist of federal grants and 4914
awards or other assistance received by the state and eligible for 4915
deposit therein under applicable federal law, payments received by 4916
the department in connection with providing financial assistance 4917
for qualifying projects under division (B) of this section, and 4918
such other amounts as may be provided by law, ~~the.~~ The 4919
infrastructure bank obligations fund shall consist of such amounts 4920

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 4953
necessary for the implementation and exercise of the authority 4954
granted by this section, including rules for receiving, reviewing, 4955
evaluating, and selecting projects for which financial assistance 4956
may be approved. 4957

(D) As used in this section and in section 5531.10 of the 4958
Revised Code, "qualified project" means any public or private 4959
transportation project as determined by the director of 4960
transportation, including, without limitation, planning, 4961
environmental impact studies, engineering, construction, 4962
reconstruction, resurfacing, restoring, rehabilitation, or 4963
replacement of public or private transportation facilities within 4964
the state, studying the feasibility thereof, and the acquisition 4965
of real or personal property or interests therein; any highway, 4966
public transit, aviation, rail, or other transportation project 4967
eligible for financing or aid under any federal or state program; 4968
and any project involving the maintaining, repairing, improving, 4969
or construction of any public or private highway, road, street, 4970
parkway, public transit, aviation, or rail project, and any 4971
related rights-of-way, bridges, tunnels, railroad-highway 4972
crossings, drainage structures, signs, guardrails, or protective 4973
structures. 4974

(E) The general assembly finds that state infrastructure 4975
projects, as defined in division (A)(8) of section 5531.10 of the 4976
Revised Code, and the state infrastructure bank, will materially 4977
contribute to the economic revitalization of areas of the state 4978
and result in improving the economic welfare of all the people of 4979
the state. Accordingly, it is declared to be the public purpose of 4980
the state, through operations under sections 5531.09 and 5531.10 4981
of the Revised Code, and other applicable laws adopted pursuant to 4982
Section 13 of Article VIII, Ohio Constitution, and other authority 4983
vested in the general assembly, to assist in and facilitate the 4984

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: 4988

(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 5015
obligations; accrued interest received from the sale of 5016
obligations; income from the investment of the special funds; any 5017
gifts, grants, donations, and pledges, and receipts therefrom, 5018
available for the payment of bond service charges; and any amounts 5019
in the state infrastructure bank pledged to the payment of such 5020
charges. 5021

(7) "Special funds" or "funds" means, except where the 5022
context does not permit, the bond service fund, and any other 5023
funds, including reserve funds, created under the bond 5024
proceedings, and the state infrastructure bank revenue bond 5025
service fund created by division ~~(S)~~(R) of this section to the 5026
extent provided in the bond proceedings, including all moneys and 5027
investments, and earnings from investment, credited and to be 5028
credited thereto. 5029

(8) "State infrastructure project" means any public 5030
transportation project undertaken by the state, including, but not 5031
limited to, all components of any such project, as described in 5032
division (D) of section 5531.09 Of the Revised Code. 5033

(B) The issuing authority, ~~with the advice of~~ after giving 5034
written notice to the director of budget and management and upon 5035
the certification by the director of transportation to the issuing 5036
authority of the amount of moneys or additional moneys needed 5037
either for state infrastructure projects or to provide financial 5038
assistance for any of the purposes for which the state 5039
infrastructure bank may be used under section 5531.09 of the 5040
Revised Code, or needed for capitalized interest, funding 5041
reserves, and paying costs and expenses incurred in connection 5042
with the issuance, carrying, securing, paying, redeeming, or 5043
retirement of the obligations or any obligations refunded thereby, 5044
including payment of costs and expenses relating to letters of 5045
credit, lines of credit, insurance, put agreements, standby 5046

purchase agreements, indexing, marketing, remarketing and 5047
administrative arrangements, interest swap or hedging agreements, 5048
and any other credit enhancement, liquidity, remarketing, renewal, 5049
or refunding arrangements, all of which are authorized by this 5050
section, shall issue obligations of the state under this section 5051
in the required amount. The proceeds of such obligations, except 5052
for the portion to be deposited in special funds, including 5053
reserve funds, as may be provided in the bond proceedings, shall 5054
as provided in the bond proceedings be credited to the 5055
infrastructure bank obligations fund of the state infrastructure 5056
bank created by section 5531.09 of the Revised Code. The issuing 5057
authority may appoint trustees, paying agents, transfer agents, 5058
and authenticating agents, and may retain the services of 5059
financial advisors, accounting experts, and attorneys, and retain 5060
or contract for the services of marketing, remarketing, indexing, 5061
and administrative agents, other consultants, and independent 5062
contractors, including printing services, as are necessary in the 5063
issuing authority's judgment to carry out this section. The costs 5064
of such services are payable from funds of the state 5065
infrastructure bank. 5066

(C) The holders or owners of such obligations shall have no 5067
right to have moneys raised by taxation by the state of Ohio 5068
obligated or pledged, and moneys so raised shall not be obligated 5069
or pledged, for the payment of bond service charges. The right of 5070
such holders and owners to payment of bond service charges is 5071
limited to all or that portion of the pledged receipts and those 5072
special funds pledged thereto pursuant to the bond proceedings for 5073
such obligations in accordance with this section, and each such 5074
obligation shall bear on its face a statement to that effect. 5075

(D) Obligations shall be authorized by order of the issuing 5076
authority and the bond proceedings shall provide for the purpose 5077
thereof and the principal amount or amounts, and shall provide for 5078

or authorize the manner or agency for determining the principal 5079
maturity or maturities, not exceeding twenty-five years from the 5080
date of issuance, the interest rate or rates or the maximum 5081
interest rate, the date of the obligations and the dates of 5082
payment of interest thereon, their denomination, and the 5083
establishment within or without the state of a place or places of 5084
payment of bond service charges. Sections 9.98 to 9.983 of the 5085
Revised Code are applicable to obligations issued under this 5086
section. The purpose of such obligations may be stated in the bond 5087
proceedings in terms describing the general purpose or purposes to 5088
be served. The bond proceedings also shall provide, subject to the 5089
provisions of any other applicable bond proceedings, for the 5090
pledge of all, or such part as the issuing authority, ~~with the~~ 5091
~~advice of the director of budget and management and the director~~ 5092
~~of transportation,~~ may determine, of the pledged receipts and the 5093
applicable special fund or funds to the payment of bond service 5094
charges, which pledges may be made either prior or subordinate to 5095
other expenses, claims, or payments, and may be made to secure the 5096
obligations on a parity with obligations theretofore or thereafter 5097
issued, if and to the extent provided in the bond proceedings. The 5098
pledged receipts and special funds so pledged and thereafter 5099
received by the state are immediately subject to the lien of such 5100
pledge without any physical delivery thereof or further act, and 5101
the lien of any such pledges is valid and binding against all 5102
parties having claims of any kind against the state or any 5103
governmental agency of the state, irrespective of whether such 5104
parties have notice thereof, and shall create a perfected security 5105
interest for all purposes of Chapter 1309. of the Revised Code, 5106
without the necessity for separation or delivery of funds or for 5107
the filing or recording of the bond proceedings by which such 5108
pledge is created or any certificate, statement or other document 5109
with respect thereto; and the pledge of such pledged receipts and 5110
special funds is effective and the money therefrom and thereof may 5111

be applied to the purposes for which pledged without necessity for 5112
any act of appropriation. Every pledge, and every covenant and 5113
agreement made with respect thereto, made in the bond proceedings 5114
may therein be extended to the benefit of the owners and holders 5115
of obligations authorized by this section, and to any trustee 5116
therefor, for the further security of the payment of the bond 5117
service charges. 5118

(E) The bond proceedings may contain additional provisions as 5119
to: 5120

(1) The redemption of obligations prior to maturity at the 5121
option of the issuing authority at such price or prices and under 5122
such terms and conditions as are provided in the bond proceedings; 5123

(2) Other terms of the obligations; 5124

(3) Limitations on the issuance of additional obligations; 5125

(4) The terms of any trust agreement or indenture securing 5126
the obligations or under which the same may be issued; 5127

(5) The deposit, investment and application of special funds, 5128
and the safeguarding of moneys on hand or on deposit, without 5129
regard to Chapter 131. or 135. of the Revised Code, but subject to 5130
any special provisions of this ~~chapter~~ section with respect to 5131
particular funds or moneys, provided that any bank or trust 5132
company which acts as depository of any moneys in the special 5133
funds may furnish such indemnifying bonds or may pledge such 5134
securities as required by the issuing authority; 5135

(6) Any or every provision of the bond proceedings being 5136
binding upon such officer, board, commission, authority, agency, 5137
department, or other person or body as may from time to time have 5138
the authority under law to take such actions as may be necessary 5139
to perform all or any part of the duty required by such provision; 5140

(7) Any provision that may be made in a trust agreement or 5141

indenture; 5142

(8) Any other or additional agreements with the holders of 5143
the obligations, or the trustee therefor, relating to the 5144
obligations or the security therefor, including the assignment of 5145
mortgages or other security relating to financial assistance for 5146
qualified projects under section 5531.09 of the Revised Code. 5147

(F) The obligations may have the great seal of the state or a 5148
facsimile thereof affixed thereto or printed thereon. The 5149
obligations and any coupons pertaining to obligations shall be 5150
signed or bear the facsimile signature of the issuing authority. 5151
Any obligations or coupons may be executed by the person who, on 5152
the date of execution, is the proper issuing authority although on 5153
the date of such bonds or coupons such person was not the issuing 5154
authority. In case the issuing authority whose signature or a 5155
facsimile of whose signature appears on any such obligation or 5156
coupon ceases to be the issuing authority before delivery thereof, 5157
such signature or facsimile is nevertheless valid and sufficient 5158
for all purposes as if the former issuing authority had remained 5159
the issuing authority until such delivery; and in case the seal to 5160
be affixed to obligations has been changed after a facsimile of 5161
the seal has been imprinted on such obligations, such facsimile 5162
seal shall continue to be sufficient as to such obligations and 5163
obligations issued in substitution or exchange therefor. 5164

(G) All obligations are negotiable instruments and securities 5165
under Chapter 1308. of the Revised Code, subject to the provisions 5166
of the bond proceedings as to registration. The obligations may be 5167
issued in coupon or in registered form, or both, as the issuing 5168
authority determines. Provision may be made for the registration 5169
of any obligations with coupons attached thereto as to principal 5170
alone or as to both principal and interest, their exchange for 5171
obligations so registered, and for the conversion or reconversion 5172
into obligations with coupons attached thereto of any obligations 5173

registered as to both principal and interest, and for reasonable 5174
charges for such registration, exchange, conversion, and 5175
reconversion. 5176

(H) Obligations may be sold at public sale or at private 5177
sale, as determined in the bond proceedings. 5178

(I) Pending preparation of definitive obligations, the 5179
issuing authority may issue interim receipts or certificates which 5180
shall be exchanged for such definitive obligations. 5181

(J) In the discretion of the issuing authority, obligations 5182
may be secured additionally by a trust agreement or indenture 5183
between the issuing authority and a corporate trustee which may be 5184
any trust company or bank having its principal place of business 5185
within the state. Any such agreement or indenture may contain the 5186
order authorizing the issuance of the obligations, any provisions 5187
that may be contained in any bond proceedings, and other 5188
provisions which are customary or appropriate in an agreement or 5189
indenture of such type, including, but not limited to: 5190

(1) Maintenance of each pledge, trust agreement, indenture, 5191
or other instrument comprising part of the bond proceedings until 5192
the state has fully paid the bond service charges on the 5193
obligations secured thereby, or provision therefor has been made; 5194

(2) In the event of default in any payments required to be 5195
made by the bond proceedings, or any other agreement of the 5196
issuing authority made as a part of the contract under which the 5197
obligations were issued, enforcement of such payments or agreement 5198
by mandamus, the appointment of a receiver, suit in equity, action 5199
at law, or any combination of the foregoing; 5200

(3) The rights and remedies of the holders of obligations and 5201
of the trustee, and provisions for protecting and enforcing them, 5202
including limitations on rights of individual holders of 5203
obligations; 5204

(4) The replacement of any obligations that become mutilated 5205
or are destroyed, lost, or stolen; 5206

(5) Such other provisions as the trustee and the issuing 5207
authority agree upon, including limitations, conditions, or 5208
qualifications relating to any of the foregoing. 5209

(K) Any holder of obligations or a trustee under the bond 5210
proceedings, except to the extent that the holder's or trustee's 5211
rights are restricted by the bond proceedings, may by any suitable 5212
form of legal proceedings, protect and enforce any rights under 5213
the laws of this state or granted by such bond proceedings. Such 5214
rights include the right to compel the performance of all duties 5215
of the issuing authority and the director of transportation 5216
required by the bond proceedings or sections 5531.09 and 5531.10 5217
of the Revised Code; to enjoin unlawful activities; and in the 5218
event of default with respect to the payment of any bond service 5219
charges on any obligations or in the performance of any covenant 5220
or agreement on the part of the issuing authority or the director 5221
of transportation in the bond proceedings, to apply to a court 5222
having jurisdiction of the cause to appoint a receiver to receive 5223
and administer the pledged receipts and special funds, other than 5224
those in the custody of the treasurer of state, which are pledged 5225
to the payment of the bond service charges on such obligations or 5226
which are the subject of the covenant or agreement, with full 5227
power to pay, and to provide for payment of bond service charges 5228
on, such obligations, and with such powers, subject to the 5229
direction of the court, as are accorded receivers in general 5230
equity cases, excluding any power to pledge additional revenues or 5231
receipts or other income or moneys of the state or local 5232
governmental entities, or agencies thereof, to the payment of such 5233
principal and interest and excluding the power to take possession 5234
of, mortgage, or cause the sale or otherwise dispose of any 5235
project facilities. 5236

Each duty of the issuing authority and the issuing 5237
authority's officers and employees, and of each state or local 5238
governmental agency and its officers, members, or employees, 5239
undertaken pursuant to the bond proceedings or any loan, loan 5240
guarantee, lease, lease-purchase agreement, or other agreement 5241
made under authority of section 5531.09 of the Revised Code, and 5242
in every agreement by or with the issuing authority, is hereby 5243
established as a duty of the issuing authority, and of each such 5244
officer, member, or employee having authority to perform such 5245
duty, specifically enjoined by the law resulting from an office, 5246
trust, or station within the meaning of section 2731.01 of the 5247
Revised Code. 5248

The person who is at the time the issuing authority, or the 5249
issuing authority's officers or employees, are not liable in their 5250
personal capacities on any obligations issued by the issuing 5251
authority or any agreements of or with the issuing authority. 5252

