

**As Reported by the Senate Highways and Transportation
Committee**

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

Sub. H. B. No. 210

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

A B I L L

To amend sections 121.05, 121.07, 121.08, 303.211,	1
308.13, 519.211, 2925.44, 2933.43, 3701.022,	2
3701.07, 3701.83, 4301.10, 4301.12, 4501.01,	3
4501.03, 4501.14, 4501.15, 4501.19, 4501.20,	4
4501.22, 4503.102, 4503.191, 4503.40, 4503.42,	5
4503.51, 4503.52, 4503.55, 4503.56, 4503.66,	6
4505.11, 4505.111, 4506.24, 4509.06, 4511.10,	7
4511.101, 4511.102, 4511.191, 4511.951, 4517.01,	8
4517.02, 4517.12, 4981.09, 4981.34, 5112.17,	9
5501.01, 5501.311, 5501.32, 5501.34, 5501.37,	10
5502.01, 5502.12, 5502.22, 5513.01, 5513.04,	11
5513.06, 5515.01, 5516.01, 5516.02, 5516.03,	12
5516.04, 5516.06, 5516.061, 5516.07, 5516.08,	13
5516.10, 5516.11, 5516.12, 5516.13, 5516.99,	14
5525.03, 5525.07, 5529.03, 5531.09, 5531.10,	15
5540.01, 5540.03, 5735.05, 5735.12, 5735.145,	16
5735.19, 5735.23, 5735.29, 5739.02, and 6101.16,	17
to enact new section 5516.09 and sections 503.061,	18
4501.16, 4501.28, 4507.45, 4513.242, 5512.01 to	19
5512.09, and 5516.14, and to repeal sections	20

3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 21
3701.65, 3701.66, 3701.67, 3701.68, 3701.69, 22
4501.21, 4501.23, 4509.09, 4981.151, 4981.152, 23
5516.05, 5516.09, and 5735.146 of the Revised 24
Code, and to amend Sections 104 and 201 of Am. 25
Sub. H.B. 117 of the 121st General Assembly, to 26
amend Section 35 of Am. Sub. H.B. 117 of the 121st 27
General Assembly, as subsequently amended, to make 28
appropriations and reappropriations for highways 29
and transportation-related programs for the 30
1997-1999 biennium, to provide authorizations and 31
conditions for the operation of programs related 32
to transportation and public safety, to eliminate 33
the ethanol credit allowed against the motor fuel 34
tax, to eliminate the program to reimburse 35
hospitals for indigent care using motor fuel tax 36
money, to eliminate the authority of the Registrar 37
of Motor Vehicles to suspend the driver's license 38
of a person who fails to submit a motor vehicle 39
accident report, to raise the competitive bidding 40
threshold for purchases by a regional airport 41
authority or conservancy district, to require that 42
the Department of Commerce have two assistant 43
directors, and to maintain the provisions of this 44
act on and after March 4, 1998, by amending the 45
version of section 5513.01 of the Revised Code 46
that takes effect on that date. 47

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

Section 1. That sections 121.05, 121.07, 121.08, 303.211, 48
308.13, 519.211, 2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 49

4301.10, 4301.12, 4501.01, 4501.03, 4501.14, 4501.15, 4501.19, 50
4501.20, 4501.22, 4503.102, 4503.191, 4503.40, 4503.42, 4503.51, 51
4503.52, 4503.55, 4503.56, 4503.66, 4505.11, 4505.111, 4506.24, 52
4509.06, 4511.10, 4511.101, 4511.102, 4511.191, 4511.951, 4517.01, 53
4517.02, 4517.12, 4981.09, 4981.34, 5112.17, 5501.01, 5501.311, 54
5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5502.22, 5513.01, 55
5513.04, 5513.06, 5515.01, 5516.01, 5516.02, 5516.03, 5516.04, 56
5516.06, 5516.061, 5516.07, 5516.08, 5516.10, 5516.11, 5516.12, 57
5516.13, 5516.99, 5525.03, 5525.07, 5529.03, 5531.09, 5531.10, 58
5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 5735.23, 59
5735.29, 5739.02, and 6101.16 be amended and new section 5516.09 60
and sections 503.061, 4501.16, 4501.28, 4507.45, 4513.242, 61
5512.01, 5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 5512.07, 62
5512.08, 5512.09, and 5516.14 of the Revised Code be enacted to 63
read as follows: 64

Sec. 121.05. Except as otherwise provided in this section, in 65
each department there shall be an assistant director designated by 66
the director of that department. In the department of health there 67
shall be two assistant directors, each of whom shall be designated 68
by the director of health. In the department of transportation 69
there shall be an assistant director for business management, an 70
assistant director for field operations, and an assistant director 71
for transportation policy, each of whom shall be designated by the 72
director of transportation. In the department of insurance the 73
deputy superintendent of insurance shall be the assistant 74
director. In the department of administrative services, there 75
shall be two assistant directors, each of whom shall be designated 76
by the director of administrative services. In the department of 77
commerce, there shall be two assistant directors, each of whom 78
shall be designated by the director of commerce. In each 79
department, the assistant director shall act as director in the 80

absence or disability of the director and also shall act as 81
director when the position of director is vacant, except that in 82
the department of transportation, the department of health, the 83
department of commerce, and the department of administrative 84
services the director shall designate which assistant director 85
shall act as director in the director's absence. 86

87
A director may designate any of the director's assistant 88
directors or a deputy director to serve in the director's place as 89
a member of any board, committee, authority, or commission of 90
which the director is, by law, a member. The designee, when 91
present, shall be counted in determining whether a quorum is 92
present at any meeting. The ~~Such~~a designee may vote and 93
participate in all proceedings and actions of the board, 94
committee, authority, or commission, provided that the designee 95
shall not execute or cause a facsimile of the designee's signature 96
to be placed on any obligation, or execute any trust agreement or 97
indenture. Such designation shall be in writing, executed by the 98
designating director, filed with the secretary of the board, 99
committee, authority, or commission, and shall be in effect until 100
withdrawn or superseded by a new designation. 101

Sec. 121.07. (A) Except as otherwise provided in this 102
division, the officers mentioned in sections 121.04 and 121.05 of 103
the Revised Code and the offices and divisions they administer 104
shall be under the direction, supervision, and control of the 105
directors of their respective departments, and shall perform such 106
duties as the directors prescribe. In performing or exercising any 107
of the examination or regulatory functions, powers, or duties 108
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 109
to 1315.11 of the Revised Code in the superintendent of financial 110
institutions, the superintendent of financial institutions and the 111

division of financial institutions are independent of and are not 112
subject to the control of the department or the director of 113
commerce. ~~In acquiring spirituous liquor and selecting and 114
monitoring state liquor agencies, in issuing permits, in operating 115
the beer and wine section, and in performing or exercising all 116
other regulatory functions, powers, or duties vested by law in the 117
superintendent of liquor control, the superintendent of liquor 118
control and the division of liquor control are independent of and 119
are not subject to the control of the department or the director 120
of commerce.~~ 121

(B) With the approval of the governor, the director of each 122
department shall establish divisions within the department, and 123
distribute the work of the department among such divisions. Each 124
officer created by section 121.04 of the Revised Code shall be the 125
head of such a division. 126

With the approval of the governor, the director of each 127
department may consolidate any two or more of the offices created 128
in the department by section 121.04 of the Revised Code, or reduce 129
the number of or create new divisions therein. 130

The director of each department may prescribe rules for the 131
government of the department, the conduct of its employees, the 132
performance of its business, and the custody, use, and 133
preservation of the records, papers, books, documents, and 134
property pertaining thereto. 135

Sec. 121.08. (A) There is hereby created in the department of 136
commerce the position of deputy director of administration. This 137
officer shall be appointed by the director of commerce, serve 138
under the director's direction, supervision, and control, perform 139
such duties as the director prescribes, and hold office during the 140
director's pleasure. The director of commerce may designate an 141

assistant director of commerce ~~may~~ to serve as the deputy director 142
of administration. The deputy director of administration shall 143
perform such duties as are prescribed by the director of commerce 144
in supervising the activities of the division of administration of 145
the department of commerce. 146

(B) Except as provided in section 121.07 of the Revised Code, 147
the department of commerce shall have all powers and perform all 148
duties vested in the deputy director of administration, the state 149
fire marshal, the superintendent of financial institutions, the 150
superintendent of real estate, the superintendent of liquor 151
control, the superintendent of the division of industrial 152
compliance, and the commissioner of securities, and shall have all 153
powers and perform all duties vested by law in all officers, 154
deputies, and employees of such offices. Except as provided in 155
section 121.07 of the Revised Code, wherever powers are conferred 156
or duties imposed upon any of such officers, such powers and 157
duties shall be construed as vested in the department of commerce. 158

(C)(1) There is hereby created in the department of commerce 159
a division of financial institutions, which shall have all powers 160
and perform all duties vested by law in the superintendent of 161
financial institutions. Wherever powers are conferred or duties 162
imposed upon the superintendent of financial institutions, such 163
powers and duties shall be construed as vested in the division of 164
financial institutions. The division of financial institutions 165
shall be administered by a superintendent of financial 166
institutions. 167

(2) All provisions of law governing the superintendent of 168
financial institutions shall apply to and govern the 169
superintendent of financial institutions provided for in this 170
section; all authority vested by law in the superintendent of 171
financial institutions with respect to the management of the 172

division of financial institutions shall be construed as vested in 173
the superintendent of financial institutions created by this 174
section with respect to the division of financial institutions 175
provided for in this section; and all rights, privileges, and 176
emoluments conferred by law upon the superintendent of financial 177
institutions shall be construed as conferred upon the 178
superintendent of financial institutions as head of the division 179
of financial institutions. The director of commerce shall not 180
transfer from the division of financial institutions any of the 181
functions specified in division (C)(2) of this section. 182

(D) Beginning on July 1, 1997, there is hereby created in the 183
department of commerce a division of liquor control, which shall 184
have all powers and perform all duties vested by law in the 185
superintendent of liquor control. Wherever powers are conferred or 186
duties are imposed upon the superintendent of liquor control, 187
those powers and duties shall be construed as vested in the 188
division of liquor control. The division of liquor control shall 189
be administered by a superintendent of liquor control. 190

(E) The director of commerce shall not be interested, 191
directly or indirectly, in any firm or corporation which is a 192
dealer in securities as defined in sections 1707.01 and 1707.14 of 193
the Revised Code, or in any firm or corporation licensed under 194
sections 1321.01 to 1321.19 of the Revised Code. 195