(L) The issuing authority may authorize and issue obligations 5253
for the refunding, including funding and retirement, and advance 5254
refunding with or without payment or redemption prior to maturity, 5255
of any obligations previously issued by the issuing authority. 5256
Such obligations may be issued in amounts sufficient for payment 5257
of the principal amount of the prior obligations, any redemption 5258
premiums thereon, principal maturities of any such obligations 5259
maturing prior to the redemption of the remaining obligations on a 5260
parity therewith, interest accrued or to accrue to the maturity 5261
dates or dates of redemption of such obligations, and any 5262
~~allowable costs including~~ expenses incurred or to be incurred in 5263
connection with such issuance and such refunding, funding, and 5264
retirement. Subject to the bond proceedings therefor, the portion 5265
of proceeds of the sale of obligations issued under this division 5266
to be applied to bond service charges on the prior obligations 5267
shall be credited to an appropriate account held by the trustee 5268

for such prior or new obligations or to the appropriate account in 5269
the bond service fund for such obligations. Obligations authorized 5270
under this division shall be deemed to be issued for those 5271
purposes for which such prior obligations were issued and are 5272
subject to the provisions of this section pertaining to other 5273
obligations, except as otherwise provided in this section. The 5274
last maturity of obligations authorized under this division shall 5275
not be later than twenty-five years from the date of issuance of 5276
the original securities issued for the original purpose. 5277

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(M) The authority to issue obligations under this section 5279
includes authority to issue obligations in the form of bond 5280
anticipation notes and to renew the same from time to time by the 5281
issuance of new notes. The holders of such notes or interest 5282
coupons pertaining thereto shall have a right to be paid solely 5283
from the pledged receipts and special funds that may be pledged to 5284
the payment of the bonds anticipated, or from the proceeds of such 5285
bonds or renewal notes, or both, as the issuing authority provides 5286
in the order authorizing such notes. Such notes may be 5287
additionally secured by covenants of the issuing authority to the 5288
effect that the issuing authority and the state will do such or 5289
all things necessary for the issuance of such bonds or renewal 5290
notes in appropriate amount, and apply the proceeds thereof to the 5291
extent necessary, to make full payment of the principal of and 5292
interest on such notes at the time or times contemplated, as 5293
provided in such order. For such purpose, the issuing authority 5294
may issue bonds or renewal notes in such principal amount and upon 5295
such terms as may be necessary to provide funds to pay when 5296
required the principal of and interest on such notes, 5297
notwithstanding any limitations prescribed by or for purposes of 5298
this section. Subject to this division, all provisions for and 5299
references to obligations in this section are applicable to notes 5300
authorized under this division. 5301

The issuing authority in the bond proceedings authorizing the 5302
issuance of bond anticipation notes shall set forth for such bonds 5303
an estimated interest rate and a schedule of principal payments 5304
for such bonds and the annual maturity dates thereof. 5305

(N) Obligations issued under this section are lawful 5306
investments for banks, societies for savings, savings and loan 5307
associations, deposit guarantee associations, trust companies, 5308
trustees, fiduciaries, insurance companies, including domestic for 5309
life and domestic not for life, trustees or other officers having 5310
charge of sinking and bond retirement or other special funds of 5311
political subdivisions and taxing districts of this state, the 5312
commissioners of the sinking fund of the state, the administrator 5313
of workers' compensation in accordance with the investment policy 5314
established by the workers' compensation oversight commission 5315
pursuant to section 4121.12 Of the Revised Code, the state 5316
teachers retirement system, the public employees retirement 5317
system, the school employees retirement system, and the police and 5318
firemen's disability and pension fund, notwithstanding any other 5319
provisions of the Revised Code or rules adopted pursuant thereto 5320
by any agency of the state with respect to investments by them, 5321
and are also acceptable as security for the deposit of public 5322
moneys. 5323

(O) Unless otherwise provided in any applicable bond 5324
proceedings, moneys to the credit of or in the special funds 5325
established by or pursuant to this section may be invested by or 5326
on behalf of the issuing authority only in notes, bonds, or other 5327
obligations of the United States, or of any agency or 5328
instrumentality of the United States, obligations guaranteed as to 5329
principal and interest by the United States, obligations of this 5330
state or any political subdivision of this state, and certificates 5331
of deposit of any national bank located in this state and any 5332
bank, as defined in section 1101.01 of the Revised Code, subject 5333

to inspection by the superintendent of financial institutions. If 5334
the law or the instrument creating a trust pursuant to division 5335
(J) of this section expressly permits investment in direct 5336
obligations of the United States or an agency of the United 5337
States, unless expressly prohibited by the instrument, such moneys 5338
also may be invested in no-front-end-load money market mutual 5339
funds consisting exclusively of obligations of the United States 5340
or an agency of the United States and in repurchase agreements, 5341
including those issued by the fiduciary itself, secured by 5342
obligations of the United States or an agency of the United 5343
States; and in ~~common trust funds established in accordance with~~ 5344
collective investment funds as defined in division (A) of section 5345
1109.20 1111.01 of the Revised Code and consisting exclusively of 5346
any such securities, ~~notwithstanding division (A)(4) of that~~ 5347
~~section~~. The income from such investments shall be credited to 5348
such funds as the issuing authority determines, and such 5349
investments may be sold at such times as the issuing authority 5350
determines or authorizes. 5351

(P) Provision may be made in the applicable bond proceedings 5352
for the establishment of separate accounts in the bond service 5353
fund and for the application of such accounts only to the 5354
specified bond service charges on obligations pertinent to such 5355
accounts and bond service fund and for other accounts therein 5356
within the general purposes of such fund. Unless otherwise 5357
provided in any applicable bond proceedings, moneys to the credit 5358
of or in the several special funds established pursuant to this 5359
section shall be disbursed on the order of the treasurer of state, 5360
provided that no such order is required for the payment from the 5361
bond service fund when due of bond service charges on obligations. 5362

(Q) The issuing authority may, ~~with the advice of the~~ 5363
~~director of transportation and the director of budget and~~ 5364
~~management~~, pledge all, or such portion as the issuing authority 5365

determines, of the pledged receipts to the payment of bond service 5366
charges on obligations issued under this section, and for the 5367
establishment and maintenance of any reserves, as provided in the 5368
bond proceedings, and make other provisions therein with respect 5369
to pledged receipts as authorized by this chapter, which 5370
provisions are controlling notwithstanding any other provisions of 5371
law pertaining thereto. 5372

(R) There is hereby created the state infrastructure bank 5373
revenue bond service fund, which shall be in the custody of the 5374
treasurer of state but shall not be a part of the state treasury. 5375
All moneys received by or on account of the issuing authority or 5376
state agencies and required by the applicable bond proceedings, 5377
consistent with this section, to be deposited, transferred, or 5378
credited to the bond service fund, and all other moneys 5379
transferred or allocated to or received for the purposes of the 5380
fund, shall be deposited and credited to such fund and to any 5381
separate accounts therein, subject to applicable provisions of the 5382
bond proceedings, but without necessity for any act of 5383
appropriation. The state infrastructure bank revenue bond service 5384
fund is a trust fund and is hereby pledged to the payment of bond 5385
service charges to the extent provided in the applicable bond 5386
proceedings, and payment thereof from such fund shall be made or 5387
provided for by the treasurer of state in accordance with such 5388
bond proceedings without necessity for any act of appropriation. 5389

(S) The obligations issued pursuant to this section, the 5390
transfer thereof, and the income therefrom, including any profit 5391
made on the sale thereof, shall at all times be free from taxation 5392
within this state. 5393

Sec. 5540.01. As used in this chapter: 5394

(A) "Transportation improvement district" or "district" means 5395
a transportation improvement district designated pursuant to 5396

section 5540.02 of the Revised Code.

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

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

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

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year after completion of construction, traffic estimates, 5429
indemnity and surety bonds and premiums on insurance, and 5430
guarantees, engineering, feasibility studies, and legal expenses, 5431
plans, specifications, surveys, estimates of cost and revenues, 5432
other expenses necessary or incidental to determining the 5433
feasibility or practicability of constructing a project, and such 5434
other expense as may be necessary or incident to the construction 5435
of the project and the financing of such construction. Any 5436
obligation or expense incurred by any governmental agency or 5437
person for surveys, borings, preparation of plans and 5438
specifications, and other engineering services, or any other cost 5439
described above, in connection with the construction of a project 5440
may be regarded as part of the cost of the project and reimbursed 5441
from revenues, taxes, or the proceeds of bonds as authorized by 5442
this chapter. 5443

(E) "Owner" includes any person having any title or interest 5444
in any property authorized to be acquired by a district under this 5445
chapter. 5446

(F) "Revenues" means all moneys received by a district with 5447
respect to the lease, sublease, or sale, including installment 5448
sale, conditional sale, or sale under a lease-purchase agreement, 5449
of a project, any gift or grant received with respect to a 5450
project, tolls, proceeds of bonds to the extent the use thereof 5451
for payment of principal or of premium, if any, or interest on the 5452
bonds is authorized by the district, proceeds from any insurance, 5453
condemnation, or guaranty pertaining to a project or property 5454
mortgaged to secure bonds or pertaining to the financing of a 5455
project, and income and profit from the investment of the proceeds 5456
of bonds or of any revenues. 5457

(G) "Street or highway" has the same meaning as in section 5458
4511.01 of the Revised Code. 5459

(H) "Financing expenses" means all costs and expenses 5460
relating to the authorization, issuance, sale, delivery, 5461
authentication, deposit, custody, clearing, registration, 5462
transfer, exchange, fractionalization, replacement, payment, and 5463
servicing of bonds including, without limitation, costs and 5464
expenses for or relating to publication and printing, postage, 5465
delivery, preliminary and final official statements, offering 5466
circulars, and informational statements, travel and 5467
transportation, underwriters, placement agents, investment 5468
bankers, paying agents, registrars, authenticating agents, 5469
remarketing agents, custodians, clearing agencies or corporations, 5470
securities depositories, financial advisory services, 5471
certifications, audits, federal or state regulatory agencies, 5472
accounting and computation services, legal services and obtaining 5473
approving legal opinions and other legal opinions, credit ratings, 5474
redemption premiums, and credit enhancement facilities. 5475

(I) "Bond proceedings" means the resolutions, trust 5476
agreements, certifications, notices, sale proceedings, leases, 5477
lease-purchase agreements, assignments, credit enhancement 5478
facility agreements, and other agreements, instruments, and 5479
documents, as amended and supplemented, or any one or more of 5480
combination thereof, authorizing, or authorizing or providing for 5481
the terms and conditions applicable to, or providing for the 5482
security or sale or award or liquidity of, bonds, and includes the 5483
provisions set forth or incorporated in those bonds and bond 5484
proceedings. 5485

(J) "Bond service charges" means principal, including any 5486
mandatory sinking fund or mandatory redemption requirements for 5487
retirement of bonds, and interest and any redemption premium 5488
payable on bonds, as those payments come due and are payable to 5489
the bondholder or to a person making payment under a credit 5490
enhancement facility of those bond service charges to a 5491

bondholder. 5492

(K) "Bond service fund" means the applicable fund created by 5493
the bond proceedings for and pledged to the payment of bond 5494
service charges on bonds provided for by those proceedings, 5495
including all moneys and investments, and earnings from 5496
investments, credited and to be credited to that fund as provided 5497
in the bond proceedings. 5498

(L) "Bonds" means bonds, notes, including notes anticipating 5499
bonds or other notes, commercial paper, certificates of 5500
participation, or other evidences of obligation, including any 5501
interest coupons pertaining thereto, issued pursuant to this 5502
chapter. 5503

(M) "Net revenues" means revenues lawfully available to pay 5504
both current operating expenses of a district and bond service 5505
charges in any fiscal year or other specified period, less current 5506
operating expenses of the district and any amount necessary to 5507
maintain a working capital reserve for that period. 5508

(N) "Pledged revenues" means net revenues, moneys and 5509
investments, and earnings on those investments, in the applicable 5510
bond service fund and any other special funds, and the proceeds of 5511
any bonds issued for the purpose of refunding prior bonds, all as 5512
lawfully available and by resolution of the district committed for 5513
application as pledged revenues to the payment of bond service 5514
charges on particular issues of bonds. 5515

(O) "Special funds" means the applicable bond service fund 5516
and any accounts and subaccounts in that fund, any other funds or 5517
accounts permitted by and established under, and identified as a 5518
special fund or special account in, the bond proceedings, 5519
including any special fund or account established for purposes of 5520
rebate or other requirements under federal income tax laws. 5521

(P) "Credit enhancement facilities" means letters of credit, 5522

lines of credit, standby, contingent, or firm securities purchase 5523
agreements, insurance, or surety arrangements, guarantees, and 5524
other arrangements that provide for direct or contingent payment 5525
of bond service charges, for security or additional security in 5526
the event of nonpayment or default in respect of bonds, or for 5527
making payment of bond service charges and at the option and on 5528
demand of bondholders or at the option of the district or upon 5529
certain conditions occurring under put or similar arrangements, or 5530
for otherwise supporting the credit or liquidity of the bonds, and 5531
includes credit, reimbursement, marketing, remarketing, indexing, 5532
carrying, interest rate hedge as defined in section 133.01 of the 5533
Revised Code, and subrogation agreements, and other agreements and 5534
arrangements for payment and reimbursement of the person providing 5535
the credit enhancement facility and the security for that payment 5536
and reimbursement. 5537

(Q) "Refund" means to fund and retire outstanding bonds, 5538
including advance refunding with or without payment or redemption 5539
prior to stated maturity. 5540

(R) "Property" includes interests in property. 5541

(S) "Administrative agent," "agent," "commercial paper," 5542
"floating rate interest structure," "indexing agent," "interest 5543
rate period," "put arrangement," and "remarketing agent" have the 5544
same meanings as in section 9.98 of the Revised Code. 5545

(T) "Outstanding" as applied to bonds means outstanding in 5546
accordance with the terms of the bonds and the applicable bond 5547
proceedings. 5548

(U) "Interstate system" has the same meaning as in section 5549
5516.01 of the Revised Code. 5550

Sec. 5540.03. (A) A transportation improvement district may: 5551
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;	5553 5554
(2) Adopt an official seal;	5555
(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;	5556 5557 5558 5559 5560 5561 5562 5563
(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;	5564 5565
(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:	5566 5567
(a) Transportation improvement district revenue bonds;	5568
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	5569 5570
(6) Maintain such funds as it considers necessary;	5571
(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;	5572 5573 5574 5575 5576 5577
(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;	5578 5579 5580
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other	5581 5582

engineers, construction and accounting experts, financial 5583
advisers, trustees, marketing, remarketing, and administrative 5584
agents, attorneys, and other employees, independent contractors, 5585
or agents as are necessary in its judgment and fix their 5586
compensation, provided all such expenses shall be payable solely 5587
from the proceeds of bonds or from revenues; 5588

(10) Receive and accept from ~~any~~ the federal or any state or 5589
local government, including, but not limited to, any agency and 5590
from, entity, or instrumentality of any other governmental agency 5591
of the foregoing, loans and grants for or in aid of the 5592
construction, maintenance, or repair of any project, and receive 5593
and accept aid or contributions from any source or person of 5594
money, property, labor, or other things of value, to be held, 5595
used, and applied only for the purposes for which such loans, 5596
grants, and contributions are made~~r~~. Nothing in division (A)(10) 5597
of this section shall be construed as imposing any liability on 5598
this state for any loan received by a transportation improvement 5599
district from a third party unless this state has entered into an 5600
agreement to accept such liability. 5601

(11) Acquire, hold, and dispose of property in the exercise 5602
of its powers and the performance of its duties under this 5603
chapter; 5604

(12) Establish and collect tolls or user charges for its 5605
projects; 5606

(13) Do all acts necessary and proper to carry out the powers 5607
expressly granted in this chapter. 5608

(B) Chapters 123., 124., 125., 153., and 4115., and sections 5609
9.331, 9.332, ~~and~~ 9.333, and 307.86 of the Revised Code do not 5610
apply to contracts or projects of a transportation improvement 5611
district. 5612

Sec. 5735.05. (A) To provide revenue for maintaining the 5613
state highway system; to widen existing surfaces on such highways; 5614
to resurface such highways; to pay that portion of the 5615
construction cost of a highway project which a county, township, 5616
or municipal corporation normally would be required to pay, but 5617
which the director of transportation, pursuant to division (B) of 5618
section 5531.08 of the Revised Code, determines instead will be 5619
paid from moneys in the highway operating fund; to enable the 5620
counties of the state properly to plan, maintain, and repair their 5621
roads and to pay principal, interest, and charges on bonds and 5622
other obligations issued pursuant to Chapter 133. of the Revised 5623
Code for highway improvements; to enable the municipal 5624
corporations to plan, construct, reconstruct, repave, widen, 5625
maintain, repair, clear, and clean public highways, roads, and 5626
streets, and to pay the principal, interest, and charges on bonds 5627
and other obligations issued pursuant to Chapter 133. of the 5628
Revised Code for highway improvements; to enable the Ohio turnpike 5629
commission to construct, reconstruct, maintain, and repair 5630
turnpike projects; to maintain and repair bridges and viaducts; to 5631
purchase, erect, and maintain street and traffic signs and 5632
markers; to purchase, erect, and maintain traffic lights and 5633
signals; to pay the costs apportioned to the public under sections 5634
4907.47 and 4907.471 of the Revised Code and to supplement revenue 5635
already available for such purposes; to pay the costs incurred by 5636
the public utilities commission in administering sections 4907.47 5637
to 4907.476 of the Revised Code; to distribute equitably among 5638
those persons using the privilege of driving motor vehicles upon 5639
such highways and streets the cost of maintaining and repairing 5640
them; to pay the interest, principal, and charges on highway 5641
capital improvements bonds and other obligations issued pursuant 5642
to Section ~~29~~ 2m of Article VIII, Ohio Constitution, and sections 5643
~~5528.10 and 5528.11~~ 5528.51 to 5528.56 of the Revised Code; to pay 5644

the interest, principal, and charges on highway obligations issued 5645
pursuant to Section 2i of Article VIII, Ohio Constitution, and 5646
sections 5528.30 and 5528.31 of the Revised Code; and to provide 5647
revenue for the purposes of sections 1547.71 to 1547.78 of the 5648
Revised Code, a motor fuel excise tax is hereby imposed on all 5649
motor fuel dealers upon receipt of motor fuel within this state at 5650
the rate of two cents plus the cents per gallon rate on each 5651
gallon so received, to be computed in the manner set forth in 5652
section 5735.06 of the Revised Code; provided that no tax is 5653
hereby imposed upon the following transactions: 5654

(1) The sale of dyed diesel fuel by a licensed motor fuel 5655
dealer from a location other than a retail service station 5656
provided the licensed motor fuel dealer places on the face of the 5657
delivery document or invoice, or both if both are used, a 5658
conspicuous notice stating that the fuel is dyed and is not for 5659
taxable use, and that taxable use of that fuel is subject to a 5660
penalty. The tax commissioner, by rule, may provide that any 5661
notice conforming to rules or regulations issued by the United 5662
States department of the treasury or the Internal Revenue Service 5663
is sufficient notice for the purposes of division (A)(1) of this 5664
section; 5665

(2) The sale of K-1 (water clear) kerosene to a retail 5666
service station, except when placed directly in the fuel supply 5667
tank of a motor vehicle. Such sale shall be rebuttably presumed to 5668
not be distributed or sold for use or used to generate power for 5669
the operation of motor vehicles upon the public highways or upon 5670
the waters within the boundaries of this state. 5671

(3) The sale of motor fuel by a licensed motor fuel dealer to 5672
another licensed motor fuel dealer; 5673

(4) The exportation of motor fuel by a licensed motor fuel 5674
dealer from this state to any other state or foreign country; 5675

(5) The sale of motor fuel to the United States government or 5676
any of its agencies, except such tax as is permitted by it, where 5677
such sale is evidenced by an exemption certificate, in form 5678
approved by the tax commissioner, executed by the United States 5679
government or an agency thereof certifying that the motor fuel 5680
therein identified has been purchased for the exclusive use of the 5681
United States government or its agency; 5682

(6) The sale of motor fuel which is in the process of 5683
transportation in foreign or interstate commerce, except in so far 5684
as it may be taxable under the ~~constitution~~ Constitution and 5685
statutes of the United States, and except as may be agreed upon in 5686
writing by the dealer and the commissioner; 5687

(7) The sale of motor fuel when sold exclusively for use in 5688
the operation of aircraft, where such sale is evidenced by an 5689
exemption certificate prescribed by the commissioner and executed 5690
by the purchaser certifying that the motor fuel purchased has been 5691
purchased for exclusive use in the operation of aircraft; 5692

(8) The sale for exportation of motor fuel by a licensed 5693
motor fuel dealer to a licensed exporter type A; 5694

(9) The sale for exportation of motor fuel by a licensed 5695
motor fuel dealer to a licensed exporter type B, provided that the 5696
destination state motor fuel tax has been paid or will be accrued 5697
and paid by the licensed motor fuel dealer. 5698

Division (A)(1) of this section does not apply to the sale or 5699
distribution of dyed diesel fuel used to operate a motor vehicle 5700
on the public highways or upon water within the boundaries of this 5701
state by persons permitted under regulations of the United States 5702
department of the treasury or of the Internal Revenue Service to 5703
so use dyed diesel fuel. 5704

(B) The two cent motor fuel tax levied by this section is 5705
also for the purpose of paying the expenses of administering and 5706

enforcing the state law relating to the registration and operation 5707
of motor vehicles. 5708

After the tax provided for by this section on the receipt of 5709
any motor fuel has been paid by the motor fuel dealer, the motor 5710
fuel may thereafter be used, sold, or resold by any person having 5711
lawful title to it, without incurring liability for such tax. 5712

If a licensed motor fuel dealer sells motor fuel received by 5713
the licensed motor fuel dealer to another licensed motor fuel 5714
dealer, the seller may deduct on the report required by section 5715
5735.06 of the Revised Code the number of gallons so sold for the 5716
month within which the motor fuel was sold or delivered. In this 5717
event the number of gallons is deemed to have been received by the 5718
purchaser, who shall report and pay the tax imposed thereon. 5719

Sec. 5735.12. (A) Any motor fuel dealer or qualified 5720
interstate bus operator required by this chapter to file reports 5721
and pay the tax levied by this chapter who fails to file the 5722
report within the time prescribed, shall be liable for an 5723
additional charge equal to the greater of ten per cent of the 5724
motor fuel dealer's or qualified interstate bus operator's tax 5725
liability for that month or fifty dollars. The tax commissioner 5726
may remit all or a portion of the additional charge and may adopt 5727
rules relating to the remission of all or a portion of the charge. 5728

If any person required by this chapter to file reports and 5729
pay the taxes, interest, or additional charge levied by this 5730
chapter fails to file the report, files an incomplete or incorrect 5731
report, or fails to remit the full amount of the tax, interest, or 5732
additional charge due for the period covered by the report, the 5733
commissioner may make an assessment against the person based upon 5734
any information in the commissioner's possession. 5735

No assessment shall be made against any motor fuel dealer or 5736

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 5768
continue the hearing from time to time if necessary. 5769

The commissioner may make such correction to the 5770
commissioner's assessment as the commissioner finds proper. The 5771
commissioner shall serve a copy of the commissioner's final 5772
determination on the petitioner by personal service or certified 5773
mail, and the commissioner's decision in the matter shall be 5774
final, subject to appeal as provided in section 5717.02 of the 5775
Revised Code. 5776

(C) After an assessment becomes final, if any portion of the 5777
assessment remains unpaid, a certified copy of the commissioner's 5778
entry making the assessment final may be filed in the office of 5779
the clerk of the court of common pleas in the county in which the 5780
party assessed resides or in which the business of the party 5781
assessed is conducted. If the party assessed maintains no place of 5782
business in this state and is not a resident of this state, the 5783
certified copy of the entry may be filed in the office of the 5784
clerk of the court of common pleas of Franklin county. 5785

The clerk, immediately upon the filing of the entry, shall 5786
enter a judgment for the state against the party assessed in the 5787
amount shown on the entry. The judgment may be filed by the clerk 5788
in a loose-leaf book entitled "special judgments for state motor 5789
fuel tax." 5790

From the date of the filing of the entry in the clerk's 5791
office, the unpaid portion of the assessment shall bear interest 5792
at the rate per annum prescribed by section 5703.47 of the Revised 5793
Code and shall have the same effect as other judgments. Execution 5794
shall issue upon the judgment upon request of the commissioner, 5795
and all laws applicable to sales on execution shall be applicable 5796
to sales made under the judgment. 5797

(D) All money collected by the commissioner under this 5798

section shall be paid to the treasurer of state, and when paid 5799
shall be considered as revenue arising from the tax imposed by 5800
this chapter. 5801

(E) If the tax commissioner determines that the commissioner 5802
has erroneously refunded motor fuel tax to any person, the 5803
commissioner may make an assessment against the person for 5804
recovery of the erroneously refunded tax. Interest begins to 5805
accrue thirty days after the receipt of the assessment. 5806

~~(F) Any person required to file reports pursuant to section 5807
5735.146 of the Revised Code who fails to file the report within 5808
the time prescribed shall be liable for a late filing charge equal 5809
to one hundred dollars per day for each day the report is late, or 5810
one thousand dollars, whichever is greater. The late filing charge 5811
may be collected by assessment as provided in this section. 5812~~

Sec. 5735.145. (A) As used in this section and sections 5813
5735.13, 5735.14, 5735.141, 5735.142, ~~5735.146~~, and 5735.17 of the 5814
Revised Code: 5815

(1) "Qualified fuel" means ethanol that is to be combined 5816
with gasoline to create a blend of not more than ten per cent by 5817
volume of ethanol and that when so blended is used, sold, or 5818
distributed as a motor fuel. 5819

(2) "Ethanol" means: 5820

(a) Ethanol produced in a manufacturing facility with an 5821
annual production capacity of less than two million gallons from 5822
wood or the grain of a cereal grass and denatured in accordance 5823
with United States bureau of alcohol and tax regulations; or 5824

(b) Ethanol produced through a coal-fired process from wood 5825
or the grain of a cereal grass and denatured in accordance with 5826
United States bureau of alcohol and tax regulations. 5827

(B) Any motor fuel dealer shall receive a qualified fuel 5828

credit on each gallon of qualified fuel used, sold, or distributed 5829
by the dealer and on which the dealer is liable for the taxes 5830
imposed by this chapter of the Revised Code. To receive a credit, 5831
the dealer shall certify on the monthly report required by section 5832
5735.06 of the Revised Code the number of gallons of qualified 5833
fuel used, sold, or distributed during the month to which the 5834
report applies and upon which such taxes are imposed. After 5835
computation of the amount of the tax in accordance with division 5836
(B) of section 5735.06 of the Revised Code, the number of gallons 5837
of qualified fuel used, sold, or distributed during the month to 5838
which the report applies and included in the gallons of motor fuel 5839
upon which the tax is imposed shall be multiplied by ten cents per 5840
gallon. The resulting product shall be subtracted from the tax 5841
computed under division (B) of section 5735.06 of the Revised Code 5842
and shall constitute the qualified fuel credit provided by this 5843
section. 5844

(C) The aggregate amount of credits permitted under this 5845
section shall be subject to the limitations prescribed in this 5846
division. 5847

(1) Beginning July 1, 1993, and ending June 30, ~~2000~~ 1997, 5848
for each fiscal year, the credit shall not exceed a total of 5849
fifteen million dollars, and for each month of each such year 5850
shall not exceed the amount specified for that month as follows: 5851

July	\$1,390,125	January	\$1,133,625	5852
August	1,312,125	February	1,106,625	5853
September	1,229,625	March	1,211,625	5854
October	1,268,625	April	1,192,125	5855
November	1,235,625	May	1,270,125	5856
December	1,280,625	June	1,369,125	5857

~~For the period beginning July 1, 2000, and ending September 5858
30, 2000, the credit shall not exceed a total of four million 5859
dollars, and shall not exceed one million four hundred eighteen 5860~~

~~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, 5891
purchaser, or common carrier, ~~or person selling alcohol and~~ 5892
~~registered under section 5735.146 of the Revised Code,~~ pertaining 5893
to motor fuel received, sold, shipped, or delivered, to verify the 5894
truth and accuracy of any statement, report, or return. The 5895
commissioner may, in the enforcement of the motor fuel laws of 5896
this state, hold hearings, take the testimony of any person, issue 5897
subpoenas and compel the attendance of witnesses, and conduct such 5898
investigations as the commissioner deems necessary, but no person 5899
shall disclose the information acquired by the commissioner under 5900
this section, except when required to do so in court. Such 5901
information or evidence is not privileged when used by the state 5902
or any officer thereof in any proceeding for the collection of the 5903
tax, or any prosecution for violation of the motor fuel laws. 5904

The commissioner may prescribe all forms upon which reports 5905
shall be made to the commissioner, forms for claims for refund 5906
presented to the commissioner, or forms of records to be used by 5907
motor fuel dealers. 5908