(F) The director of commerce shall not have any official 196
connection with a savings and loan association, a savings bank, a 197
bank, a bank holding company, a savings and loan association 198
holding company, a consumer finance company, or a credit union 199
that is under the supervision of the division of financial 200
institutions, or a subsidiary of any of the preceding entities, or 201
be interested in the business thereof. 202

(G) There is hereby created in the state treasury the 203

division of administration fund. The fund shall receive 204
assessments on the operating funds of the department of commerce 205
in accordance with procedures prescribed by the director of 206
commerce and approved by the director of budget and management. 207
All operating expenses of the division of administration shall be 208
paid from the division of administration fund. 209

Sec. 303.211. (A) Except as otherwise provided in division 210
(B) of this section, sections 303.01 to 303.25 of the Revised Code 211
do not confer any power on any board of county commissioners or 212
board of zoning appeals in respect to the location, erection, 213
construction, reconstruction, change, alteration, maintenance, 214
removal, use, or enlargement of any buildings or structures of any 215
public utility or railroad, whether publicly or privately owned, 216
or the use of land by any public utility or railroad for the 217
operation of its business. 218

(B)(1) As used in this division, "telecommunications tower" 219
means any free-standing structure, or any structure to be attached 220
to a building or other structure, that meets all of the following 221
criteria: 222

(a) The free-standing or attached structure is proposed to be 223
constructed on or after the effective date of this amendment. 224

(b) The free-standing or attached structure is proposed to be 225
owned or principally used by a public utility engaged in the 226
provision of telecommunications services. 227

(c) The free-standing or attached structure is proposed to be 228
located in an unincorporated area of a township, in an area zoned 229
for residential use. 230

(d)(i) The free-standing structure is proposed to top at a 231
height that is greater than either the maximum allowable height of 232
residential structures within the zoned area as set forth in the 233

applicable zoning regulations, or the maximum allowable height of
such a free-standing structure as set forth in any applicable
zoning regulations in effect immediately prior to the effective
date of this amendment or as those regulations subsequently are
amended.

(ii) The attached structure is proposed to top at a height
that is greater than either the height of the building or other
structure to which it is to be attached, or the maximum allowable
height of such an attached structure as set forth in any
applicable zoning regulations in effect immediately prior to the
effective date of this amendment or as those regulations
subsequently are amended.

(e) The free-standing or attached structure is proposed to
have attached to it radio frequency transmission or reception
equipment.

(2) Sections 303.01 to 303.25 of the Revised Code confer
power on a board of county commissioners or board of zoning
appeals with respect to the location, erection, construction,
reconstruction, change, alteration, removal, or enlargement of a
telecommunications tower, but not with respect to the maintenance
or use of such a tower or any change or alteration that would not
substantially increase the tower's height. However, the power so
conferred shall apply to a particular telecommunications tower
only upon the provision of a notice, in accordance with division
(B)(4)(a) of this section, to the person proposing to construct
the tower.

(3) Any person who plans to construct a telecommunications
tower ~~to which in an area subject to~~ county zoning regulations
~~apply under section 303.22 of the Revised Code~~ shall provide both
of the following by certified mail:

(a) Written notice to the board of township trustees of the

township in which the tower is proposed to be constructed and to 265
each owner of property, as shown on the county auditor's current 266
tax list, whose land is contiguous to or directly across a street 267
or roadway from the property on which the tower is proposed to be 268
constructed, stating all of the following in clear and concise 269
language: 270

(i) The person's intent to construct the tower; 271

(ii) A description of the property sufficient to identify the 272
proposed location; 273

(iii) That, no later than fifteen days after the date of 274
mailing of the notice, such board of township trustees or any such 275
property owner may give written notice to the board of county 276
commissioners requesting that sections 303.01 to 303.25 of the 277
Revised Code apply to the proposed location of the tower as 278
provided under division (B)(4)(a) of this section. 279

If the notice to the board of township trustees or to a 280
property owner is returned unclaimed or refused, the person shall 281
mail the notice by regular mail. The failure of delivery of the 282
notice does not invalidate the notice. 283

(b) Written notice to the board of county commissioners of 284
the information specified in divisions (B)(3)(a)(i) and (ii) of 285
this section. The notice to the board also shall include 286
verification that the person has complied with division (B)(3)(a) 287
of this section. 288

(4)(a) If the board of county commissioners receives notice 289
from the board of township trustees or a property owner under 290
division (B)(3)(a)(iii) of this section within the time specified 291
in that division or if a member of the board of county 292
commissioners makes an objection to the proposed location of the 293
telecommunications tower within fifteen days after the date of 294
mailing of the notice sent under division (B)(3)(b) of this 295

section, the board of county commissioners shall send the person
proposing to construct the tower written notice that the tower is
subject to the power conferred by and in accordance with division
(B)(2) of this section. The notice shall be sent no later than
five days after the earlier of the date the board first receives
such a notice from the board of township trustees or a property
owner or the date upon which a member of the board of county
commissioners makes an objection. Upon the date of mailing of the
notice to the person, sections 303.01 to 303.25 of the Revised
Code shall apply to the tower.

(b) If the board of county commissioners receives no notice
under division (B)(3)(a)(iii) of this section within the time
prescribed by that division or no board member has an objection as
provided under division (B)(4)(a) of this section within the time
prescribed by that division, division (A) of this section shall
apply to the tower without exception.

(C) Sections 303.01 to 303.25 of the Revised Code confer no
power on any county rural zoning commission, board of county
commissioners, or board of zoning appeals to prohibit the sale or
use of alcoholic beverages in areas where the establishment and
operation of any retail business, hotel, lunchroom, or restaurant
is permitted.

(D) Sections 303.01 to 303.25 of the Revised Code do not
confer any power on any county rural zoning commission, board of
county commissioners, or board of zoning appeals to prohibit the
use of any land owned or leased by an industrial firm for the
conduct of oil or natural gas well drilling or production
activities or the location of associated facilities or equipment
when such oil or natural gas obtained by the industrial firm is
used for the operation of its own plants.

(E)(1) Any person who plans to construct a telecommunications

tower within one hundred feet of a residential dwelling shall 327
provide a written notice to the owner of the residential dwelling 328
and to the person occupying the residence, if that person is not 329
the owner of the residence stating in clear and concise language 330
the person's intent to construct the tower and a description of 331
the property sufficient to identify the proposed location. The 332
notice shall be sent by certified mail. If the notice is returned 333
unclaimed or refused, the person shall mail the notice by regular 334
mail. The failure of delivery does not invalidate the notice. 335

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(2) As used in division (E) of this section: 337

(a) "Residential dwelling" means a building used or intended 338
to be used as a personal residence by the owner, part-time owner, 339
or lessee of the building, or any person authorized by such a 340
person to use the building as a personal residence; 341

(b) "Telecommunications tower" has the same meaning as in 342
division (B)(1) of this section, except that the proposed location 343
of the free-standing or attached structure may be an area other 344
than an unincorporated area of a township, in an area zoned for 345
residential use. 346

Sec. 308.13. (A) The board of trustees of a regional airport 347
authority or any officer or employee designated by such board may 348
make any contract for the purchase of supplies or material or for 349
labor for any work, under the supervision of the board, the cost 350
of which shall not exceed ~~five~~ fifteen thousand dollars. Except 351
where the contract is for equipment, materials, or supplies 352
available from a qualified nonprofit agency pursuant to sections 353
4115.31 to 4115.35 of the Revised Code, when an expenditure, other 354
than for the acquisition of real estate, the discharge of 355
noncontractual claims, personal services, or for the product or 356
services of public utilities, exceeds ~~five~~ fifteen thousand 357

dollars, such expenditure shall be made only after a notice 358
calling for bids has been published once a week for three 359
consecutive weeks in at least one newspaper of general circulation 360
within the territorial boundaries of the regional airport 361
authority. If the bid is for a contract for the construction, 362
demolition, alteration, repair, or reconstruction of an 363
improvement, it shall meet the requirements of section 153.54 of 364
the Revised Code. If the bid is for any other contract authorized 365
by this section, it shall be accompanied by a good and approved 366
bond with ample security conditioned on the carrying out of the 367
contract. The board may let the contract to the lowest and best 368
bidder. Such contract shall be in writing and shall be accompanied 369
by or shall refer to plans and specifications for the work to be 370
done, approved by the board. The plans and specifications shall at 371
all times be made and considered part of the contract. Said 372
contract shall be approved by the board and signed by its chief 373
executive officer and by the contractor, and shall be executed in 374
duplicate. 375

(B) Whenever a board of trustees of a regional airport 376
authority or any officer or employee designated by the board makes 377
a contract for the purchase of supplies or material or for labor 378
for any work, the cost of which is greater than one thousand 379
dollars but no more than ~~five~~ fifteen thousand dollars, the board 380
or designated officer or employee shall solicit informal estimates 381
from no fewer than three potential suppliers before awarding the 382
contract. With regard to each such contract, the board shall 383
maintain a record of such estimates, including the name of each 384
person from whom an estimate is solicited, for no less than one 385
year after the contract is awarded. 386

Sec. 503.061. A board of township trustees, irrespective of 387
the population or any other characteristic of the township, may 388
adopt and submit to the director of transportation a resolution 389

requesting the department of transportation to erect signs in the 390
rights-of-way of state highways, other than freeways and 391
expressways, located within that township and outside the limits 392
of an incorporated municipality, indicating the boundaries of that 393
township. upon receipt of the resolution, the director shall agree 394
to erect the signs for the township. 395

All signs erected under this section shall conform to the 396
provisions contained in the manual adopted by the department of 397
transportation pursuant to section 4511.09 of the Revised Code 398
regarding the size, coloring, contents, lettering, and 399
installation locations of the signs. 400

Sec. 519.211. (A) Except as otherwise provided in division 401
(B) of this section, sections 519.02 to 519.25 of the Revised Code 402
confer no power on any board of township trustees or board of 403
zoning appeals in respect to the location, erection, construction, 404
reconstruction, change, alteration, maintenance, removal, use, or 405
enlargement of any buildings or structures of any public utility 406
or railroad, whether publicly or privately owned, or the use of 407
land by any public utility or railroad, for the operation of its 408
business. 409

(B)(1) As used in this division, "telecommunications tower" 410
means any free-standing structure, or any structure to be attached 411
to a building or other structure, that meets all of the following 412
criteria: 413

(a) The free-standing or attached structure is proposed to be 414
constructed on or after the effective date of this amendment. 415

(b) The free-standing or attached structure is proposed to be 416
owned or principally used by a public utility engaged in the 417
provision of telecommunications services. 418

(c) The free-standing or attached structure is proposed to be 419

located in an unincorporated area of a township, in an area zoned 420
for residential use. 421