Sec. 5735.23. (A) Out of receipts from the tax levied by 5909
section 5735.05 of the Revised Code, the treasurer of state shall 5910
place to the credit of the tax refund fund established by section 5911
5703.052 of the Revised Code amounts equal to the refunds 5912
certified by the tax commissioner pursuant to sections 5735.13, 5913
5735.14, 5735.141, 5735.142, 5735.16, and 5735.17 of the Revised 5914
Code. The treasurer of state shall then transfer the amount 5915
required by section 5735.051 of the Revised Code to the waterways 5916
safety fund and the amount required by section 4907.472 of the 5917
Revised Code to the grade crossing protection fund. 5918

(B) ~~Each~~ Except as provided in division (D) of this section, 5919
each month the balance of the receipts from the tax levied by 5920
section 5735.05 of the Revised Code shall be credited, after 5921

receipt by the treasurer of state of ~~certifications~~ certification 5922
from the commissioners of the sinking fund ~~certifying~~, as required 5923
by ~~sections 5528.15 and~~ section 5528.35 of the Revised Code, ~~that~~ 5924
~~there are sufficient moneys to the credit of the highway~~ 5925
~~improvement bond retirement fund to meet in full all payments of~~ 5926
~~interest, principal, and charges for the retirement of bonds and~~ 5927
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 5928
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 5929
~~Code due and payable during the current calendar year, and that~~ 5930
there are sufficient moneys to the credit of the highway 5931
obligations bond retirement fund to meet in full all payments of 5932
interest, principal, and charges for the retirement of highway 5933
obligations issued pursuant to Section 2i of Article VIII, Ohio 5934
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 5935
due and payable during the current calendar year, as follows: 5936

(1) To the state and local government highway distribution 5937
fund, which is hereby created in the state treasury, an amount 5938
that is the same percentage of the balance to be credited as that 5939
portion of the tax per gallon determined under division (B)(2)(a) 5940
of section 5735.06 of the Revised Code is of the total tax per 5941
gallon determined under divisions (B)(2)(a) and (b) of that 5942
section. 5943

(2) After making the distribution to the state and local 5944
government highway distribution fund, the remainder shall be 5945
credited as follows: 5946

(a) Thirty per cent to the gasoline excise tax fund for 5947
distribution pursuant to division (A)(1) of section 5735.27 of the 5948
Revised Code; 5949

(b) Twenty-five per cent to the gasoline excise tax fund for 5950
distribution pursuant to division (A)(3) of section 5735.27 of the 5951
Revised Code; 5952

(c) ~~Forty-five~~ Except as provided in division (D) of this 5953
section, forty-five per cent to the highway operating fund for 5954
distribution pursuant to division (B)(1) of section 5735.27 of the 5955
Revised Code. 5956

(C) From the balance in the state and local government 5957
highway distribution fund on the last day of each month there 5958
shall be paid the following amounts: 5959

(1) To the local transportation improvement program fund 5960
created by section 164.14 of the Revised Code, an amount equal to 5961
a fraction of the balance in the state and local government 5962
highway distribution fund, the numerator of which fraction is one 5963
and the denominator of which fraction is that portion of the tax 5964
per gallon determined under division (B)(2)(a) of section 5735.06 5965
of the Revised Code; 5966

(2) An amount equal to five cents multiplied by the number of 5967
gallons of motor fuel sold at stations operated by the Ohio 5968
turnpike commission, such gallonage to be certified by the 5969
commission to the treasurer of state not later than the last day 5970
of the month following. The funds paid to the commission pursuant 5971
to this section shall be expended for the construction, 5972
reconstruction, maintenance, and repair of turnpike projects, 5973
except that the funds may not be expended for the construction of 5974
new interchanges. The funds also may be expended for the 5975
construction, reconstruction, maintenance, and repair of those 5976
portions of connecting public roads that serve existing 5977
interchanges and are determined by the commission and the director 5978
of transportation to be necessary for the safe merging of traffic 5979
between the turnpike and those public roads. 5980

The remainder of the balance shall be distributed as follows 5981
on the fifteenth day of the following month: 5982

(a) Ten and seven-tenths per cent shall be paid to municipal 5983

corporations for distribution pursuant to division (A)(1) of 5984
section 5735.27 of the Revised Code and may be used for any 5985
purpose for which payments received under that division may be 5986
used. 5987

(b) Five per cent shall be paid to townships for distribution 5988
pursuant to division (A)(5) of section 5735.27 of the Revised Code 5989
and may be used for any purpose for which payments received under 5990
that division may be used. 5991

(c) Nine and three-tenths per cent shall be paid to counties 5992
for distribution pursuant to division (A)(3) of section 5735.27 of 5993
the Revised Code and may be used for any purpose for which 5994
payments received under that division may be used. 5995

(d) The Except as provided in division (D) of this section, 5996
the balance shall be transferred to the highway operating fund and 5997
used for the purposes set forth in division (B)(1) of section 5998
5735.27 of the Revised Code. 5999

(D) Beginning on the first day of September each year and 6000
continuing until such time as the office of budget and management 6001
receives certification from the commissioners of the sinking fund 6002
pursuant to division (B) of section 5528.56 Of the Revised Code, 6003
any amounts required to be credited or transferred to the highway 6004
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 6005
section shall be credited or transferred to the highway capital 6006
improvements bond service fund created in section 5528.55 Of the 6007
Revised Code. 6008

Sec. 5735.29. To provide revenue for supplying the state's 6009
share of the cost of constructing, widening, maintaining, and 6010
reconstructing the state highways; to maintain and repair bridges 6011
and viaducts; to purchase, erect, and maintain street and traffic 6012
signs and markers; to purchase, erect, and maintain traffic lights 6013

and signals; to pay the expense of administering and enforcing the 6014
state law relative to the registration and operation of motor 6015
vehicles; ~~to pay the expense of administering and enforcing the~~ 6016
~~state law providing reimbursement to hospitals for expenses~~ 6017
~~incurred for the care of indigent persons injured in motor vehicle~~ 6018
~~accidents;~~ to make road improvements associated with retaining or 6019
attracting business for this state, to pay that portion of the 6020
construction cost of a highway project which a county, township, 6021
or municipal corporation normally would be required to pay, but 6022
which the director of transportation, pursuant to division (B) of 6023
section 5531.08 of the Revised Code, determines instead will be 6024
paid from moneys in the highway operating fund; to provide revenue 6025
for the purposes of sections 1547.71 to 1547.78 of the Revised 6026
Code; and to supplement revenue already available for such 6027
purposes, to pay the expenses of the department of taxation 6028
incident to the administration of the motor fuel laws, to 6029
supplement revenue already available for such purposes; and to pay 6030
the interest, principal, and charges on highway obligations issued 6031
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6032
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 6033
excise tax is hereby imposed on all motor fuel dealers upon their 6034
receipt of motor fuel within the state at the rate of two cents on 6035
each gallon so received. This tax is subject to the specific 6036
exemptions set forth in this chapter of the Revised Code. It shall 6037
be reported, computed, paid, collected, administered, enforced, 6038
and refunded, and the failure properly and correctly to report and 6039
pay the tax shall be penalized, in exactly the same manner as is 6040
provided in this chapter. Such sections relating to motor fuel 6041
excise taxes are reenacted and incorporated as if specifically set 6042
forth in this section. The tax levied by this section is in 6043
addition to any other taxes imposed under this chapter. 6044
6045

Sec. 6101.16. When it is determined to let the work relating 6046
to the improvements for which a conservancy district was 6047
established by contract, contracts in amounts to exceed ~~ten~~ 6048
fifteen thousand dollars shall be advertised after notice calling 6049
for bids has been published once a week for three consecutive 6050
weeks completed on date of last publication, in at least one 6051
newspaper of general circulation within the conservancy district 6052
where the work is to be done. If the bids are for a contract for 6053
the construction, demolition, alteration, repair, or 6054
reconstruction of an improvement, the board of directors of the 6055
conservancy district may let the contract to the lowest or best 6056
bidder who meets the requirements of section 153.54 of the Revised 6057
Code. If the bids are for a contract for any other work relating 6058
to the improvements for which a conservancy district was 6059
established, the board of directors of the district may let the 6060
contract to the lowest or best bidder who gives a good and 6061
approved bond, with ample security, conditioned on the carrying 6062
out of the contract. The contract shall be in writing and shall be 6063
accompanied by or refer to plans and specifications for the work 6064
to be done prepared by the chief engineer. The plans and 6065
specifications shall at all times be made and considered a part of 6066
the contract. The contract shall be approved by the board and 6067
signed by the president of the board and by the contractor and 6068
shall be executed in duplicate. In case of sudden emergency when 6069
it is necessary in order to protect the district, the advertising 6070
of contracts may be waived upon the consent of the board, with the 6071
approval of the court or a judge of the court of common pleas of 6072
the county in which the office of the district is located. 6073

Section 2. That existing sections 121.05, 121.08, 308.13, 6074
2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 4301.12, 4501.03, 6075
4501.14, 4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 6076

4503.51, 4503.52, 4503.55, 4503.56, 4505.11, 4505.111, 4506.24, 6077
4511.101, 4511.102, 4511.191, 4511.951, 4981.09, 4981.34, 5112.17, 6078
5501.01, 5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 6079
5513.01, 5513.04, 5513.06, 5515.01, 5516.01, 5516.02, 5516.03, 6080
5516.04, 5516.06, 5516.061, 5516.07, 5516.08, 5516.10, 5516.11, 6081
5516.12, 5516.13, 5516.99, 5525.03, 5525.07, 5529.03, 5531.09, 6082
5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 6083
5735.23, 5735.29, and 6101.16 and sections 3701.61, 3701.611, 6084
3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 6085
3701.69, 4501.21, 4501.23, 4981.151, 4981.152, 5516.05, 5516.09, 6086
and 5735.146 of the Revised Code are hereby repealed. 6087

Section 3. That section 5513.01 of the Revised Code, as 6088
amended by Sub. H.B. 572 of the 121st General Assembly, be amended 6089
to read as follows: 6090

Sec. 5513.01. (A) All purchases of machinery, materials, 6091
supplies, or other articles that the director of transportation 6092
makes shall be in the manner provided in this section. In all 6093
cases except those in which the director ~~authorizes~~ provides 6094
written authorization for purchases by district deputy directors 6095
of transportation, all such purchases shall be made at the central 6096
office of the department of transportation in Columbus. Before 6097
making any purchase at that office, the director, as provided in 6098
this section, shall give notice to bidders of the director's 6099
intention to purchase. Where the expenditure ~~is~~ does not ~~more than~~ 6100
~~five hundred dollars~~ exceed the amount applicable to the purchase 6101
of supplies specified in division (B) of section 125.05 Of the 6102
Revised Code, as adjusted pursuant to division (D) of that 6103
section, the director shall give such notice as the director 6104
considers proper, or the director may make the purchase without 6105
notice. Where the expenditure ~~is more than five hundred dollars~~ 6106

exceeds the amount applicable to the purchase of supplies 6107
specified in division (B) of section 125.05 Of the Revised Code, 6108
as adjusted pursuant to division (D) of that section, the director 6109
shall give notice by posting for not less than ten days a written, 6110
typed, or printed invitation to bidders on a bulletin board, which 6111
shall be located in a place in the offices assigned to the 6112
department and open to the public during business hours. Producers 6113
or distributors of any product may notify the director, in 6114
writing, of the class of articles for the furnishing of which they 6115
desire to bid and their post-office addresses, in which case 6116
copies of all invitations to bidders relating to the purchase of 6117
such articles shall be mailed to such persons by the director by 6118
regular first class mail at least ten days prior to the time fixed 6119
for taking bids. The director also may mail copies of all 6120
invitations to bidders to news agencies or other agencies or 6121
organizations distributing information of this character. Requests 6122
for invitations shall not be valid ~~or~~ nor require action by the 6123
director unless renewed, either annually or after such shorter 6124
period as the director may prescribe by a general ~~regulation~~ rule. 6125
The invitation to bidders shall contain a brief statement of the 6126
general character of the article that it is intended to purchase, 6127
the approximate quantity desired, and a statement of the time and 6128
place where bids will be received, and may relate to and describe 6129
as many different articles as the director thinks proper, it being 6130
the intent and purpose of this section to authorize the inclusion 6131
in a single invitation of as many different articles as the 6132
director desires to invite bids upon at any given time. 6133
Invitations issued during each calendar year shall be given 6134
consecutive numbers, and the number assigned to each invitation 6135
shall appear on all copies thereof. In all cases where notice is 6136
required by this section, sealed bids shall be taken, on forms 6137
prescribed and furnished by the director, and modification of bids 6138

after they have been opened shall not be permitted. 6139

6140

(B) The director may permit any political subdivision and any 6141
state university or college to participate in contracts into which 6142
the director has entered for the purchase of machinery, materials, 6143
supplies, or other articles. Any political subdivision or state 6144
university or college desiring to participate in such purchase 6145
contracts shall file with the director a certified copy of the 6146
ordinance or resolution of its legislative authority, board of 6147
trustees, or other governing board requesting authorization to 6148
participate in such contracts and agreeing to be bound by such 6149
terms and conditions as the director prescribes. Purchases made by 6150
political subdivisions or state universities or colleges under 6151
this division are exempt from any competitive bidding required by 6152
law for the purchase of machinery, materials, supplies, or other 6153
articles. 6154

(C) As used in this section: 6155

(1) "Political subdivision" means any county, township, 6156
municipal corporation, conservancy district, township park 6157
district, park district created under Chapter 1545. of the Revised 6158
Code, port authority, regional transit authority, regional airport 6159
authority, regional water and sewer district, or county transit 6160
board. 6161

(2) "State university or college" has the same meaning as in 6162
division (A)(1) of section 3345.32 of the Revised Code. 6163

Section 4. That all existing versions of section 5513.01 of 6164
the Revised Code are hereby repealed. 6165

Section 5. Section 5513.01 of the Revised Code, as amended 6166
within the purview of Sections 3 and 4 of this act, is subject to 6167

the referendum. Therefore, under Ohio Constitution, Article II, 6168
Section 1d and section 1.471 of the Revised Code, the section as 6169
amended takes effect on March 4, 1998, or the ninety-first day 6170
after this act is filed with the Secretary of State, whichever is 6171
later. If, however, a referendum petition is filed against the 6172
section as amended, the section as amended, unless rejected at the 6173
referendum, takes effect at the earliest time permitted by law 6174
that is on or after the effective date specified in the preceding 6175
sentence. 6176