(d)(i) The free-standing structure is proposed to top at a 422
height that is greater than either the maximum allowable height of 423
residential structures within the zoned area as set forth in the 424
applicable zoning regulations, or the maximum allowable height of 425
such a free-standing structure as set forth in any applicable 426
zoning regulations in effect immediately prior to the effective 427
date of this amendment or as those regulations subsequently are 428
amended. 429

(ii) The attached structure is proposed to top at a height 430
that is greater than either the height of the building or other 431
structure to which it is to be attached, or the maximum allowable 432
height of such an attached structure as set forth in any 433
applicable zoning regulations in effect immediately prior to the 434
effective date of this amendment or as those regulations 435
subsequently are amended. 436

(e) The free-standing or attached structure is proposed to 437
have attached to it radio frequency transmission or reception 438
equipment. 439

(2) Sections 519.02 to 519.25 of the Revised Code confer 440
power on a board of township trustees or board of zoning appeals 441
with respect to the location, erection, construction, 442
reconstruction, change, alteration, removal, or enlargement of a 443
telecommunications tower, but not with respect to the maintenance 444
or use of such a tower or any change or alteration that would not 445
substantially increase the tower's height. However, the power so 446
conferred shall apply to a particular telecommunications tower 447
only upon the provision of a notice, in accordance with division 448
(B)(4)(a) of this section, to the person proposing to construct 449
the tower. 450

(3) Any person who plans to construct a telecommunications tower ~~to which in an area subject to~~ township zoning regulations ~~apply under section 303.22 of the Revised Code~~ shall provide both of the following by certified mail:

(a) Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

(i) The person's intent to construct the tower;

(ii) A description of the property sufficient to identify the proposed location;

(iii) That, no later than fifteen days after the date of mailing of the notice, any such property owner may give written notice to the board of township trustees requesting that sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of this section.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(b) Written notice to the board of township trustees of the information specified in divisions (B)(3)(a)(i) and (ii) of this section. The notice to the board also shall include verification that the person has complied with division (B)(3)(a) of this section.

(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the

telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time prescribed by that division or no board member has an objection as provided under division (B)(4)(a) of this section within the time prescribed by that division, division (A) of this section shall apply to the tower without exception.

(C) Sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

(D) Sections 519.02 to 519.25 of the Revised Code do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

(E)(1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

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(2) As used in division (E) of this section:

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(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence;

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(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

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Sec. 2925.44. (A) If property is seized pursuant to section 2925.42 or 2925.43 of the Revised Code, it is deemed to be in the custody of the head of the law enforcement agency that seized it, and the head of that agency may do any of the following with respect to that property prior to its disposition in accordance with division (A)(4) or (B) of this section:

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(1) Place the property under seal;

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

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(3) Request the issuance of a court order that requires any 542
other appropriate municipal corporation, county, township, park 543
district created pursuant to section 511.18 or 1545.01 of the 544
Revised Code, or state law enforcement officer or other officer to 545
take custody of the property and, if practicable, remove it to an 546
appropriate location for eventual disposition in accordance with 547
division (B) of this section; 548

(4)(a) Seek forfeiture of the property pursuant to federal 549
law. If the head of that agency seeks its forfeiture pursuant to 550
federal law, the law enforcement agency shall deposit, use, and 551
account for proceeds from a sale of the property upon its 552
forfeiture, proceeds from another disposition of the property upon 553
its forfeiture, or forfeited moneys it receives, in accordance 554
with the applicable federal law and otherwise shall comply with 555
that law. 556

(b) If the state highway patrol seized the property and if 557
the superintendent of the state highway patrol seeks its 558
forfeiture pursuant to federal law, the appropriate governmental 559
officials shall deposit into the state highway patrol contraband, 560
forfeiture, and other fund all interest or other earnings derived 561
from the investment of the proceeds from a sale of the property 562
upon its forfeiture, the proceeds from another disposition of the 563
property upon its forfeiture, or the forfeited moneys. The state 564
highway patrol shall use and account for that interest or other 565
earnings in accordance with the applicable federal law. 566

(c) If the liquor enforcement unit of the department of 567
public safety seized the property and if the director of public 568
safety seeks its forfeiture pursuant to federal law, the 569
appropriate governmental officials shall deposit into the liquor 570
enforcement contraband, forfeiture, and other fund all interest or 571
other earnings derived from the investment of the proceeds from a 572
sale of the property upon its forfeiture, the proceeds from 573

another disposition of the property upon its forfeiture, or the 574
forfeited moneys. The department shall use and account for that 575
interest or other earnings in accordance with the applicable 576
federal law. 577

(d) If the food stamp fraud unit of the department of public 578
safety seized the property and if the director of public safety 579
seeks its forfeiture pursuant to federal law, the appropriate 580
governmental officials shall deposit into the food stamp 581
contraband, forfeiture, and other fund all interest or other 582
earnings derived from the investment of the proceeds from a sale 583
of the property upon its forfeiture, the proceeds from another 584
disposition of the property upon its forfeiture, or the forfeited 585
moneys. The department shall use and account for that interest or 586
other earnings in accordance with the applicable federal law. 587

(e) Division (B) of this section and divisions (D)(1) to (3) 588
of section 2933.43 of the Revised Code do not apply to proceeds or 589
forfeited moneys received pursuant to federal law or to the 590
interest or other earnings that are derived from the investment of 591
proceeds or forfeited moneys received pursuant to federal law and 592
that are described in division (A)(4)(b) of this section. 593

(B) In addition to complying with any requirements imposed by 594
a court pursuant to section 2925.42 or 2925.43 of the Revised 595
Code, and the requirements imposed by those sections, in relation 596
to the disposition of property forfeited to the state under either 597
of those sections, the prosecuting attorney who is responsible for 598
its disposition shall dispose of the property as follows: 599

(1) Any vehicle, as defined in section 4501.01 of the Revised 600
Code, that was used in a felony drug abuse offense or in an act 601
that, if committed by an adult, would be a felony drug abuse 602
offense shall be given to the law enforcement agency of the 603
municipal corporation or county in which the offense occurred if 604
that agency desires to have the vehicle, except that, if the 605

offense occurred in a township or in a park district created 606
pursuant to section 511.18 or 1545.01 of the Revised Code and a 607
law enforcement officer employed by the township or the park 608
district was involved in the seizure of the vehicle, the vehicle 609
may be given to the law enforcement agency of that township or 610
park district if that agency desires to have the vehicle, and 611
except that, if the state highway patrol made the seizure of the 612
vehicle, the vehicle may be given to the state highway patrol if 613
it desires to have the vehicle. 614

(2) Any drug paraphernalia that was used, possessed, sold, or 615
manufactured in a violation of section 2925.14 of the Revised Code 616
that would be a felony drug abuse offense or in a violation of 617
that section committed by a juvenile that, if committed by an 618
adult, would be a felony drug abuse offense, may be given to the 619
law enforcement agency of the municipal corporation or county in 620
which the offense occurred if that agency desires to have and can 621
use the drug paraphernalia, except that, if the offense occurred 622
in a township or in a park district created pursuant to section 623
511.18 or 1545.01 of the Revised Code and a law enforcement 624
officer employed by the township or the park district was involved 625
in the seizure of the drug paraphernalia, the drug paraphernalia 626
may be given to the law enforcement agency of that township or 627
park district if that agency desires to have and can use the drug 628
paraphernalia. If the drug paraphernalia is not so given, it shall 629
be disposed of by sale pursuant to division (B)(8) of this section 630
or disposed of in another manner that the court that issued the 631
order of forfeiture considers proper under the circumstances. 632

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(3) Drugs shall be disposed of pursuant to section 3719.11 of 634
the Revised Code or placed in the custody of the secretary of the 635
treasury of the United States for disposal or use for medical or 636
scientific purposes under applicable federal law. 637

(4) Firearms and dangerous ordnance suitable for police work 638
may be given to a law enforcement agency for that purpose. 639
Firearms suitable for sporting use, or as museum pieces or 640
collectors' items, may be disposed of by sale pursuant to division 641
(B)(8) of this section. Other firearms and dangerous ordnance 642
shall be destroyed by a law enforcement agency or shall be sent to 643
the bureau of criminal identification and investigation for 644
destruction by it. As used in this division, "firearms" and 645
"dangerous ordnance" have the same meanings as in section 2923.11 646
of the Revised Code. 647

(5) Computers, computer networks, computer systems, and 648
computer software suitable for police work may be given to a law 649
enforcement agency for that purpose. Other computers, computer 650
networks, computer systems, and computer software shall be 651
disposed of by sale pursuant to division (B)(8) of this section or 652
disposed of in another manner that the court that issued the order 653
of forfeiture considers proper under the circumstances. As used in 654
this division, "computers," "computer networks," "computer 655
systems," and "computer software" have the same meanings as in 656
section 2913.01 of the Revised Code. 657

(6) Obscene materials shall be destroyed. 658

(7) Beer, intoxicating liquor, and alcohol shall be disposed 659
of in accordance with division (D)(4) of section 2933.41 of the 660
Revised Code. 661

(8) In the case of property not described in divisions (B)(1) 662
to (7) of this section and of property described in those 663
divisions but not disposed of pursuant to them, the property shall 664
be sold in accordance with division (B)(8) of this section or, in 665
the case of forfeited moneys, disposed of in accordance with 666
division (B)(8) of this section. If the property is to be sold, 667
the prosecuting attorney shall cause a notice of the proposed sale 668

of the property to be given in accordance with law, and the 669
property shall be sold, without appraisal, at a public auction to 670
the highest bidder for cash. The proceeds of a sale and forfeited 671
moneys shall be applied in the following order: 672

(a) First, to the payment of the costs incurred in connection 673
with the seizure of, storage of, maintenance of, and provision of 674
security for the property, the forfeiture proceeding or civil 675
action, and, if any, the sale; 676

(b) Second, the remaining proceeds or forfeited moneys after 677
compliance with division (B)(8)(a) of this section, to the payment 678
of the value of any legal right, title, or interest in the 679
property that is possessed by a person who, pursuant to division 680
(F) of section 2925.42 of the Revised Code or division (E) of 681
section 2925.43 of the Revised Code, established the validity of 682
and consequently preserved that legal right, title, or interest, 683
including, but not limited to, any mortgage, perfected or other 684
security interest, or other lien in the property. The value of 685
these rights, titles, or interests shall be paid according to 686
their record or other order of priority. 687

(c) Third, the remaining proceeds or forfeited moneys after 688
compliance with divisions (B)(8)(a) and (b) of this section, as 689
follows: 690