Section 6. Except as otherwise provided, all appropriation 6177
line items (ALI) in this act are hereby appropriated out of any 6178
moneys in the state treasury to the credit of the designated fund, 6179
which are not otherwise appropriated. For all appropriations made 6180
in this act, those amounts in the first column are for fiscal year 6181
1998 and those amounts in the second column are for fiscal year 6182
1999. 6183

Section 7. DOT DEPARTMENT OF TRANSPORTATION 6184

<u>FND</u>	<u>ALI</u>	<u>ALI TITLE</u>	<u>FY 1998</u>	<u>FY 1999</u>	
		Transportation Planning and Research			6185
		Highway Operating Fund Group			6186
002	771-411	Planning and Research	\$ 14,033,200	\$ 12,750,200	6187
		- State			6188
002	771-412	Planning and Research	\$ 15,607,900	\$ 15,514,200	6189
		- Federal			6190
TOTAL HOF	Highway Operating				6191
Fund Group			\$ 29,641,100	\$ 28,264,400	6192
TOTAL ALL BUDGET FUND GROUPS -					6193
Transportation Planning					6194
and Research			\$ 29,641,100	\$ 28,264,400	6195
		Highway Construction			6195

Highway Operating Fund Group				6196
002 772-421 Highway Construction - State	\$ 437,272,875	\$ 446,175,412		6197
002 772-422 Highway Construction - Federal	\$ 539,992,100	\$ 541,035,800		6198
002 772-424 Highway Construction - Other	\$ 25,000,000	\$ 25,000,000		6199
212 770-005 Infrastructure Debt Service - Federal	\$ 6,500,000	\$ 10,550,000		6200
212 772-423 Infrastructure Lease Payments - Federal	\$ 12,900,000	\$ 12,900,000		6201
212 772-426 Highway Infrastructure Bank - Federal	\$ 17,000,000	\$ 27,000,000		6202
212 772-427 Highway Infrastructure Bank - State	\$ 5,000,000	\$ 8,000,000		6203
212 772-429 Highway Infrastructure Bank - Other	\$ 7,000,000	\$ 3,350,000		6204
TOTAL HOF Highway Operating Fund Group	\$ 1,050,664,975	\$ 1,074,011,212		6205 6206
Highway Capital Improvement Fund Group				6207
042 772-723 Highway Construction - Bonds	\$ 225,000,000	\$ 215,000,000		6208
TOTAL 042 Capital Highway Improvement Fund Group	\$ 225,000,000	\$ 215,000,000		6209 6210
Infrastructure Bank Obligations Fund Group				6211
045 772-428 Highway Infrastructure Bank - Bonds	\$ 50,000,000	\$ 40,000,000		6212
TOTAL 045 Infrastructure Bank Obligations Fund Group	\$ 50,000,000	\$ 40,000,000		6213 6214
TOTAL ALL BUDGET FUND GROUPS -				6215

Highway Construction	\$ 1,325,664,975	\$ 1,329,011,212	6216
Highway Maintenance			6217
Highway Operating Fund Group			6218
002 773-431 Highway Maintenance - State	\$ 311,356,900	\$ 313,925,600	6219
TOTAL HOF Highway Operating Fund Group	\$ 311,356,900	\$ 313,925,600	6220
TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance	\$ 311,356,900	\$ 313,925,600	6222
Intermodal Transportation			6223
State Special Revenue Fund Group			6224
4Y2 774-444 Congestion Mitigation Revolving Fund	\$ 50,000	\$ 50,000	6225
TOTAL SSR State Special Revenue Fund Group	\$ 50,000	\$ 50,000	6226
TOTAL ALL BUDGET FUND GROUPS - Intermodal Transportation	\$ 50,000	\$ 50,000	6227
Public Transportation			6228
Highway Operating Fund Group			6229
002 775-452 Public Transportation - Federal	\$ 39,600,000	\$ 39,600,000	6230
002 775-454 Public Transportation - Other	\$ 1,250,000	\$ 1,250,000	6231
002 775-459 Elderly and Disabled Special Equipment - Federal	\$ 3,740,000	\$ 3,740,000	6232
212 775-406 Transit Infrastructure Bank - Federal	\$ 6,000,000	\$ 5,000,000	6233
212 775-407 Transit Infrastructure Bank - State	\$ 0	\$ 1,000,000	6234
212 775-408 Transit Infrastructure Bank - Other	\$ 2,000,000	\$ 1,000,000	6235

TOTAL HOF Highway Operating				6238
Fund Group	\$	52,590,000	\$ 51,590,000	6239
TOTAL ALL BUDGET FUND GROUPS -				6240
Public Transportation	\$	52,590,000	\$ 51,590,000	6241
Rail Transportation				6242
Highway Operating Fund Group				6243
002 776-462 Grade Crossings -	\$	15,000,000	\$ 15,000,000	6244
Federal				
TOTAL HOF Highway Operating				6245
Fund Group	\$	15,000,000	\$ 15,000,000	6246
State Special Revenue Fund Group				6247
4N4 776-661 Rail Transportation -	\$	5,392,000	\$ 5,388,000	6248
State				
4N4 776-663 Panhandle Lease	\$	758,000	\$ 762,000	6249
Payments				
4N4 776-664 Rail Transportation -	\$	500,000	\$ 500,000	6250
Other				
TOTAL SSR State Special Revenue				6251
Fund Group	\$	6,650,000	\$ 6,650,000	6252
Federal Special Revenue Fund Group				6253
3B9 776-662 Rail Transportation -	\$	1,000,000	\$ 1,000,000	6254
Federal				
TOTAL FED Federal Special Revenue				6255
Fund Group	\$	1,000,000	\$ 1,000,000	6256
TOTAL ALL BUDGET FUND GROUPS -				6257
Rail Transportation	\$	22,650,000	\$ 22,650,000	6258
Aviation				6259
Highway Operating Fund Group				6260
002 777-472 Airport Improvements -	\$	405,000	\$ 405,000	6261
Federal				
002 777-475 Aviation	\$	4,001,984	\$ 4,044,108	6262
Administration				

213 777-477 Aviation	\$	1,000,000	\$	1,000,000	6263
Infrastructure Bank -					
State					
TOTAL HOF Highway Operating					6264
Fund Group	\$	5,406,984	\$	5,449,108	6265
TOTAL ALL BUDGET FUND GROUPS -					6266
Aviation	\$	5,406,984	\$	5,449,108	6267
Administration					6268
Highway Operating Fund Group					6269
002 779-491 Administration - State	\$	111,020,200	\$	107,292,600	6270
4T5 770-609 ODOT Memorial	\$	20,000	\$	0	6271
TOTAL HOF Highway Operating					6272
Fund Group	\$	111,040,200	\$	107,292,600	6273
TOTAL ALL BUDGET FUND GROUPS -					6274
Administration	\$	111,040,200	\$	107,292,600	6275
Debt Service					6276
Highway Operating Fund Group					6277
002 770-003 Administration - State	\$	16,420,000	\$	19,567,000	6278
- Debt Service					
TOTAL HOF Highway Operating					6279
Fund Group	\$	16,420,000	\$	19,567,000	6280
TOTAL ALL BUDGET FUND GROUPS -					6281
Debt Service	\$	16,420,000	\$	19,567,000	6282
TOTAL Department of Transportation					6283
TOTAL HOF Highway Operating					6284
Fund Group	\$	1,592,120,159	\$	1,615,099,920	6285
TOTAL 042 Highway Capital					6286
Improvement Fund Group	\$	225,000,000	\$	215,000,000	6287
TOTAL 045 Infrastructure Bank					6288
Obligations Fund Group	\$	50,000,000	\$	40,000,000	6289
TOTAL SSR State Special Revenue					6290
Fund Group	\$	6,700,000	\$	6,700,000	6291

TOTAL FED Federal Special Revenue			6292
Fund Group	\$ 1,000,000	\$ 1,000,000	6293
TOTAL ALL BUDGET FUND GROUPS	\$ 1,874,820,159	\$ 1,877,799,920	6294

Section 7.01. 6296

Issuance of Bonds

The Commissioners of the Sinking Fund, upon the request of 6297
the Director of Transportation, are hereby authorized to issue and 6298
sell, in accordance with the provisions of Section 2m of Article 6299
VIII, Ohio Constitution, and sections 5528.51 and 5528.56 of the 6300
Revised Code, obligations, including bonds and notes, of the State 6301
of Ohio in the aggregate amount of \$320,000,000 of original 6302
issuance obligations. 6303

The obligations shall be dated, issued, and sold from time to 6304
time in such amounts as may be necessary to provide sufficient 6305
moneys to the credit of the Highway Capital Improvement Fund (Fund 6306
042) created by section 5538.53 of the Revised Code to pay costs 6307
charged to the fund when due as estimated by the Director of 6308
Transportation, provided, however, that such obligations shall be 6309
issued and sold at such time or times so that not more than 6310
\$220,000,000 original principal amount of obligations, plus the 6311
principal amount of obligations that in prior fiscal years could 6312
have been, but were not issued within the \$220,000,000 limit, may 6313
be issued in any fiscal year, and not more than \$1,200,000,000 6314
original principal amount of obligations issued pursuant to 6315
Section 2m of Article VIII, Ohio Constitution, and sections 6316
5528.51 and 5528.56 of the Revised Code are outstanding at any one 6317
time. 6318

Bond Funds Transfer 6319

The Director of Budget and Management may cancel encumbrances 6320
associated with Highway Obligations Construction Fund (Fund 041) 6321
appropriations and reestablish such encumbrances or parts of 6322

encumbrances as needed in fiscal year 1998 in the Highway Capital 6323
Improvement Fund (Fund 042) appropriation item 772-723, Highway 6324
Construction - Bonds, for the same purpose and to the same vendor. 6325
As determined by the Director, the appropriation authority 6326
necessary to reestablish such encumbrances in fiscal year 1998 in 6327
Fund 042 is hereby authorized. The Director shall reduce each 6328
year's appropriation balances by the amount of the encumbrances 6329
cancelled in its respective line item. As determined by the 6330
Director, any cash balance remaining in Fund 041 may be 6331
transferred to Fund 042. 6332

Section 7.02. 6333

Major New Construction

For major new highway construction projects, the Department 6334
of Transportation shall use at least \$314,500,000 in fiscal year 6335
1998 and at least \$156,500,000 in fiscal year 1999 from all 6336
available sources. 6337

Section 7.03. 6338

Maintenance Interstate Highways

The Director of Transportation may remove snow and ice, and 6339
maintain, repair, improve, or provide lighting upon interstate 6340
highways which are located within the boundaries of municipal 6341
corporations, adequate to meet the requirements of federal law. 6342
When agreed in writing by the director and the legislative 6343
authority of a municipal corporation, and notwithstanding sections 6344
125.01 and 125.11 of the Revised Code, the Department of 6345
Transportation may reimburse the municipal corporation for all or 6346
any part of the costs, as provided by such agreement, incurred by 6347
the municipal corporation maintaining, repairing, lighting, and 6348
removing snow and ice from the interstate system. 6349

Section 7.04.

6350

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

The Director of Budget and Management may approve requests 6352
from the Department of Transportation, for transfer of funds among 6353
the appropriations for highway planning and research (line items 6354
771-411 and 771-412), highway construction (line items 772-421, 6355
772-422, and 772-424), highway maintenance (line item 773-431), 6356
and highway administration (line item 779-491). Transfers between 6357
appropriation items shall be made upon the written request of the 6358
Director of Transportation with the approval of the Director of 6359
Budget and Management. Such transfers shall be reported to the 6360
Controlling Board at the next regularly scheduled meeting of the 6361
board. 6362

This transfer language is intended to provide for emergency 6363
situations and flexibility to meet unforeseen conditions that 6364
could arise during the budget period. This will also allow the 6365
Department to optimize the use of available resources, and adjust 6366
to circumstances affecting the obligation and expenditure of 6367
federal funds. 6368

Transfer of Appropriations - State Infrastructure Bank

6369

The Director of Budget and Management may approve requests 6370
from the Department of Transportation for transfer of funds among 6371
the appropriations of the Infrastructure Bank funds created in 6372
section 5531.09 of the Revised Code, including transfers between 6373
fiscal years 1998 and 1999. Such transfers shall be reported to 6374
the Controlling Board at the next regularly scheduled meeting of 6375
the board. However, the Director may not make transfers out of 6376
debt service and lease payment line items unless the Director 6377
determines that the appropriated amounts exceed the actual and 6378
projected debt, rental, or lease payments. 6379

The Director of Budget and Management may approve requests 6380
from the Department of Transportation for transfer of funds from 6381
appropriations of the Highway Operating Fund (Fund 002) to 6382
appropriations of the Infrastructure Bank funds created in section 6383
5531.09 of the Revised Code. Such transfers shall be reported to 6384
the Controlling Board at the next regularly scheduled meeting of 6385
the board. However, the Director may not make transfers between 6386
modes and transfers between different funding sources. 6387

Transfer of Appropriations - Public Transportation 6388

The Director of Budget and Management may approve requests 6389
from the Department of Transportation for transfer of funds 6390
between appropriation item 775-451, Public Transportation - State, 6391
and 775-456, Public Transportation - Discretionary Capital. 6392

Increase Appropriation Authority - State Funds 6393

In the event that revenues or unexpended balances, credited 6394
to the Highway Operating Fund, exceed the estimates upon which the 6395
appropriations have been made in this act, the Director of 6396
Transportation may submit a request to the Controlling Board for 6397
increased appropriation authority in the same manner as prescribed 6398
in section 131.35 of the Revised Code. Such additional revenues or 6399
unexpended balances are hereby appropriated to the Department of 6400
Transportation when authorized by the Controlling Board. 6401

Increase Appropriation Authority - Federal and Local Funds 6402

In the event that receipts or unexpended balances credited to 6403
the Highway Operating Fund, or apportionments or allocations made 6404
available from the federal and local government exceed the 6405
estimates upon which the appropriations have been made in this 6406
act, such excess is hereby appropriated and may be added to the 6407
appropriate item or items when requested by the Director of 6408
Transportation and approved by the Director of Budget and 6409
Management and the Controlling Board. 6410

Reappropriations 6411

All appropriations of the Highway Operating Fund (Fund 002) 6412
and the Highway Capital Improvement Fund (Fund 042) remaining 6413
unencumbered on June 30, 1997, and the unexpended balance of prior 6414
years' appropriations that subsequently become unencumbered after 6415
June 30, 1997, subject to the availability of revenue as 6416
determined by the Director of Transportation, are hereby 6417
reappropriated for the same purpose in fiscal year 1998 upon the 6418
request of the Director of Transportation with the approval of the 6419
Director of Budget and Management. Such reappropriations shall be 6420
reported to the Controlling Board at the next regularly scheduled 6421
meeting of the board. 6422

All appropriations of the Highway Operating Fund (Fund 002) 6423
and the Highway Capital Improvement Fund (Fund 042) in this act 6424
remaining unencumbered as of June 30, 1998, are reappropriated for 6425
use during fiscal year 1999 for the same purpose. The department 6426
shall report all such reappropriations to the Controlling Board. 6427

Section 7.05. 6428

Public Access Roads for State Facilities

Of the foregoing appropriation item 772-421, Highway 6429
Construction - State, \$2,965,000 is to be used each fiscal year 6430
during the 1997-1999 biennium by the Department of Transportation 6431
for the construction, reconstruction, or maintenance of public 6432
access roads, including support features, to and within state 6433
facilities owned or operated by the Department of Natural 6434
Resources, as requested by the Director of Natural Resources. 6435

Notwithstanding section 5511.06 of the Revised Code, of the 6436
foregoing appropriation item 772-421, Highway Construction - 6437
State, \$2,100,000 in each fiscal year of the 1997-1999 biennium 6438
shall be used by the Department of Transportation for the 6439

construction, reconstruction, or maintenance of park drives or 6440
park roads within the boundaries of metropolitan parks. 6441

Included in the foregoing appropriation item 772-421, Highway 6442
Construction - State, the department may perform related road work 6443
on behalf of the Ohio Expositions Commission at the state 6444
fairgrounds. This includes reconstruction or maintenance of public 6445
access roads, including support features, to and within the 6446
facilities as requested by the commission and approved by the 6447
Director of Transportation. 6448

Liquidation of Unforeseen Liabilities 6449

Any appropriation made to the Department of Transportation, 6450
Highway Operating Fund, not otherwise restricted by law, is 6451
available to liquidate unforeseen liabilities arising from 6452
contractual agreements of prior years when the prior year 6453
encumbrance is insufficient. 6454

Congestion Mitigation 6455

The foregoing appropriation item 774-444, Congestion 6456
Mitigation Revolving Fund, shall be used to make loans or grants 6457
for the construction, reconstruction, resurfacing, restoring, 6458
rehabilitation, or replacement of public or private transportation 6459
facilities as eligible under United States Code, Title XXIII. Fund 6460
revenues shall include, but are not limited to, payments received 6461
from any public or private agency in repayment of a loan 6462
previously made from the fund or pursuant to 23 U.S.C. 129(a)(7) 6463
or successor legislation; interest or other income earned on the 6464
investment of moneys in the fund; and any additional moneys made 6465
available from any sources, public or private, for the purposes 6466
for which the fund has been established. 6467

Lease Payments 6468

Within the Rail Development Fund (4N4), the amount of the 6469

foregoing appropriation item 776-663, Panhandle Lease Payments, 6470
shall be used to meet scheduled payments for the Panhandle Rail 6471
Line. The Director of Transportation shall certify to the Director 6472
of Budget and Management any appropriations in line item 776-663, 6473
Panhandle Lease Payments, that are not needed to make lease 6474
payments for the Panhandle Rail Line. Notwithstanding section 6475
127.14 of the Revised Code, the amount certified is hereby 6476
transferred to appropriation item 776-661, Rail Transportation - 6477
State. Such transfers shall be reported by the Director of 6478
Transportation to the Controlling Board at the next regularly 6479
scheduled meeting of the board. 6480

Section 7.06. 6481

Department of Taxation

Of the foregoing appropriation item 779-491, 6482
Administration-State, \$4,300,000 each fiscal year of the 1997-1999 6483
biennium shall be transferred to the General Revenue Fund for 6484
reimbursement of the services provided by the Department of 6485
Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the 6486
Revised Code. The Director of Transportation shall make such 6487
transfer upon the receipt of a written request from the Director 6488
of Budget and Management. 6489

Rental Payments - OBA 6490

The foregoing appropriation item 770-003, Administration - 6491
State - Debt Service, shall be used to pay rent to the Ohio 6492
Building Authority for various capital facilities to be 6493
constructed, reconstructed, or rehabilitated for the use of the 6494
Department of Transportation, including the department's plant and 6495
facilities at its central office, field districts, and county and 6496
outpost locations. The rental payments shall be made from revenues 6497
received from the motor vehicle fuel tax. The amounts of any bonds 6498
and notes to finance such capital facilities shall be at the 6499

request of the Director of Transportation. Notwithstanding section 6500
152.24 of the Revised Code, the Ohio Building Authority may, with 6501
approval of the Office of Budget and Management, lease capital 6502
facilities to the Department of Transportation. 6503

The Director of Transportation shall hold title to any land 6504
purchased and any resulting structures that are attributable to 6505
this appropriation item. Notwithstanding section 152.18 of the 6506
Revised Code, the Director of Transportation shall administer any 6507
purchase of land and any contract for construction, 6508
reconstruction, and rehabilitation of facilities as a result of 6509
this appropriation. 6510

Should the appropriation and any reappropriations from prior 6511
years in item 770-003 exceed the rental payments for fiscal years 6512
1998 or 1999, then prior to June 30, 1999, the balance may be 6513
transferred to either item 772-421, 773-431, or 779-491. Such 6514
transfer shall be requested by the Director of Transportation with 6515
approval by the Director of Budget and Management. Transfers shall 6516
be reported to the Controlling Board at the next regularly 6517
scheduled meeting of the board. 6518

Section 7.07. 6519

Public Transportation Highway Purpose Grants

The Director of Transportation is authorized to use funds 6520
from the state motor vehicle fuel tax to match approved federal 6521
grants awarded to the Department of Transportation, regional 6522
transit authorities, or eligible public transportation systems, 6523
for public transportation highway purposes, or to support local or 6524
state funded projects for public transportation highway purposes. 6525
Public transportation highway purposes include: the construction 6526
or repair of high occupancy vehicle traffic lanes; the acquisition 6527
or construction of park-and-ride facilities; the acquisition or 6528
construction of public transportation vehicle loops; the 6529

construction or repair of bridges used by public transportation 6530
vehicles or which are the responsibility of a regional transit 6531
authority or other public transportation system; or other similar 6532
construction which is designated as an eligible public 6533
transportation highway purpose. These motor vehicle fuel tax 6534
revenues may not be used for operating assistance or for the 6535
purchase of vehicles, equipment, or maintenance facilities. 6536

Section 7.08.

6537

Columbiana County Port Authority

The earmark for the Columbiana County Port Authority in Am. 6538
Sub. S.B. 310 of the 121st General Assembly shall be used for the 6539
Wellsville Intermodel Facility. 6540

Section 8. DHS DEPARTMENT OF PUBLIC SAFETY

6541

Highway Safety Information and Education

6542

State Highway Safety Fund Group

6543

036	761-321	Operating Expense -	\$	3,104,533	\$	3,105,715	6544
		Information and					
		Education					
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137	6545
831	761-610	Information and	\$	473,835	\$	486,625	6546
		Education - Federal					
83N	761-611	Elementary School Seat	\$	343,255	\$	352,790	6547
		Belt Program					
832	761-612	Traffic Safety-Federal	\$	11,600,000	\$	11,600,000	6548
844	761-613	Seat Belt Education	\$	205,000	\$	204,050	6549
		Program					
846	761-625	Motorcycle Safety	\$	1,344,020	\$	1,383,438	6550
		Education					
847	761-622	Film Production	\$	40,766	\$	41,906	6551
		Reimbursement					

TOTAL HSF State Highway Safety				6552	
Fund Group	\$	17,388,546	\$	17,451,661	6553
TOTAL ALL BUDGET FUND GROUPS -				6554	
Highway Safety Information				6555	
and Education	\$	17,388,546	\$	17,451,661	6556

Traffic Safety Grant Program 6557

Of the foregoing appropriation item 761-321, Operating 6558
Expense - Information and Education, up to \$100,000 in fiscal year 6559
1998 and up to \$100,000 in fiscal year 1999 shall be used by the 6560
Department of Public Safety to fund the department's Traffic 6561
Safety Grant Program. The department shall develop necessary 6562
criteria to administer the program. The award of grants resulting 6563
from this program shall be made as subsidy payments to 6564
participants selected by the Department of Public Safety. 6565

Federal Highway Safety Program Match 6566

The foregoing appropriation item 761-402, Traffic Safety 6567
Match, shall be used to provide the nonfederal portion of the 6568
federal Highway Safety Program. Upon request by the Director of 6569
Public Safety and approval by the Director of Budget and 6570
Management, appropriation item 761-402 shall be used to transfer 6571
funds from the Highway Safety Fund to the Traffic Safety - Federal 6572
Fund (Fund 832), at the beginning of each fiscal year on an 6573
intrastate transfer voucher. 6574

Film Production Reimbursement 6575

The foregoing appropriation item 761-622, Film Production 6576
Reimbursement, shall be used by the Division of Administration of 6577
the Department of Public Safety for the purpose of providing a 6578
method of collection from other state agencies for services and 6579
supplies provided for production of public service announcements 6580
and training materials. These funds shall be expended only for 6581
supplies and the maintenance of equipment necessary to perform 6582

such services.				6583
Section 8.01. Bureau of Motor Vehicles				6584
State Special Revenue Fund Group				6585
4U0 762-638 Collegiate License	\$	231,094	\$ 237,565	6586
Plate Program				
4U2 762-641 Pro Football Hall of	\$	240,552	\$ 247,287	6587
Fame License Plate				
Program				
539 762-614 Motor Vehicle Dealers	\$	210,752	\$ 216,615	6588
Board				
TOTAL SSR State Special Revenue				6589
Fund Group	\$	682,398	\$ 701,467	6590
State Highway Safety Fund Group				6591
4W4 762-321 Operating Expense-BMV	\$	54,521,811	\$ 55,369,485	6592
4W4 762-410 License Supplement	\$	22,637,024	\$ 23,261,528	6593
83E 762-632 Central Registration	\$	8,578,095	\$ 8,815,058	6594
Fund				
83L 762-636 Facility Rentals	\$	591,100	\$ 607,651	6595
83R 762-639 Law Enforcement	\$	1,200,000	\$ 1,233,600	6596
Reimbursement				
835 762-616 Financial	\$	5,117,883	\$ 5,249,359	6597
Responsibility				
Compliance				
849 762-627 Automated Title	\$	8,802,254	\$ 11,273,129	6598
Processing Board				
TOTAL HSF State Highway Safety				6599
Fund Group	\$	101,448,167	\$ 105,809,810	6600
TOTAL ALL BUDGET FUND GROUPS -				6601
Bureau of Motor Vehicles	\$	102,130,565	\$ 106,511,277	6602
<u>Motor Vehicle Registrations</u>				6603

The Registrar of the Bureau of Motor Vehicles may deposit 6604
revenues equal to any estimated deficiency in the State Bureau of 6605
Motor Vehicles Fund (Fund 4W4) established in section 4501.25 of 6606
the Revised Code, obtained pursuant to sections 4503.02 and 6607
4504.02 of the Revised Code to support in part appropriations for 6608
operating expenses and to defray the cost of manufacturing and 6609
distributing license plates and license plate stickers and 6610
enforcing the law relative to the operation and registration of 6611
motor vehicles. Notwithstanding the provisions of section 4501.03 6612
of the Revised Code, the above amount shall be paid into the State 6613
Bureau of Motor Vehicles Fund before any revenues obtained 6614
pursuant to sections 4503.02 and 4504.02 of the Revised Code are 6615
paid into any other fund. The deposit of revenues to meet the 6616
aforementioned deficiency shall be in approximate equal amounts on 6617
a monthly basis or as otherwise determined by the Director of 6618
Budget and Management pursuant to a plan submitted by the 6619
Registrar of the Bureau of Motor Vehicles. 6620

Special Plates Funds 6621

As of December 1, 1997, all revenue and uses previously 6622
ascribed to the Lake Erie License Plate Fund (Fund 4U1), line item 6623
762-640, including all assets and obligations, and the Scenic 6624
Rivers License Plate Fund (Fund 4U3), line item 762-642, including 6625
all assets and obligations, shall be assumed by the State Bureau 6626
of Motor Vehicles Fund (Fund 4W4), line item 762-410, License 6627
Supplement. 6628

Before December 1, 1997, the Registrar of Motor Vehicles 6629
shall certify to the Director of Budget and Management the 6630
revenues and uses, including assets and obligations, of the 6631
Collegiate License Plate Fund (Fund 4U0), line item 762-638, that 6632
are related to the ten-dollar OBMV fee referred to in section 6633
4503.51 of the Revised Code. Such revenue and uses shall be 6634
assumed by Fund 4W4, line item 762-410, License Supplement. 6635

Before December 1, 1997, the Registrar shall certify to the 6636
 Director of Budget and Management the revenues and uses, including 6637
 assets and obligations, of the Pro Football Hall of Fame License 6638
 Plate Fund (Fund 4U2), line item 762-641, that are related to the 6639
 ten-dollar OBMV fee referred to in section 4503.51 of the Revised 6640
 Code. Such revenue and uses shall be assumed by Fund 4W4, line 6641
 item 762-410, License Supplement. 6642

Credit Card Program 6643

Notwithstanding any provisions of law to the contrary, the 6644
 Department of Public Safety may request Controlling Board approval 6645
 to increase the appropriation authority for Fund 4W4 line item 6646
 762-321, Operating Expense-Bureau of Motor Vehicles, should the 6647
 Credit Card Payment Program as prescribed in Sub. S.B. 338 of the 6648
 118th General Assembly be reinstated. 6649

Capital Projects 6650

The Registrar of Motor Vehicles may transfer revenue from the 6651
 State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 6652
 Highway Safety Fund (Fund 036) to meet its obligations for capital 6653
 projects CIR-047, Department of Public Safety Office Building, and 6654
 CIR-049, Warehouse Facility. 6655

Section 8.02. Enforcement 6656

State Highway Safety Fund Group 6657

036	764-033	Minor Capital Projects	\$	1,580,366	\$	1,626,653	6658
036	764-321	Operating Expense - Highway Patrol	\$	146,441,857	\$	151,325,653	6659
83C	764-630	Contraband, Forfeiture, Other	\$	538,872	\$	552,987	6660
83F	764-657	Law Enforcement Auto. Data System	\$	4,504,514	\$	4,628,413	6661
83G	764-633	OMVI Fines	\$	682,500	\$	682,500	6662