(i) If the forfeiture was ordered in a juvenile court, ten 691
per cent to one or more alcohol and drug addiction treatment 692
programs that are certified by the department of alcohol and drug 693
addiction services under section 3793.06 of the Revised Code and 694
that are specified in the order of forfeiture. A juvenile court 695
shall not specify an alcohol or drug addiction treatment program 696
in the order of forfeiture unless the program is a certified 697
alcohol and drug addiction treatment program and, except as 698
provided in division (B)(8)(c)(i) of this section, unless the 699

program is located in the county in which the court that orders 700
the forfeiture is located or in a contiguous county. If no 701
certified alcohol and drug addiction treatment program is located 702
in any of those counties, the juvenile court may specify in the 703
order a certified alcohol and drug addiction treatment program 704
located anywhere within this state. 705

(ii) If the forfeiture was ordered in a juvenile court, 706
ninety per cent, and if the forfeiture was ordered in a court 707
other than a juvenile court, one hundred per cent to appropriate 708
funds in accordance with divisions (D)(1)(c) and (2) of section 709
2933.43 of the Revised Code. The remaining proceeds or forfeited 710
moneys so deposited shall be used only for the purposes authorized 711
by those divisions and division (D)(3)(a)(ii) of that section. 712

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 713
preclude a financial institution that possessed a valid mortgage, 714
security interest, or lien that is not satisfied prior to a sale 715
under division (B)(8) of this section or following a sale by 716
application of division (B)(8)(b) of this section, from commencing 717
a civil action in any appropriate court in this or another state 718
to obtain a deficiency judgment against the debtor if the 719
financial institution otherwise would have been entitled to do so 720
in this or another state. 721

(2) Any law enforcement agency that obtains any vehicle 722
pursuant to division (B)(1) of this section shall take the vehicle 723
subject to the outstanding amount of any security interest or lien 724
that attaches to the vehicle. 725

(3) Nothing in this section impairs a mortgage, security 726
interest, lien, or other interest of a financial institution in 727
property that was the subject of a forfeiture order under section 728
2925.42 or 2925.43 of the Revised Code and that was sold or 729
otherwise disposed of in a manner that does not conform to the 730

requirements of division (B) of this section, or any right of a 731
financial institution of that nature to commence a civil action in 732
any appropriate court in this or another state to obtain a 733
deficiency judgment against the debtor. 734

(4) Following the sale under division (B)(8) of this section 735
of any property that is required to be titled or registered under 736
the law of this state, the prosecuting attorney responsible for 737
the disposition of the property shall cause the state to issue an 738
appropriate certificate of title or registration to the purchaser 739
of the property. Additionally, if, in a disposition of property 740
pursuant to division (B) of this section, the state or a political 741
subdivision is given any property that is required to be titled or 742
registered under the law of this state, the prosecuting attorney 743
responsible for the disposition of the property shall cause the 744
state to issue an appropriate certificate of title or registration 745
to itself or to the political subdivision. 746

(D) Property that has been forfeited to the state pursuant to 747
an order of criminal forfeiture under section 2925.42 of the 748
Revised Code or an order of civil forfeiture under section 2925.43 749
of the Revised Code shall not be available for use to pay any fine 750
imposed upon a person who is convicted of or pleads guilty to a 751
felony drug abuse offense or upon any juvenile who is found by a 752
juvenile court to be a delinquent child for an act that, if 753
committed by an adult, would be a felony drug abuse offense. 754

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 755
prohibit a law enforcement officer from seeking the forfeiture of 756
contraband associated with a felony drug abuse offense pursuant to 757
section 2933.43 of the Revised Code. 758

Sec. 2933.43. (A)(1) Except as provided in this division or 759
in section 2913.34 or sections 2925.41 to 2925.45 of the Revised 760
Code, a law enforcement officer shall seize any contraband that 761

has been, is being, or is intended to be used in violation of 762
division (A) of section 2933.42 of the Revised Code. A law 763
enforcement officer shall seize contraband that is a watercraft, 764
motor vehicle, or aircraft and that has been, is being, or is 765
intended to be used in violation of division (A) of section 766
2933.42 of the Revised Code only if the watercraft, motor vehicle, 767
or aircraft is contraband because of its relationship to an 768
underlying criminal offense that is a felony. 769

Additionally, a law enforcement officer shall seize any 770
watercraft, motor vehicle, aircraft, or other personal property 771
that is classified as contraband under division (B) of section 772
2933.42 of the Revised Code if the underlying offense involved in 773
the violation of division (A) of that section that resulted in the 774
watercraft, motor vehicle, aircraft, or personal property being 775
classified as contraband, is a felony. 776

(2) If a law enforcement officer seizes property that is 777
titled or registered under law, including a motor vehicle, 778
pursuant to division (A)(1) of this section, the officer or the 779
officer's employing law enforcement agency shall notify the owner 780
of the seizure. The notification shall be given to the owner at 781
the owner's last known address within seventy-two hours after the 782
seizure, and may be given orally by any means, including 783
telephone, or by certified mail, return receipt requested. 784

If the officer or the officer's agency is unable to provide 785
the notice required by this division despite reasonable, good 786
faith efforts to do so, the exercise of the reasonable, good faith 787
efforts constitutes fulfillment of the notice requirement imposed 788
by this division. 789

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 790
this section and the contents of the vehicle may be retained for a 791
reasonable period of time, not to exceed seventy-two hours, for 792

the purpose of inspection, investigation, and the gathering of
evidence of any offense or illegal use.

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

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If no petition for the extension of the initial
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

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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 applies may be retained in accordance with the extension order. If, at the end of that extended 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, and if the vehicle was not in the custody and control of the owner at the time of its seizure, 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 third 858
preceding sentence as conditions precedent to release. In cases in 859
which the court may require proof and affidavits as conditions 860
precedent to release, the court also may require the posting of a 861
bond, with sufficient sureties approved by the court, in an amount 862
equal to the value of the property to be released, as determined 863
by the court, and conditioned upon the return of the property to 864
the court if it is forfeited under this section, as a further 865
condition to release. If, at the end of the initial 866
seventy-two-hour period or at the end of any extended period 867
granted under this section, the owner has been charged with an 868
offense or administrative violation that includes the use of the 869
vehicle as an element or has been charged with another offense or 870
administrative violation in the actual commission of which the 871
motor vehicle was used, or if the vehicle was in the custody and 872
control of the owner at the time of its seizure, the vehicle and 873
its contents shall be retained pending disposition of the charge, 874
provided that upon the filing of a motion for release by the 875
owner, if the court determines that the motor vehicle or its 876
contents, or both, are not needed as evidence in the underlying 877
criminal case or administrative proceeding, the court may permit 878
the release of the property that is not needed as evidence to the 879
owner; as a condition precedent to a release of that nature, the 880
court may require the owner to execute a bond with the court. Any 881
bond so required shall be in an amount equal to the value of the 882
property to be released, as determined by the court, shall have 883
sufficient sureties approved by the court, and shall be 884
conditioned upon the return of the property to the court to which 885
it is forfeited under this section. 886

The final disposition of a motor vehicle seized pursuant to 887
division (A)(1) of this section shall be determined in accordance 888
with division (C) of this section. 889

(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 (A) of this section because it was contraband of any type described in division (A)(13) of section 2901.01 or division (B) of section 2933.42 of the Revised Code shall maintain an accurate record of each item of property so seized, which record shall include the date on which each item was seized, the manner and date of its disposition, and if applicable, the name of the person who received the item; however, the record shall not identify or enable the identification of the individual officer who seized the

item. The record of property of that nature that no longer is
needed as evidence shall be open to public inspection during the
agency's regular business hours. Each law enforcement agency that,
during any calendar year, seizes property under division (A) of
this section because it was contraband shall prepare a report
covering the calendar year that cumulates all of the information
contained in all of the records kept by the agency pursuant to
this division for that calendar year, and shall send a copy of the
cumulative report, no later than the first day of March in the
calendar year following the calendar year covered by the report,
to the attorney general. Each report received by the attorney
general is a public record open for inspection under section
149.43 of the Revised Code. The attorney general shall make copies
of each report received, and, no later than the fifteenth day of
April in the calendar year in which the report is received, shall
send a copy of it to the president of the senate and the speaker
of the house of representatives.

(C) The prosecuting attorney, village solicitor, city
director of law, or similar chief legal officer who has
responsibility for the prosecution of the underlying criminal case
or administrative proceeding, or the attorney general if the
attorney general has that responsibility, shall file a petition
for the forfeiture, to the seizing law enforcement agency of the
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
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 986
violation may request the court to release the property to the 987
owner. Upon receipt of a request of that nature, if the court 988
determines that the property is not needed as evidence in the 989
underlying criminal case or administrative proceeding, the court 990
may permit the release of the property to the owner. As a 991
condition precedent to a release of that nature, the court may 992
require the owner to execute a bond with the court. Any bond so 993
required shall have sufficient sureties approved by the court, 994
shall be in a sum equal to the value of the property, as 995
determined by the court, and shall be conditioned upon the return 996
of the property to the court if the property is forfeited under 997
this section. Any property seized because of its relationship to 998
an underlying criminal offense or administrative violation shall 999
be returned to its owner if charges are not filed in relation to 1000
that underlying offense or violation within thirty days after the 1001
seizure, if charges of that nature are filed and subsequently are 1002
dismissed, or if charges of that nature are filed and the person 1003
charged does not plead guilty to and is not convicted of the 1004
offense or does not admit and is not found to have committed the 1005
violation. 1006

If the property seized was determined by the seizing law 1007
enforcement officer to be contraband other than because of a 1008
relationship to an underlying criminal offense or administrative 1009
violation, the forfeiture hearing under this section shall be held 1010
no later than forty-five days after the seizure, unless the time 1011
for the hearing is extended by the court for good cause shown. 1012

Where possible, a court holding a forfeiture hearing under 1013
this section shall follow the Rules of Civil Procedure. When a 1014
hearing is conducted under this section, property shall be 1015
forfeited upon a showing, by a preponderance of the evidence, by 1016
the petitioner that the person from which the property was seized 1017

was in violation of division (A) of section 2933.42 of the Revised Code. If that showing is made, the court shall issue an order of forfeiture. If an order of forfeiture is issued in relation to contraband that was released to the owner or the owner's agent pursuant to this division or division (B)(1) of this section, the order shall require the owner to deliver the property, by a specified date, to the law enforcement agency that employed the law enforcement officer who made the seizure of the property, and the court shall deliver a copy of the order to the owner or send a copy of it by certified mail, return receipt requested, to the owner at the address to which notice of the seizure was given under division (A)(2) of this section. Except as otherwise provided in this division, all rights, interest, and title to the forfeited contraband vests in the state, effective from the date of seizure.