831	764-610	Patrol/Federal	\$	1,842,299	\$	1,889,326	6663
831	764-659	Transportation	\$	2,233,985	\$	2,290,057	6664
		Enforcement - Federal					
837	764-602	Turnpike Policing	\$	7,456,845	\$	7,647,183	6665
838	764-606	Patrol Reimbursement	\$	275,000	\$	275,000	6666
840	764-607	State Fair Security	\$	1,195,932	\$	1,220,451	6667
840	764-617	Security and	\$	3,536,100	\$	3,616,597	6668
		Investigations					
840	764-626	State Fairgrounds	\$	655,271	\$	671,946	6669
		Police Force					
841	764-603	Salvage and Exchange -	\$	1,126,644	\$	1,155,410	6670
		Highway Patrol					
TOTAL HSF State Highway Safety							6671
Fund Group			\$	172,070,205	\$	177,582,176	6672
General Services Fund Group							6673
452	764-660	MARCS Maintenance	\$	193,577	\$	383,369	6674
TOTAL GSF General Services							6675
Fund Group			\$	193,577	\$	383,369	6676
TOTAL ALL BUDGET FUND GROUPS -							6677
Enforcement			\$	172,263,782	\$	177,965,545	6678

Collective Bargaining Increases

6679

Notwithstanding division (D) of section 127.14 and division 6680
(B) of section 132.35 of the Revised Code, except for the General 6681
Revenue Fund, the Controlling Board may, upon the request of 6682
either the Director of Budget and Management, or the Department of 6683
Public Safety with the approval of the Director of Budget and 6684
Management, increase appropriations for any fund, as necessary for 6685
the Department of Public Safety, to assist in paying the costs of 6686
increases in employee compensation that have occurred that are 6687
provided pursuant to Collective Bargaining agreements under 6688
Chapter 4117. of the Revised Code and, for exempt employees, under 6689
section 124.152 of the Revised Code. 6690

Section 8.03. Emergency Medical Services				6691
State Highway Safety Fund Group				6692
83M 765-624	Emergency Medical Services	\$ 1,300,465	\$ 1,334,226	6693
83P 765-637	EMS Grants	\$ 3,000,000	\$ 3,000,000	6694
831 765-610	EMS/Federal	\$ 250,000	\$ 250,000	6695
TOTAL HSF State Highway Safety Fund Group				6696
		\$ 4,550,465	\$ 4,584,226	6697
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services				6698
		\$ 4,550,465	\$ 4,584,226	6699
 Section 8.04. Special Enforcement				6701
State Highway Safety Fund Group				6702
				6703
831 767-610	Liquor Enforcement - Federal	\$ 50,000	\$ 50,000	6704
831 769-610	Food Stamp Trafficking Enforcement - Federal	\$ 702,871	\$ 721,222	6705
TOTAL HSF State Highway Safety Fund Group				6706
		\$ 752,871	\$ 771,222	6707
Liquor Control Fund Group				6708
043 767-321	Liquor Enforcement - Operations	\$ 7,582,426	\$ 7,775,467	6709
TOTAL LCF Liquor Control Fund Group				6710
		\$ 7,582,426	\$ 7,775,467	6711
State Special Revenue Fund Group				6712
4M3 769-656	Food Stamp Contraband, Forfeiture, and Other	\$ 50,000	\$ 50,000	6713
863 767-643	Liquor Enforcement Contraband, Forfeiture, and Other	\$ 308,393	\$ 317,018	6714

TOTAL SSR State Special Revenue				6715
Fund Group	\$	358,393	\$ 367,018	6716
TOTAL ALL BUDGET FUND GROUPS -				6717
Special Enforcement	\$	8,693,690	\$ 8,913,707	6718
 Section 8.05. Emergency Management				6720
Federal Special Revenue Fund Group				6721
				6722
3N5 763-644 U.S. DOE Agreement	\$	250,843	\$ 255,545	6723
329 763-645 IFG Federal Match/NOAA	\$	750,000	\$ 750,000	6724
337 763-609 Federal Disaster Relief	\$	750,000	\$ 750,000	6725
338 763-646 Direction, Control and Warning	\$	175,000	\$ 175,000	6726
339 763-647 Emergency Management Assistance and Training	\$	3,743,176	\$ 3,754,639	6727
347 763-650 Emergency Operating Centers	\$	750,000	\$ 750,000	6728
TOTAL FED Federal Special Revenue Fund Group	\$	6,419,019	\$ 6,435,184	6729
General Services Fund Group				6731
4V3 763-662 Storms/NOAA Maintenance	\$	57,000	\$ 57,000	6732
4W6 763-663 MARCS Operations	\$	222,000	\$ 1,090,000	6733
533 763-601 State Disaster Relief	\$	336,452	\$ 345,673	6734
TOTAL GSF General Services Fund Group	\$	615,452	\$ 1,492,673	6735
State Special Revenue Fund Group				6737
				6738
4Y0 763-654 EMA Utility Payment	\$	140,000	\$ 140,000	6739
4Y1 763-655 Salvage & Exchange-EMA	\$	25,700	\$ 26,420	6740

538	763-651	Radiological Emergency Response	\$	518,496	\$	532,074	6741
657	763-652	Utility Radiological Safety	\$	541,156	\$	555,236	6742
681	763-653	SARA Title III HAZMAT Planning	\$	227,446	\$	227,446	6743
TOTAL SSR State Special Revenue							6744
Fund Group			\$	1,452,798	\$	1,481,176	6745
TOTAL ALL BUDGET FUND GROUPS -							6746
Emergency Management			\$	8,487,269	\$	9,409,033	6747

Federal Grant 6748

As determined by the Director of Budget and Management, any 6749
portion of the Emergency Management State and Local Assistance 6750
federal grant which would otherwise reimburse the General Revenue 6751
Fund for expenses incurred by the Emergency Management Agency in 6752
fiscal year 1997, may be deposited in Emergency Management's 6753
Personnel Administration Subdivisions Fund (Fund 339) so that the 6754
fund may avoid cash flow problems in the 1997-1999 biennium. 6755

MARCS Fund Transfer 6756

In the event that the Emergency Management Agency is not 6757
designated by the Director of the Department of Administrative 6758
Services as the agency to operate the Multi Agency Radio 6759
Communications System (MARCS), the Director of Budget and 6760
Management with the concurrence of the Director of Public Safety 6761
and the approval of the Controlling Board, shall transfer the 6762
MARCS System Operations Fund (Fund 4W6) and line item 763-663, 6763
MARCS Operations, from the Emergency Management Agency to the 6764
state agency that is designated by the Director of Administrative 6765
Services as the caretaker of the operation of the Multi Agency 6766
Radio Communication System. 6767

SARA Title III HAZMAT Planning 6768

The SARA Title III HAZMAT Planning Fund (Fund 681) shall 6769
receive grant funds from the Emergency Response Commission to 6770
implement the Emergency Management Agency's responsibilities under 6771
Sub. S.B. 367 of the 117th General Assembly. 6772

Federal Reimbursement Agreements 6773

Notwithstanding any other provision of law to the contrary, 6774
in the event that changes in federal reimbursement agreements 6775
require additional resources to be expended by the state prior to 6776
the receipt of federal reimbursement, the Director of Budget and 6777
Management may, upon request of the Director of Public Safety, 6778
transfer appropriation authority between General Revenue Fund line 6779
items and may use general services and state special revenue funds 6780
for this purpose in fiscal year 1998. 6781

Section 8.06. Administration 6782

State Highway Safety Fund Group 6783

036	766-321	Operating Expense -	\$	3,320,029	\$	3,317,217	6784
		Administration					

830	761-603	Salvage and Exchange -	\$	19,563	\$	20,111	6785
		Administration					

TOTAL HSF State Highway Safety 6786

Fund Group	\$	3,339,592	\$	3,337,328	6787
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General Services Fund Group 6788

4S3	766-661	Hilltop Utility	\$	1,000,000	\$	1,500,000	6789
		Reimbursement					

5C7	762-664	Data Services	\$	4,933,326	\$	4,787,971	6790
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5C8	764-665	Hilltop Security	\$	868,051	\$	902,304	6791
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TOTAL GSF General Services 6792

Fund Group	\$	6,801,377	\$	7,190,275	6793
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TOTAL ALL BUDGET FUND GROUPS - 6794

Administration	\$	10,140,969	\$	10,527,603	6795
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Section 8.07. Debt Service				6797
State Highway Safety Fund Group				6798
036 761-401 Lease Rental Payments	\$	9,115,000	\$ 13,339,000	6799
TOTAL HSF State Highway Safety				6800
Fund Group	\$	9,115,000	\$ 13,339,000	6801
TOTAL ALL BUDGET FUND GROUPS -				6802
Debt Service	\$	9,115,000	\$ 13,339,000	6803
				6804

OBA Bond Authority/Lease Rental Payments 6805

The foregoing appropriation item 761-401, Lease Rental 6806
 Payments, shall be used for payments to the Ohio Building 6807
 Authority for the period July 1, 1997, to June 30, 1999, pursuant 6808
 to the primary leases and agreements for those buildings made 6809
 under Chapter 152. of the Revised Code which are pledged for bond 6810
 service charges on related obligations issued pursuant to Chapter 6811
 152. of the Revised Code. Notwithstanding section 152.24 of the 6812
 Revised Code, the Ohio Building Authority may, with approval of 6813
 the Office of Budget and Management, lease capital facilities to 6814
 the Department of Public Safety. 6815

Hilltop Transfer 6816

The Director of Public Safety shall determine, per an 6817
 agreement with the Director of Transportation, the share of each 6818
 debt service payment made out of line item 761-401, Lease Rental 6819
 Payments, which relates to the Department of Transportation's 6820
 portion of the Hilltop Building Project, and shall certify to the 6821
 Director of Budget and Management the amounts of this share. The 6822
 Director of Budget and Management shall transfer such shares from 6823
 the Highway Operating Fund (Fund 002) to the Highway Safety Fund 6824
 (Fund 036). 6825

Section 8.08. Revenue Distribution 6826

Holding Account Redistribution Fund Group				6827	
R24 762-619 Unidentified Motor	\$	1,600,000	\$	1,600,000	6828
Vehicle Receipts					
R27 764-608 Patrol Fee Refunds	\$	35,000	\$	35,000	6829
TOTAL 090 Holding Account					6830
Redistribution Fund Group	\$	1,635,000	\$	1,635,000	6831
TOTAL ALL BUDGET FUND GROUPS -					6832
Revenue Distribution	\$	1,635,000	\$	1,635,000	6833
TOTAL Department of Public Safety					6834
TOTAL HSF State Highway Safety					6835
Fund Group	\$	308,664,846	\$	322,875,423	6836
TOTAL SSR State Special Revenue					6837
Fund Group	\$	2,493,589	\$	2,549,661	6838
TOTAL LCF Liquor Control					6839
Fund Group	\$	7,582,426	\$	7,775,467	6840
TOTAL GSF General Services					6841
Fund Group	\$	7,610,406	\$	9,066,317	6842
TOTAL FED Federal Revenue Special					6843
Fund Group	\$	6,419,019	\$	6,435,184	6844
TOTAL 090 Holding Account					6845
Redistribution					
Fund Group	\$	1,635,000	\$	1,635,000	6846
TOTAL ALL BUDGET FUND GROUPS	\$	334,405,286	\$	350,337,052	6847

Section 8.09.

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Transfer of Funds

The Director of Budget and Management, pursuant to a plan 6850
submitted by the Department of Public Safety or as otherwise 6851
determined by the Director, shall set a monthly transfer schedule 6852
to meet any estimated deficiency in the State Highway Safety Fund 6853
(Fund 036) established in section 4501.06 of the Revised Code. 6854

The Director shall transfer to the Highway Safety Fund from 6855

the Highway Operating Fund (Fund 002) established in section 6856
5735.291 of the Revised Code such amounts at such times as 6857
determined by the transfer schedule. 6858

Relocation to New Building 6859

Notwithstanding sections 127.14 and 131.35 of the Revised 6860
Code, the Department of Public Safety may request Controlling 6861
Board approval to increase the appropriation for line items 6862
761-321, Operating Expense - Information and Education; 761-612, 6863
Traffic Safety - Federal; 761-625, Motorcycle Safety Education; 6864
762-616, Financial Responsibility; 762-627, Automated Title 6865
Processing Board; 762-632, Central Registration; 762-321, 6866
Operating Expense - BMV; 762-410, License Supplement; 764-321, 6867
Operating Expense - Highway Patrol; 765-624, Emergency Medical 6868
Services; and, 766-321, Operating Expense - Administration, during 6869
the biennium by the amount of anticipated expenses to be incurred 6870
due to the relocation to a new physical facility which were not 6871
included in the department's original budget submission. 6872

Data Services Fund 6873

Within five days of the effective date of this act, the 6874
Director of Budget and Management shall transfer not more than 6875
\$669,877 from the Highway Safety Fund (Fund 036) and \$519,086 from 6876
the Bureau of Motor Vehicles Fund (Fund 4W4) to the Data Services 6877
Fund (Fund 5C7) to be used as seed money. 6878

Cash Balance Fund Review 6879

Not later than April 1 in each fiscal year of the biennium, 6880
the Director of Budget and Management shall review the cash 6881
balances for each fund, except the State Highway Safety Fund (Fund 6882
036), in the State Highway Safety Fund Group and with the advice 6883
of the Legislative Budget Officer shall recommend to the 6884
Controlling Board an amount to be transferred to the credit of the 6885
State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, 6886

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 6947
receiving fund. The Director may transfer the estimated amount 6948
when needed to make payments. No more than thirty days after 6949
certifying the estimated amount the administering agency head 6950
shall certify the final amount to the Director. The Director shall 6951
transfer the difference between any estimated amount previously 6952
transferred and such certified final amount. 6953

The Director of Budget and Management may cancel encumbrances 6954
and reestablish such encumbrances or parts of encumbrances as 6955
needed in fiscal year 1998 in the appropriate fund and 6956
appropriation line item for the same purpose and to the same 6957
vendor. As determined by the Director, the appropriation authority 6958
necessary to reestablish such encumbrances in fiscal year 1998 in 6959
a different fund or appropriation line item within an agency or 6960
between agencies is hereby authorized and appropriated. The 6961
Director shall reduce each year's appropriation balances by the 6962
amount of the encumbrances canceled in their respective funds and 6963
appropriation line items. 6964

Any fiscal year 1998 unencumbered or unallotted appropriation 6965
balances may be transferred to the appropriate line item to be 6966
used for the same purposes, as determined by the Director of 6967
Budget and Management. 6968

Section 9. DEV DEPARTMENT OF DEVELOPMENT 6969

State Special Revenue Fund Group				6970	
4W0 195-629 Roadwork Development	\$	14,270,000	\$	13,000,000	6971
TOTAL SSR State Special Revenue				6972	
Fund Group	\$	14,270,000	\$	13,000,000	6973
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,000	\$	13,000,000	6974