No property shall be forfeited pursuant to this division if the owner of the property establishes, by a preponderance of the evidence, that the owner neither knew, nor should have known after a reasonable inquiry, that the property was used, or was likely to be used, in a crime or administrative violation. No bona fide security interest shall be forfeited pursuant to this division if the holder of the interest establishes, by a preponderance of the evidence, that the holder of the interest neither knew, nor should have known after a reasonable inquiry, that the property was used, or likely to be used, in a crime or administrative violation, that the holder of the interest did not expressly or impliedly consent to the use of the property in a crime or administrative violation, and that the security interest was perfected pursuant to law prior to the seizure. If the holder of the interest satisfies the court that these requirements are met, the interest shall be preserved by the court. In a case of that nature, the court shall either order that the agency to which the property is forfeited reimburse

the holder of the interest to the extent of the preserved interest 1050
or order that the holder be paid for the interest from the 1051
proceeds of any sale pursuant to division (D) of this section. 1052

(D)(1) Contraband ordered forfeited pursuant to this section 1053
shall be disposed of pursuant to divisions (D)(1) to (7) of 1054
section 2933.41 of the Revised Code or, if the contraband is not 1055
described in those divisions, may be used, with the approval of 1056
the court, by the law enforcement agency that has custody of the 1057
contraband pursuant to division (D)(8) of that section. In the 1058
case of contraband not described in any of those divisions and of 1059
contraband not disposed of pursuant to any of those divisions, the 1060
contraband shall be sold in accordance with this division or, in 1061
the case of forfeited moneys, disposed of in accordance with this 1062
division. If the contraband is to be sold, the prosecuting 1063
attorney shall cause a notice of the proposed sale of the 1064
contraband to be given in accordance with law, and the property 1065
shall be sold, without appraisal, at a public auction to the 1066
highest bidder for cash. The proceeds of a sale and forfeited 1067
moneys shall be applied in the following order: 1068

(a) First, to the payment of the costs incurred in connection 1069
with the seizure of, storage of, maintenance of, and provision of 1070
security for the contraband, the forfeiture proceeding, and, if 1071
any, the sale; 1072

(b) Second, the remaining proceeds or forfeited moneys after 1073
compliance with division (D)(1)(a) of this section, to the payment 1074
of the balance due on any security interest preserved pursuant to 1075
division (C) of this section; 1076

(c) Third, the remaining proceeds or forfeited moneys after 1077
compliance with divisions (D)(1)(a) and (b) of this section, as 1078
follows: 1079

(i) If the forfeiture was ordered in a juvenile court, ten 1080

per cent to one or more alcohol and drug addiction treatment 1081
programs that are certified by the department of alcohol and drug 1082
addiction services under section 3793.06 of the Revised Code and 1083
that are specified in the order of forfeiture. A juvenile court 1084
shall not certify an alcohol or drug addiction treatment program 1085
in the order of forfeiture unless the program is a certified 1086
alcohol and drug addiction treatment program and, except as 1087
provided in division (D)(1)(c)(i) of this section, unless the 1088
program is located in the county in which the court that orders 1089
the forfeiture is located or in a contiguous county. If no 1090
certified alcohol and drug addiction treatment program is located 1091
in any of those counties, the juvenile court may specify in the 1092
order a certified alcohol and drug addiction treatment program 1093
located anywhere within this state. 1094

(ii) If the forfeiture was ordered in a juvenile court, 1095
ninety per cent, and if the forfeiture was ordered in a court 1096
other than a juvenile court, one hundred per cent to the law 1097
enforcement trust fund of the prosecuting attorney and to the law 1098
enforcement trust fund of the county sheriff if the county sheriff 1099
made the seizure, to the law enforcement trust fund of a municipal 1100
corporation if its police department made the seizure, to the law 1101
enforcement trust fund of a township if the seizure was made by a 1102
township police department, township police district police force, 1103
or office of a township constable, to the law enforcement trust 1104
fund of a park district created pursuant to section 511.18 or 1105
1545.01 of the Revised Code if the seizure was made by the park 1106
district police force or law enforcement department, to the state 1107
highway patrol contraband, forfeiture, and other fund if the state 1108
highway patrol made the seizure, to the liquor enforcement 1109
contraband, forfeiture, and other fund if the liquor enforcement 1110
unit of the department of public safety made the seizure, to the 1111
food stamp contraband, forfeiture, and other fund if the food 1112

stamp trafficking unit of the department of public safety made the 1113
seizure, to the board of pharmacy drug law enforcement fund 1114
created by division (B)(1) of section 4729.65 of the Revised Code 1115
if the board made the seizure, or to the treasurer of state for 1116
deposit into the peace officer training commission fund if a state 1117
law enforcement agency, other than the state highway patrol, the 1118
department of public safety, or the state board of pharmacy, made 1119
the seizure. The prosecuting attorney may decline to accept any of 1120
the remaining proceeds or forfeited moneys, and, if the 1121
prosecuting attorney so declines, the remaining proceeds or 1122
forfeited moneys shall be applied to the fund described in this 1123
division that relates to the law enforcement agency that made the 1124
seizure. 1125

A law enforcement trust fund shall be established by the 1126
prosecuting attorney of each county who intends to receive any 1127
remaining proceeds or forfeited moneys pursuant to this division, 1128
by the sheriff of each county, by the legislative authority of 1129
each municipal corporation, by the board of township trustees of 1130
each township that has a township police department, township 1131
police district police force, or office of the constable, and by 1132
the board of park commissioners of each park district created 1133
pursuant to section 511.18 or 1545.01 of the Revised Code that has 1134
a park district police force or law enforcement department, for 1135
the purposes of this division. There is hereby created in the 1136
state treasury the state highway patrol contraband, forfeiture, 1137
and other fund, the liquor enforcement contraband, forfeiture, and 1138
other fund, the food stamp contraband, forfeiture, and other fund, 1139
and the peace officer training commission fund, for the purposes 1140
described in this division. 1141

Proceeds or forfeited moneys distributed to any municipal 1142
corporation, township, or park district law enforcement trust fund 1143
shall be allocated from the fund by the legislative authority only 1144

to the police department of the municipal corporation, by the 1145
board of township trustees only to the township police department, 1146
township police district police force, or office of the constable, 1147
and by the board of park commissioners only to the park district 1148
police force or law enforcement department. 1149

Additionally, no proceeds or forfeited moneys shall be 1150
allocated to or used by the state highway patrol, the food stamp 1151
trafficking unit or liquor enforcement unit of the department of 1152
public safety, the state board of pharmacy, or a county sheriff, 1153
prosecuting attorney, municipal corporation police department, 1154
township police department, township police district police force, 1155
office of the constable, or park district police force or law 1156
enforcement department unless the state highway patrol, department 1157
of public safety, state board of pharmacy, sheriff, prosecuting 1158
attorney, municipal corporation police department, township police 1159
department, township police district police force, office of the 1160
constable, or park district police force or law enforcement 1161
department has adopted a written internal control policy under 1162
division (D)(3) of this section that addresses the use of moneys 1163
received from the state highway patrol contraband, forfeiture, and 1164
other fund, the liquor enforcement contraband, forfeiture, and 1165
other fund, the food stamp contraband, forfeiture, and other fund, 1166
the board of pharmacy drug law enforcement fund, or the 1167
appropriate law enforcement trust fund. The state highway patrol 1168
contraband, forfeiture, and other fund, the liquor enforcement 1169
contraband, forfeiture, and other fund, the food stamp contraband, 1170
forfeiture, and other fund, and a law enforcement trust fund shall 1171
be expended only in accordance with the written internal control 1172
policy so adopted by the recipient, and, subject to the 1173
requirements specified in division (D)(3)(a)(ii) of this section, 1174
only to pay the costs of protracted or complex investigations or 1175
prosecutions, to provide reasonable technical training or 1176

expertise, to provide matching funds to obtain federal grants to 1177
aid law enforcement, in the support of DARE programs or other 1178
programs designed to educate adults or children with respect to 1179
the dangers associated with the use of drugs of abuse, or for 1180
other law enforcement purposes that the superintendent of the 1181
state highway patrol, department of public safety, prosecuting 1182
attorney, county sheriff, legislative authority, board of township 1183
trustees, or board of park commissioners determines to be 1184
appropriate. The board of pharmacy drug law enforcement fund shall 1185
be expended only in accordance with the written internal control 1186
policy so adopted by the board and only in accordance with section 1187
4729.65 of the Revised Code. The state highway patrol contraband, 1188
forfeiture, and other fund, the liquor enforcement contraband, 1189
seizure, and other fund, the food stamp contraband, forfeiture, 1190
and other fund, the board of pharmacy drug law enforcement fund, 1191
and a law enforcement trust fund shall not be used to meet the 1192
operating costs of the state highway patrol, of the food stamp 1193
trafficking unit or liquor enforcement unit of the department of 1194
public safety, of the state board of pharmacy, of any political 1195
subdivision, or of any office of a prosecuting attorney or county 1196
sheriff that are unrelated to law enforcement. 1197

Proceeds and forfeited moneys that are paid into the state 1198
treasury to be deposited into the peace officer training 1199
commission fund shall be used by the commission only to pay the 1200
costs of peace officer training. 1201

Any sheriff or prosecuting attorney who receives proceeds or 1202
forfeited moneys pursuant to this division during any calendar 1203
year shall file a report with the county auditor, no later than 1204
the thirty-first day of January of the next calendar year, 1205
verifying that the proceeds and forfeited moneys were expended 1206
only for the purposes authorized by this division and division 1207
(D)(3)(a)(ii) of this section and specifying the amounts expended 1208

for each authorized purpose. Any municipal corporation police 1209
department that is allocated proceeds or forfeited moneys from a 1210
municipal corporation law enforcement trust fund pursuant to this 1211
division during any calendar year shall file a report with the 1212
legislative authority of the municipal corporation, no later than 1213
the thirty-first day of January of the next calendar year, 1214
verifying that the proceeds and forfeited moneys were expended 1215
only for the purposes authorized by this division and division 1216
(D)(3)(a)(ii) of this section and specifying the amounts expended 1217
for each authorized purpose. Any township police department, 1218
township police district police force, or office of the constable 1219
that is allocated proceeds or forfeited moneys from a township law 1220
enforcement trust fund pursuant to this division during any 1221
calendar year shall file a report with the board of township 1222
trustees of the township, no later than the thirty-first day of 1223
January of the next calendar year, verifying that the proceeds and 1224
forfeited moneys were expended only for the purposes authorized by 1225
this division and division (D)(3)(a)(ii) of this section and 1226
specifying the amounts expended for each authorized purpose. Any 1227
park district police force or law enforcement department that is 1228
allocated proceeds or forfeited moneys from a park district law 1229
enforcement trust fund pursuant to this division during any 1230
calendar year shall file a report with the board of park 1231
commissioners of the park district, no later than the thirty-first 1232
day of January of the next calendar year, verifying that the 1233
proceeds and forfeited moneys were expended only for the purposes 1234
authorized by this division and division (D)(3)(a)(ii) of this 1235
section and specifying the amounts expended for each authorized 1236
purpose. The superintendent of the state highway patrol shall file 1237
a report with the attorney general, no later than the thirty-first 1238
day of January of each calendar year, verifying that proceeds and 1239
forfeited moneys paid into the state highway patrol contraband, 1240
forfeiture, and other fund pursuant to this division during the 1241

prior calendar year were used by the state highway patrol during 1242
the prior calendar year only for the purposes authorized by this 1243
division and specifying the amounts expended for each authorized 1244
purpose. The executive director of the state board of pharmacy 1245
shall file a report with the attorney general, no later than the 1246
thirty-first day of January of each calendar year, verifying that 1247
proceeds and forfeited moneys paid into the board of pharmacy drug 1248
law enforcement fund during the prior calendar year were used only 1249
in accordance with section 4729.65 of the Revised Code and 1250
specifying the amounts expended for each authorized purpose. The 1251
peace officer training commission shall file a report with the 1252
attorney general, no later than the thirty-first day of January of 1253
each calendar year, verifying that proceeds and forfeited moneys 1254
paid into the peace officer training commission fund pursuant to 1255
this division during the prior calendar year were used by the 1256
commission during the prior calendar year only to pay the costs of 1257
peace officer training and specifying the amount used for that 1258
purpose. 1259

(2) If more than one law enforcement agency is substantially 1260
involved in the seizure of contraband that is forfeited pursuant 1261
to this section, the court ordering the forfeiture shall equitably 1262
divide the proceeds or forfeited moneys, after calculating any 1263
distribution to the law enforcement trust fund of the prosecuting 1264
attorney pursuant to division (D)(1)(c) of this section, among any 1265
county sheriff whose office is determined by the court to be 1266
substantially involved in the seizure, any legislative authority 1267
of a municipal corporation whose police department is determined 1268
by the court to be substantially involved in the seizure, any 1269
board of township trustees whose law enforcement agency is 1270
determined by the court to be substantially involved in the 1271
seizure, any board of park commissioners of a park district whose 1272
police force or law enforcement department is determined by the 1273

court to be substantially involved in the seizure, the state board
of pharmacy if it is determined by the court to be substantially
involved in the seizure, the food stamp trafficking unit or liquor
enforcement unit of the department of public safety if it is
determined by the court to be substantially involved in the
seizure, and the state highway patrol if it is determined by the
court to be substantially involved in the seizure. The proceeds or
forfeited moneys shall be deposited in the respective law
enforcement trust funds of the county sheriff, municipal
corporation, township, and park district, the board of pharmacy
drug law enforcement fund, the liquor enforcement contraband,
forfeiture, and other fund, the food stamp contraband, forfeiture,
and other fund, or the state highway patrol contraband,
forfeiture, and other fund, in accordance with division (D)(1)(c)
of this section. If a state law enforcement agency, other than the
state highway patrol, the food stamp trafficking unit or liquor
enforcement unit of the department of public safety, or the state
board of pharmacy, is determined by the court to be substantially
involved in the seizure, the state agency's equitable share of the
proceeds and forfeited moneys shall be paid to the treasurer of
state for deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or
forfeited moneys out of the state highway patrol contraband,
forfeiture, and other fund, the liquor enforcement contraband,
forfeiture, and other fund, the food stamp contraband, seizure,
and other fund, the board of pharmacy drug law enforcement fund,
or a law enforcement trust fund under division (D)(1)(c) of this
section, the state highway patrol, the department of public
safety, the state board of pharmacy, and a county sheriff,
prosecuting attorney, municipal corporation police department,
township police department, township police district police force,
office of the constable, or park district police force or law

enforcement department shall adopt a written internal control 1307
policy that addresses the state highway patrol's, department of 1308
public safety's, state board of pharmacy's, sheriff's, prosecuting 1309
attorney's, police department's, police force's, office of the 1310
constable's, or law enforcement department's use and disposition 1311
of all the proceeds and forfeited moneys received and that 1312
provides for the keeping of detailed financial records of the 1313
receipts of the proceeds and forfeited moneys, the general types 1314
of expenditures made out of the proceeds and forfeited moneys, the 1315
specific amount of each general type of expenditure, and the 1316
amounts, portions, and programs described in division 1317
(D)(3)(a)(ii) of this section. The policy shall not provide for or 1318
permit the identification of any specific expenditure that is made 1319
in an ongoing investigation. 1320

All financial records of the receipts of the proceeds and 1321
forfeited moneys, the general types of expenditures made out of 1322
the proceeds and forfeited moneys, the specific amount of each 1323
general type of expenditure by the state highway patrol, by the 1324
department of public safety, by the state board of pharmacy, and 1325
by a sheriff, prosecuting attorney, municipal corporation police 1326
department, township police department, township police district 1327
police force, office of the constable, or park district police 1328
force or law enforcement department, and the amounts, portions, 1329
and programs described in division (D)(3)(a)(ii) of this section 1330
are public records open for inspection under section 149.43 of the 1331
Revised Code. Additionally, a written internal control policy 1332
adopted under this division is a public record of that nature, and 1333
the state highway patrol, the department of public safety, the 1334
state board of pharmacy, or the sheriff, prosecuting attorney, 1335
municipal corporation police department, township police 1336
department, township police district police force, office of the 1337
constable, or park district police force or law enforcement 1338

department that adopted it shall comply with it. 1339

(ii) The written internal control policy of a county sheriff, 1340
prosecuting attorney, municipal corporation police department, 1341
township police department, township police district police force, 1342
office of the constable, or park district police force or law 1343
enforcement department shall provide that at least ten per cent of 1344
the first one hundred thousand dollars of proceeds and forfeited 1345
moneys deposited during each calendar year in the sheriff's, 1346
prosecuting attorney's, municipal corporation's, township's, or 1347
park district's law enforcement trust fund pursuant to division 1348
(B)(8)(c) of section 2925.44 of the Revised Code, and at least 1349
twenty per cent of the proceeds and forfeited moneys exceeding one 1350
hundred thousand dollars that are so deposited, shall be used in 1351
connection with community preventive education programs. The 1352
manner in which the described percentages are so used shall be 1353
determined by the sheriff, prosecuting attorney, department, 1354
police force, or office of the constable after the receipt and 1355
consideration of advice on appropriate community preventive 1356
education programs from the county's board of alcohol, drug 1357
addiction, and mental health services, from the county's alcohol 1358
and drug addiction services board, or through appropriate 1359
community dialogue. The financial records described in division 1360
(D)(3)(a)(i) of this section shall specify the amount of the 1361
proceeds and forfeited moneys deposited during each calendar year 1362
in the sheriff's, prosecuting attorney's, municipal corporation's, 1363
township's, or park district's law enforcement trust fund pursuant 1364
to division (B)(8)(c) of section 2925.44 of the Revised Code, the 1365
portion of that amount that was used pursuant to the requirements 1366
of this division, and the community preventive education programs 1367
in connection with which the portion of that amount was so used. 1368

As used in this division, "community preventive education 1369
programs" includes, but is not limited to, DARE programs and other 1370

programs designed to educate adults or children with respect to 1371
the dangers associated with the use of drugs of abuse. 1372

(b) Each sheriff, prosecuting attorney, municipal corporation 1373
police department, township police department, township police 1374
district police force, office of the constable, or park district 1375
police force or law enforcement department that receives in any 1376
calendar year any proceeds or forfeited moneys out of a law 1377
enforcement trust fund under division (D)(1)(c) of this section or 1378
uses any proceeds or forfeited moneys in its law enforcement trust 1379
fund in any calendar year shall prepare a report covering the 1380
calendar year that cumulates all of the information contained in 1381
all of the public financial records kept by the sheriff, 1382
prosecuting attorney, municipal corporation police department, 1383
township police department, township police district police force, 1384
office of the constable, or park district police force or law 1385
enforcement department pursuant to division (D)(3)(a) of this 1386
section for that calendar year, and shall send a copy of the 1387
cumulative report, no later than the first day of March in the 1388
calendar year following the calendar year covered by the report, 1389
to the attorney general. 1390

The superintendent of the state highway patrol shall prepare 1391
a report covering each calendar year in which the state highway 1392
patrol uses any proceeds or forfeited moneys in the state highway 1393
patrol contraband, forfeiture, and other fund under division 1394
(D)(1)(c) of this section, that cumulates all of the information 1395
contained in all of the public financial records kept by the state 1396
highway patrol pursuant to division (D)(3)(a) of this section for 1397
that calendar year, and shall send a copy of the cumulative 1398
report, no later than the first day of March in the calendar year 1399
following the calendar year covered by the report, to the attorney 1400
general. 1401

The department of public safety shall prepare a report 1402

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

The executive director of the state board of pharmacy shall
prepare a report covering each calendar year in which the board
uses any proceeds or forfeited moneys in the board of pharmacy
drug law enforcement fund under division (D)(1)(c) of this
section, that cumulates all of the information contained in all of
the public financial records kept by the board pursuant to
division (D)(3)(a) of this section for that calendar year, and
shall send a copy of the cumulative report, no later than the
first day of March in the calendar year following the calendar
year covered by the report, to the attorney general. Each report
received by the attorney general is a public record open for
inspection under section 149.43 of the Revised Code. The attorney
general shall make copies of each report received, and, no later
than the fifteenth day of April in the calendar year in which the
report is received, shall send a copy of it to the president of

the senate and the speaker of the house of representatives. 1435

(4)(a) A law enforcement agency that receives pursuant to 1436
federal law proceeds from a sale of forfeited contraband, proceeds 1437
from another disposition of forfeited contraband, or forfeited 1438
contraband moneys shall deposit, use, and account for the proceeds 1439
or forfeited moneys in accordance with, and otherwise comply with, 1440
the applicable federal law. 1441

(b) If the state highway patrol receives pursuant to federal 1442
law proceeds from a sale of forfeited contraband, proceeds from 1443
another disposition of forfeited contraband, or forfeited 1444
contraband moneys, the appropriate governmental officials shall 1445
deposit into the state highway patrol contraband, forfeiture, and 1446
other fund all interest or other earnings derived from the 1447
investment of the proceeds or forfeited moneys. The state highway 1448
patrol shall use and account for that interest or other earnings 1449
in accordance with the applicable federal law. 1450