Roadwork Development Fund 6975

The Roadwork Development Fund shall be used for road 6976

improvements associated with economic development opportunities 6977
that will retain or attract businesses for Ohio. "Road 6978
improvements" are improvements to public roadway facilities 6979
located on, or serving or capable of serving, a project site. 6980

The Department of Transportation, under the direction of the 6981
Department of Development, shall provide these funds in accordance 6982
with all guidelines and requirements established for Department of 6983
Development item 195-412, Business Development, including 6984
Controlling Board review and approval as well as the requirements 6985
for usage of gas tax revenue prescribed in Section 5a of Article 6986
XII, Ohio Constitution. Should the Department of Development 6987
require the assistance of the Department of Transportation to 6988
bring a project to completion, the Department of Transportation 6989
shall use the authority under Title LV of the Revised Code to 6990
provide such assistance and enter into contracts on behalf of the 6991
Department of Development. In addition, these funds may be used in 6992
conjunction with item 195-412, Business Development, or any other 6993
state funds appropriated for infrastructure improvements. 6994

The Director of Budget and Management, pursuant to a plan 6995
submitted by the Department of Development or as otherwise 6996
determined by the Director, shall set a transfer schedule to meet 6997
any estimated deficiency in the Department of Development's 6998
Roadwork Development Fund (Fund 4W0). The Director shall transfer 6999
to the Roadwork Development Fund from the Highway Operating Fund 7000
(Fund 002), established in section 5735.291 of the Revised Code, 7001
such amounts at such times as determined by the transfer schedule. 7002

Transportation Improvement District 7003

Of the foregoing appropriation item 195-629, Roadwork 7004
Development, \$250,000 each fiscal year of the biennium shall be 7005
paid by the Director of Development to the Butler County 7006
Transportation Improvement District to support its administrative 7007

activities pursuant to section 5540.16 of the Revised Code. These 7008
 payments shall not be subject to the restrictions of appropriation 7009
 item 195-629, Roadwork Development. 7010

Section 10. DOH DEPARTMENT OF HEALTH 7011

State Special Revenue Fund Group 7012

4W7 440-615 Alcohol Testing and	\$	708,409	\$	726,664	7013
Permit					

TOTAL SSR State Special Revenue 7014

Fund Group	\$	708,409	\$	726,664	7015
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TOTAL ALL BUDGET FUND GROUPS	\$	708,409	\$	726,664	7016
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Cash Draws from Liquor Control Fund to Health 7017

The Director of Budget and Management, pursuant to a plan 7018
 submitted by the Department of Health or as otherwise determined 7019
 by the Director, shall set a transfer schedule to meet any 7020
 estimated deficiency in the Alcohol Testing Program Fund (Fund 7021
 4W7) established in section 3701.83 of the Revised Code. 7022

The Director shall transfer to the Alcohol Testing Program 7023
 Fund from the Liquor Control Fund (Fund 043) established in 7024
 section 4301.12 of the Revised Code such amounts at such times as 7025
 determined by the transfer schedule. 7026

Section 11. PWC PUBLIC WORKS COMMISSION 7027

Local Transportation Improvements Fund Group 7028

052 150-402 LTIP - Operating	\$	362,295	\$	387,817	7029
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052 150-701 Local Transportation	\$	60,000,000	\$	60,000,000	7030
Improvement Program					

TOTAL 052 Local Transportation 7031

Improvements Fund Group	\$	60,362,295	\$	60,387,817	7032
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Local Infrastructure Improvements Fund Group 7033

038 150-321 Operating Expenses	\$	846,687	\$	912,360	7034
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TOTAL LIF Local Infrastructure				7035	
Improvements					
Fund Group	\$	846,687	\$	912,360	7036
TOTAL ALL BUDGET FUND GROUPS	\$	61,208,982	\$	61,300,177	7037

District Administration Costs 7038

The Director of the Public Works Commission is authorized to 7039
create a District Administration Costs program from interest 7040
earnings of the Capital Improvements Fund and Local Transportation 7041
Improvement Program Fund proceeds. This program shall be used to 7042
provide for administration costs of the nineteen public works 7043
districts for the direct costs of district administration. 7044
Districts choosing to participate in this program shall only 7045
expend Capital Improvements Fund moneys for Capital Improvements 7046
Fund costs and Local Transportation Improvement Program Fund 7047
moneys for Local Transportation Improvement Program Fund costs. 7048
The account shall not exceed \$760,000 per fiscal year. Each public 7049
works district may be eligible for up to \$40,000 per fiscal year 7050
from its district allocation as provided in sections 164.08 and 7051
164.14 of the Revised Code. 7052

The Director, by rule, shall define allowable and 7053
nonallowable costs for the purpose of the District Administration 7054
Costs program. Nonallowable costs shall include indirect costs, 7055
elected official salaries and benefits, and project-specific 7056
costs. No district public works committee may participate in the 7057
District Administration Costs program without the approval of 7058
those costs by the district public works committee pursuant to 7059
section 164.04 of the Revised Code. 7060

Reappropriations and Transfers 7061

All appropriations to the Local Transportation Improvement 7062
Program Fund (Fund 052) made in Am. Sub. H.B. 107 of the 121st 7063
General Assembly remaining unencumbered as of June 30, 1997, are 7064

reappropriated for use during the period July 1, 1997 through June 30, 1999, for the same purpose. 7065
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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. 7067
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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. 7074
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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. 7077
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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: 7085
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"Sec. 104. CSF COMMISSIONERS OF THE SINKING FUND 7087

General Revenue Fund 7088

GRF 155-900 Debt Service	\$	28,401,000	\$	30,616,000	7089
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TOTAL GRF General Revenue Fund	\$	28,401,000	\$	30,616,000	7090
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Debt Service Fund Group 7091

059 155-900 Development Bond	\$	4,253,400	\$	0	7092
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Retirement Fund

071	155-900	Highway Obligations	\$	115,000,000	\$	115,000,000	7093
		Bond Retirement Fund					
072	155-900	<u>Highway Capital</u>	\$	0	\$	<u>6,498,000</u>	7094
		<u>Improvements Bond</u>					
		<u>Service</u>					
076	155-900	Coal Research and	\$	12,641,825	\$	11,304,075	7095
		Development Bond					
		Retirement Fund					
073	155-900	Natural Resources Bond	\$	7,753,000	\$	8,506,000	7096
		Retirement					
TOTAL DSF Debt Service Fund Group			\$	139,648,225		134,810,075	7097
					\$	<u>141,308,075</u>	7098
TOTAL ALL BUDGET FUND GROUPS			\$	168,049,225		165,426,075	7099
					\$	<u>171,929,075</u>	7100

Additional Appropriations

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Appropriation items in this section are for the purpose of
 paying the principal and interest on bonds or other instruments of
 indebtedness of this state issued pursuant to the Ohio
 Constitution and acts of the General Assembly. If it is determined
 that additional appropriations are necessary, such amounts are
 hereby appropriated.

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Highway Capital Improvements Bond Service

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Appropriation item 155-900, Highway Capital Improvements Bond
 Service, is to pay debt service on highway improvements and is
 therefore a current expense of state government.

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Transfer to Highway Capital Improvements Bond Service Fund

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Upon the effective date of this section, the Commissioners of
 the Sinking Fund shall certify to the Director of Budget and
 Management and the Director of Transportation the amount of money
 required during fiscal year 1997 to make in full all required
 payments of bond service charges and financing costs for all bonds

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issued pursuant to section 5528.54 Of the Revised Code. Upon 7118
receipt of this certification, the Director of Budget and 7119
Management, in consultation with the Director of Transportation, 7120
shall transfer cash in an amount equal to that certified from the 7121
Highway Operating Fund (Fund 002) created in section 5735.291 Of 7122
the Revised Code to the Highway Capital Improvements Bond Service 7123
Fund (Fund 072) created in section 5528.55 Of the Revised Code." 7124

Section 14. That existing Section 104 of Am. Sub. H.B. 117 of 7125
the 121st General Assembly is hereby repealed. 7126

Section 15. That Section 201 of Am. Sub. H.B. 117 of the 7127
121st General Assembly be amended to read as follows: 7128

"Sec. 201. Notwithstanding division (B) of section 4981.09 of 7129
the Revised Code, upon receipt of the certifications required by 7130
that division in January and June of 1995, 1996, and 1997, the 7131
Director of Budget and Management shall transfer fifty per cent, 7132
rather than seventy-five per cent, of the identified amounts from 7133
the General Revenue Fund to the Rail Development Fund. In 7134
addition, the Director of Budget and Management shall, upon 7135
receipt of the ~~January~~ March 1998 certification, transfer to the 7136
Rail Development Fund seventy-five per cent of the identified 7137
amounts paid into the General Revenue Fund during the immediately 7138
preceding July through December, plus fifty per cent of the 7139
identified amounts paid into the General Revenue Fund for the 7140
immediately preceding June." 7141

Section 16. That existing Section 201 of Am. Sub. H.B. 117 of 7142
the 121st General Assembly is hereby repealed. 7143

Section 17. Except as otherwise specifically provided in this 7144
act, a section of the Revised Code amended or enacted within the 7145
purview of Sections 1 and 2 of this act is not subject to the 7146

referendum. Therefore, under Ohio Constitution, Article II, 7147
Section 1d and section 1.471 of the Revised Code, the sections of 7148
the Revised Code amended or enacted within the purview of Sections 7149
1 and 2 of this act, except as otherwise specifically provided in 7150
this act, go into immediate effect when this act becomes law. 7151

Except as otherwise specifically provided in this act, the 7152
repeal of sections of the Revised Code by Section 2 of this act is 7153
not subject to the referendum. Therefore, under Ohio Constitution, 7154
Article II, Section 1d and section 1.471 of the Revised Code, the 7155
repeal, except as otherwise specifically provided in this act, 7156
goes into immediate effect when this act becomes law. 7157

Section 18. Sections 121.05, 121.08, 308.13, 2925.44, 7159
2933.43, 3701.022, 3701.07, 4301.12, 4501.03, 4501.14, 4501.15, 7160
4501.19, 4503.102, 4503.191, 4505.11, 4505.111, 4511.101, 7161
4511.102, 4511.191, 4981.34, 5112.17, 5501.01, 5501.311, 5501.32, 7162
5501.34, 5501.37, 5502.01, 5502.12, 5513.01, 5513.04, 5513.06, 7163
5515.01, 5516.01, 5516.02, 5516.03, 5516.04, 5516.06, 5516.061, 7164
5516.07, 5516.08, 5516.10, 5516.11, 5516.12, 5516.13, 5516.99, 7165
5525.03, 5525.07, 5529.03, 5513.04, 5735.05, 5735.12, 5735.145, 7166
5735.19, 5735.23, and 6101.16 of the Revised Code, as amended 7167
within the purview of Sections 1 and 2 of this act, are subject to 7168
the referendum. Therefore, under Ohio Constitution, Article II, 7169
Section 1c and section 1.471 of the Revised Code, such sections of 7170
the Revised Code as amended within the purview of Sections 1 and 2 7171
of this act take effect on the ninety-first day after this act is 7172
filed with the Secretary of State. If, however, a referendum 7173
petition is filed against any such section of the Revised Code as 7174
amended within the purview of Sections 1 and 2 of this act, the 7175
section as amended, unless rejected at the referendum, takes 7176
effect at the earliest time permitted by law. 7177

Section 19. New section 5516.09 and sections 5512.01, 7178
5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 5512.07, 5512.08, 7179
5512.09, 5512.10, 5512.11, and 5516.14 of the Revised Code, as 7180
enacted by Section 1 of this act, are subject to the referendum. 7181
Therefore, under Ohio Constitution, Article II, Section 1c and 7182
section 1.471 of the Revised Code, such sections as enacted by 7183
Section 1 of this act take effect on the ninety-first day after 7184
this act is filed with the Secretary of State. If, however, a 7185
referendum petition is filed against any such section as enacted 7186
by Section 1 of this act, that section as enacted, unless rejected 7187
at the referendum, takes effect at the earliest time permitted by 7188
law. 7189

Section 20. The repeals of sections 3701.61, 3701.611, 7190
3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 7191
3701.69, 5516.05, 5516.09, and 5735.146 of the Revised Code by 7192
Section 2 of this act are subject to the referendum. Therefore, 7193
under Ohio Constitution, Article II, Section 1c and section 1.471 7194
of the Revised Code, such repeals take effect on the ninety-first 7195
day after this act is filed with the Secretary of State. If, 7196
however, a referendum petition is filed against any such repeal, 7197
that repeal, unless rejected at the referendum, takes effect at 7198
the earliest time permitted by law. 7199

Section 21. The items in the uncodified sections of law 7200
contained in this act that appropriate money for the current 7201
expenses of state government, earmark this class of 7202
appropriations, or depend for their implementation upon an 7203
appropriation for the current expenses of state government are not 7204
subject to the referendum. Therefore, under Ohio Constitution, 7205
Article II, Section 1d and section 1.471 of the Revised Code, 7206
these items go into immediate effect when this act becomes law. 7207

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 7238
composite of the section as amended by both Sub. H.B. 670 and Sub. 7239
S.B. 277 of the 121st General Assembly, with the new language of 7240
neither of the act shown in capital letters. Section 3701.83 of 7241
the Revised Code is presented in this act as a composite of the 7242
section as amended by both Sub. S.B. 19 and Am. Sub. S.B. 162 of 7243
the 121st General Assembly, with the new language of neither of 7244
the acts shown in capital letters. Section 4511.191 of the Revised 7245
Code is presented in this act as a composite of the section as 7246
amended by both Am. Sub. H.B. 353 and Am. Sub. S.B. 166 of the 7247
121st General Assembly, with the new language of neither of the 7248
acts shown in capital letters. This is in recognition of the 7249
principle stated in division (B) of section 1.52 of the Revised 7250
Code that such amendments are to be harmonized where not 7251
substantively irreconcilable and constitutes a legislative finding 7252
that such is the resulting version in effect prior to the 7253
effective date of this act. 7254

Section 25. If any item of law that constitutes the whole or 7255
part of a codified or uncodified section of law contained in this 7256
act, or if any application of any item of law that constitutes the 7257
whole or part of a codified or uncodified section of law contained 7258
in this act, is held invalid, the invalidity does not affect other 7259
items of law or applications of items of law that can be given 7260
effect without the invalid item of law or application. To this 7261
end, the items of law of which the codified and uncodified 7262
sections contained in this act are composed, and their 7263
applications, are independent and severable. 7264