(c) If the liquor enforcement unit of the department of 1451
public safety receives pursuant to federal law proceeds from a 1452
sale of forfeited contraband, proceeds from another disposition of 1453
forfeited contraband, or forfeited contraband moneys, the 1454
appropriate governmental officials shall deposit into the liquor 1455
enforcement contraband, forfeiture, and other fund all interest or 1456
other earnings derived from the investment of the proceeds or 1457
forfeited moneys. The department shall use and account for that 1458
interest or other earnings in accordance with the applicable 1459
federal law. 1460

(d) If the food stamp fraud unit of the department of public 1461
safety receives pursuant to federal law proceeds from a sale of 1462
forfeited contraband, proceeds from another disposition of 1463
forfeited contraband, or forfeited contraband moneys, the 1464
appropriate governmental officials shall deposit into the food 1465

stamp contraband, forfeiture, and other fund all interest or other 1466
earnings derived from the investment of the proceeds or forfeited 1467
moneys. The department shall use and account for that interest or 1468
other earnings in accordance with the applicable federal law. 1469

(e) Divisions (D)(1) to (3) of this section do not apply to 1470
proceeds or forfeited moneys received pursuant to federal law or 1471
to the interest or other earnings that are derived from the 1472
investment of proceeds or forfeited moneys received pursuant to 1473
federal law and that are described in division (D)(4)(b) of this 1474
section. 1475

(E) Upon the sale pursuant to this section of any property 1476
that is required to be titled or registered under law, the state 1477
shall issue an appropriate certificate of title or registration to 1478
the purchaser. If the state is vested with title pursuant to 1479
division (C) of this section and elects to retain property that is 1480
required to be titled or registered under law, the state shall 1481
issue an appropriate certificate of title or registration. 1482

(F) Notwithstanding any provisions of this section to the 1483
contrary, any property that is lawfully seized in relation to a 1484
violation of section 2923.32 of the Revised Code shall be subject 1485
to forfeiture and disposition in accordance with sections 2923.32 1486
to 2923.36 of the Revised Code, and any property that is forfeited 1487
pursuant to section 2925.42 or 2925.43 of the Revised Code in 1488
relation to a felony drug abuse offense, as defined in section 1489
2925.01 of the Revised Code, or in relation to an act that, if 1490
committed by an adult, would be a felony drug abuse offense of 1491
that nature, may be subject to forfeiture and disposition in 1492
accordance with sections 2925.41 to 2925.45 of the Revised Code or 1493
this section. 1494

(G) Any failure of a law enforcement officer or agency, a 1495
prosecuting attorney, village solicitor, city director of law, or 1496
similar chief legal officer, a court, or the attorney general to 1497

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
section 3701.023 of the Revised Code and that provides or intends
to provide goods or services to a child who is eligible for the
program for medically handicapped children.

(C) "Service coordination" means case management services
provided to medically handicapped children that promote effective
and efficient organization and utilization of public and private
resources and ensure that care rendered is family-centered,

community-based, and coordinated. 1528

(D)(1) "Third party" means any person or government entity 1529
other than the following: 1530

(a) A medically handicapped child participating in the 1531
program for medically handicapped children or ~~his~~ THE CHILD'S 1532
parent or guardian; 1533

(b) The department or any program administered by the 1534
department, including the ~~hospital motor vehicle claims program~~ 1535
~~established under sections 3701.61 to 3701.69 of the Revised Code~~ 1536
~~and the~~ "Maternal and Child Health Block Grant," Title V of the 1537
"Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as 1538
amended; 1539

(c) The "caring program for children" operated by the 1540
nonprofit community mutual insurance corporation. 1541

(2) "Third party" includes all of the following: 1542

(a) Any trust established to benefit a medically handicapped 1543
child participating in the program or ~~his~~ THE CHILD'S family or 1544
guardians, if the trust was established after the date the 1545
medically handicapped child applied to participate in the program; 1546

(b) That portion of a trust designated to pay for the medical 1547
and ancillary care of a medically handicapped child, if the trust 1548
was established on or before the date the medically handicapped 1549
child applied to participate in the program; 1550

(c) The program awarding reparations to victims of crime 1551
established under sections 2743.51 to 2743.72 of the Revised Code. 1552

(E) "Third-party benefits" means any and all benefits paid by 1553
a third party to or on behalf of a medically handicapped child 1554
participating in the program or ~~his~~ THE CHILD'S parent or guardian 1555
for goods or services that are authorized by the department 1556
pursuant to division (B) or (D) of section 3701.023 of the Revised 1557

Code. 1558

Sec. 3701.07. (A) The public health council shall adopt rules 1559
in accordance with Chapter 119. of the Revised Code defining and 1560
classifying hospitals and dispensaries and providing for the 1561
reporting of classification information by hospitals and 1562
dispensaries. The rules may require each hospital to report 1563
information in the following categories, shall limit the 1564
information to information necessary to classify hospitals and 1565
dispensaries as general or specialty facilities, and shall not 1566
include any confidential patient data or any information 1567
concerning the financial condition, income, expenses, or net worth 1568
of the facilities other than that financial information already 1569
contained in those portions of the medicare or medicaid cost 1570
report that is necessary for the department of health to certify 1571
the per diem cost under section 3701.62 of the Revised Code: 1572

(1) Information needed to identify and classify the 1573
institution; 1574

(2) Information on facilities and type and volume of services 1575
provided by the institution; 1576

(3) The number of beds listed by category of care provided; 1577

(4) The number of licensed or certified professional 1578
employees by classification; 1579

~~(5) Information necessary for calculation of a per diem rate 1580
for reimbursement under section 3701.62 of the Revised Code; 1581~~

~~(6) The number of births that occurred at the institution the 1582
previous calendar year. 1583~~

Every hospital and dispensary, public or private, annually 1584
shall register with and report to the department of health on 1585
forms prescribed in rules adopted under this division. 1586

(B) Every governmental entity or private nonprofit 1587

corporation or association whose employees or representatives are
defined as residents' rights advocates under divisions (E)(1) and
(2) of section 3721.10 or division (A)(10) of section 3722.01 of
the Revised Code shall register with the department of health on
forms furnished by the director of health and shall provide such
reasonable identifying information as ~~he~~ THE DIRECTOR may
prescribe.

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

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

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

Sec. 3701.83. (A) There is hereby created in the state
treasury the general operations fund. Moneys in the fund shall be
used for the purposes specified in sections 3701.04, 3701.344,
3701.88, 3702.20, 3710.15, 3711.021, 3721.02, 3722.04, 3732.04,

3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 1619
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 1620
Revised Code. 1621

(B) The alcohol testing program fund is hereby created in the 1622
state treasury. The director of health shall use the fund to 1623
administer and enforce the alcohol testing and permit program 1624
authorized by section 3701.143 Of the Revised Code. 1625

The fund shall receive transfers from the liquor control fund 1626
created under section 4301.12 Of the Revised Code. All investment 1627
earnings of the alcohol testing program fund shall be credited to 1628
the fund. 1629

Sec. 4301.10. (A) The department or, beginning on July 1, 1630
1997, the division of liquor control shall: 1631

(1) Control the traffic in beer and intoxicating liquor in 1632
this state, including the manufacture, importation, and sale of 1633
beer and intoxicating liquor; 1634

(2) Grant or refuse permits for the manufacture, 1635
distribution, transportation, and sale of beer and intoxicating 1636
liquor and the sale of alcohol, as authorized or required by this 1637
chapter and Chapter 4303. of the Revised Code; and a certificate 1638
signed by the director or, beginning on July 1, 1997, the 1639
superintendent of liquor control to which is affixed the official 1640
seal of the department or division stating that it appears from 1641
the records of the department or division that no permit has been 1642
issued to the person specified in the certificate, or that a 1643
permit, if issued, has been revoked, canceled, or suspended shall 1644
be received as prima-facie evidence of the facts recited in the 1645
certificate in any court, or before any officer of this state; 1646

(3) Put into operation, manage, and control a system of state 1647
liquor stores for the sale of spirituous liquor at retail and to 1648

holders of permits authorizing the sale of spirituous liquor; 1649
however, the department or division shall not establish any 1650
drive-in state liquor stores; and by means of those types of 1651
stores, and any manufacturing plants, distributing and bottling 1652
plants, warehouses, and other facilities that it considers 1653
expedient, establish and maintain a state monopoly of the 1654
distribution of spirituous liquor and its sale in packages or 1655
containers; and for that purpose manufacture, buy, import, 1656
possess, and sell spirituous liquors as provided in this chapter 1657
and Chapter 4303. of the Revised Code, and in the rules 1658
promulgated by the director or superintendent of liquor control 1659
pursuant to those chapters; lease, or in any manner acquire the 1660
use of any land or building required for any of those purposes; 1661
purchase any equipment that is required; and borrow money to carry 1662
on its business, and issue, sign, endorse, and accept notes, 1663
checks, and bills of exchange; but all obligations of the 1664
department or division created under authority of this division 1665
shall be a charge only upon the moneys received by the department 1666
or division from the sale of spirituous liquor and its other 1667
business transactions in connection with the sale of spirituous 1668
liquor, and shall not be general obligations of the state; 1669

(4) Enforce the administrative provisions of this chapter and 1670
Chapter 4303. of the Revised Code, and the rules and orders of the 1671
liquor control commission and the director or superintendent 1672
relating to the manufacture, importation, transportation, 1673
distribution, and sale of beer and intoxicating liquors; and the 1674
attorney general, any prosecuting attorney, and any prosecuting 1675
officer of a municipal corporation or a municipal court shall, at 1676
the request of the department or division of liquor control or the 1677
department of public safety, prosecute any person charged with the 1678
violation of any provision in those chapters or of any section of 1679
the Revised Code relating to the manufacture, importation, 1680

transportation, distribution, and sale of beer and intoxicating
liquor; 1681
1682

(5) Determine the locations of all state liquor stores and
manufacturing, distributing, and bottling plants required in 1683
connection therewith, subject to this chapter and Chapter 4303. of 1684
the Revised Code; 1685
1686

(6) Conduct inspections of liquor permit premises to 1687
determine compliance with the administrative provisions of this 1688
chapter and Chapter 4303. of the Revised Code and the rules 1689
adopted under those provisions by the liquor control commission. 1690

Except as otherwise provided in division (A)(6) of this 1691
section, those inspections may be conducted only during those 1692
hours in which the permit holder is open for business and only by 1693
authorized agents or employees of the department or division or by 1694
any peace officer, as this term is defined in section 2935.01 of 1695
the Revised Code. Inspections may be conducted at other hours only 1696
to determine compliance with laws or commission rules that 1697
regulate the hours of sale of beer and intoxicating liquor and 1698
only if the investigator has reasonable cause to believe that 1699
those laws or rules are being violated. Any inspection conducted 1700
pursuant to division (A)(6) of this section is subject to all of 1701
the following requirements: 1702

(a) The only property that may be confiscated is contraband, 1703
as defined in section 2901.01 of the Revised Code, or property 1704
that is otherwise necessary for evidentiary purposes. 1705

(b) A complete inventory of all property confiscated from the 1706
premises shall be given to the permit holder or the permit 1707
holder's agent or employee by the confiscating agent or officer at 1708
the conclusion of the inspection. At that time, the inventory 1709
shall be signed by the confiscating agent or officer and the agent 1710
or officer shall give the permit holder or the permit holder's 1711

agent or employee the opportunity to sign the inventory. 1712

(c) Inspections conducted pursuant to division (A)(6) of this 1713
section shall be conducted in a reasonable manner. A finding by 1714
any court of competent jurisdiction that the inspection was not 1715
conducted in a reasonable manner in accordance with this section 1716
or any rules promulgated by the commission may be considered 1717
grounds for suppression of evidence. A finding by the liquor 1718
control commission that the inspection was not conducted in a 1719
reasonable manner in accordance with this section or any rules 1720
promulgated by the commission may be considered grounds for 1721
dismissal of the commission case. 1722

If any court of competent jurisdiction finds that property 1723
confiscated as the result of an administrative inspection is not 1724
necessary for evidentiary purposes and is not contraband, as 1725
defined in section 2901.01 of the Revised Code, the court shall 1726
order the immediate return of the confiscated property, provided 1727
that property is not contraband or otherwise subject to 1728
forfeiture, to the permit holder. However, the return of this 1729
property is not grounds for dismissal of the case. The commission 1730
likewise may order the return of confiscated property if no 1731
criminal prosecution is pending or anticipated. 1732

(7) Delegate to any of its agents or employees any power of 1733
investigation that the department or division possesses with 1734
respect to the enforcement of any of the administrative laws 1735
relating to beer and to intoxicating liquor, provided that this 1736
division does not authorize the department or division to 1737
designate any agent or employee to serve as a liquor control 1738
investigator. The employment and designation of liquor control 1739
investigators shall be within the exclusive authority of the 1740
director of public safety pursuant to sections 5502.13 and 5502.61 1741
of the Revised Code. 1742

(8) Except as otherwise provided in division (A)(8) of this section, collect the following fees:

(a) An annual twenty-five-dollar registration fee for each representative, registered pursuant to section 4303.25 of the Revised Code, of a beer or intoxicating liquor manufacturer doing business in this state;

(b) A fifty-dollar product registration fee for each new beer or intoxicating liquor product sold in this state. The product registration fee shall be accompanied by a copy of the federal label and product approval for the new product.

(c) An annual three-hundred-dollar out-of-state supplier consent-to-import fee from each manufacturer or supplier not subject to division (A)(8)(e) of this section, in addition to an initial application fee of one hundred dollars;

(d) An annual twenty-five-dollar registration fee for coil cleaners of beer dispensing equipment doing business in this state.

(e) An annual one-hundred-dollar out-of-state consent-to-import fee, in addition to an initial application fee of one hundred dollars, from any manufacturer or out-of-state supplier that produced or shipped into this state in the immediately preceding calendar year a total of five hundred or fewer cases of seven-hundred-fifty milliliter equivalent of intoxicating liquor and twelve-ounce equivalent of beer.

Each consent-to-import, representative's registration, and coil cleaner registration issued under division (A)(8) of this section authorizes the person named to carry on the activity specified, is valid for one year, or for the unexpired portion of the year, ending on the uniform expiration date for each, which shall be designated by the department or division, and is subject to suspension, revocation, cancellation, or fine as authorized by

this chapter and Chapter 4303. of the Revised Code. 1774

(9) Establish a system of electronic data interchange within 1775
the department or division and regulate the electronic transfer of 1776
information and funds among persons and governmental entities 1777
engaged in the manufacture, distribution, and retail sale of 1778
alcoholic beverages; 1779

(10) Exercise all other powers expressly or by necessary 1780
implication conferred upon the department or division by this 1781
chapter and Chapter 4303. of the Revised Code, and all powers 1782
necessary for the exercise or discharge of any power, duty, or 1783
function expressly conferred or imposed upon the department or 1784
division by those chapters, ~~except that certain administrative~~ 1785
~~functions to be determined by the director of commerce shall be~~ 1786
~~subject to the director's final authority.~~ 1787

(B) The department or division may: 1788

(1) Sue, but may be sued only in connection with the 1789
execution of leases of real estate and the purchases and contracts 1790
necessary for the operation of the state liquor stores that are 1791
made under this chapter and Chapter 4303. of the Revised Code; 1792

(2) Enter into leases and contracts of all descriptions and 1793
acquire and transfer title to personal property with regard to the 1794
sale, distribution, and storage of spirituous liquor within the 1795
state; 1796

(3) Terminate at will any lease entered into pursuant to 1797
division (B)(2) of this section upon first giving ninety days' 1798
notice in writing to the lessor of its intention to do so; 1799

(4) Fix the wholesale and retail prices at which the various 1800
classes, varieties, and brands of spirituous liquor shall be sold 1801
by the department. Those retail prices shall be the same at all 1802
state liquor stores, except to the extent that a price 1803

differential is required to collect a county sales tax levied 1804
pursuant to section 5739.021 of the Revised Code and for which tax 1805
the tax commissioner has authorized prepayment pursuant to section 1806
5739.05 of the Revised Code. In fixing selling prices, the 1807
department or division shall compute an anticipated gross profit 1808
at least sufficient to provide in each calendar year all costs and 1809
expenses of the department or division and also an adequate 1810
working capital reserve for the department or division. The gross 1811
profit shall not exceed forty per cent of the retail selling price 1812
based on costs of the department or division, and in addition the 1813
sum required by section 4301.12 of the Revised Code to be paid 1814
into the state treasury. An amount equal to one and one-half per 1815
cent of that gross profit shall be paid into the 1816
alcoholism-detoxification centers fund created under section 1817
4301.30 of the Revised Code and be appropriated by the general 1818
assembly from the fund to the department of alcohol and drug 1819
addiction services as provided in section 4301.30 of the Revised 1820
Code. 1821

On spirituous liquor manufactured in Ohio from the juice of 1822
grapes or fruits grown in Ohio, the department or division shall 1823
compute an anticipated gross profit of not to exceed ten per cent. 1824
The wholesale prices shall be at a discount of not less than 1825
twelve and one-half per cent of the retail selling prices as 1826
determined by the department or division in accordance with this 1827
section. 1828

(C) The department or division may approve the expansion or 1829
diminution of a premises to which a liquor permit has been issued 1830
and may adopt standards governing such an expansion or diminution. 1831

Sec. 4301.12. The division of liquor control shall provide 1832
for the custody, safekeeping, and deposit of all moneys, checks, 1833
and drafts received by it or any of its employees or agents prior 1834

to paying them to the treasurer of state as provided by section 1835
113.08 of the Revised Code. 1836

A sum equal to three dollars and thirty-eight cents for each 1837
gallon of spirituous liquor sold by the division during the period 1838
covered by the payment shall be paid into the state treasury to 1839
the credit of the general revenue fund. All moneys received from 1840
permit fees shall be paid to the credit of the undivided liquor 1841
permit fund established by section 4301.30 of the Revised Code. 1842

Except as otherwise provided by law, all moneys collected 1843
under Chapters 4301. and 4303. of the Revised Code shall be paid 1844
by the division into the state treasury to the credit of the 1845
liquor control fund, which is hereby created. 1846

Whenever, in the judgment of the director of budget and 1847
management, the amount in the custody of the treasurer of state to 1848
the credit of the liquor control fund is in excess of that needed 1849
to meet the maturing obligations of the division and, as working 1850
capital for its further operations, and as required for the 1851
alcohol testing program under section 3701.143 Of the Revised 1852
Code, the director shall transfer the excess to the state treasury 1853
to the credit of the general revenue fund. 1854

Sec. 4501.01. As used in this chapter and Chapters 4503., 1855
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 1856
Code, and in the penal laws, except as otherwise provided: 1857

(A) "Vehicles" means everything on wheels or runners, 1858
including motorized bicycles, but does not mean vehicles that are 1859
operated exclusively on rails or tracks or from overhead electric 1860
trolley wires and vehicles that belong to any police department, 1861
municipal fire department, or volunteer fire department, or that 1862
are used by such a department in the discharge of its functions. 1863

(B) "Motor vehicle" means any vehicle, including manufactured 1864

homes and recreational vehicles, that is propelled or drawn by 1865
power other than muscular power or power collected from overhead 1866
electric trolley wires, except motorized bicycles, road rollers, 1867
traction engines, power shovels, power cranes, and other equipment 1868
used in construction work and not designed for or employed in 1869
general highway transportation, well-drilling machinery, 1870
ditch-digging machinery, farm machinery, trailers that are used to 1871
transport agricultural produce or agricultural production 1872
materials between a local place of storage or supply and the farm 1873
when drawn or towed on a public road or highway at a speed of 1874
twenty-five miles per hour or less, threshing machinery, 1875
hay-baling machinery, corn sheller, hammermill and agricultural 1876
tractors, machinery used in the production of horticultural, 1877
agricultural, and vegetable products, and trailers that are 1878
designed and used exclusively to transport a boat between a place 1879
of storage and a marina, or in and around a marina, when drawn or 1880
towed on a public road or highway for a distance of no more than 1881
ten miles and at a speed of twenty-five miles per hour or less. 1882

(C) "Agricultural tractor" and "traction engine" mean any 1883
self-propelling vehicle that is designed or used for drawing other 1884
vehicles or wheeled machinery, but has no provisions for carrying 1885
loads independently of such other vehicles, and that is used 1886
principally for agricultural purposes. 1887

(D) "Commercial tractor," except as defined in division (C) 1888
of this section, means any motor vehicle that has motive power and 1889
either is designed or used for drawing other motor vehicles, or is 1890
designed or used for drawing another motor vehicle while carrying 1891
a portion of the other motor vehicle or its load, or both. 1892

(E) "Passenger car" means any motor vehicle that is designed 1893
and used for carrying not more than nine persons and includes any 1894
motor vehicle that is designed and used for carrying not more than 1895
fifteen persons in a ridesharing arrangement. 1896

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

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

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

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

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

(K) "Bicycle" means every device, other than a tricycle that
is designed solely for use as a play vehicle by a child, that is
propelled solely by human power upon which any person may ride,
and that has either two tandem wheels, or one wheel in front and
two wheels in the rear, any of which is more than fourteen inches
in diameter.

(L) "Motorized bicycle" means any vehicle that has either two
tandem wheels or one wheel in the front and two wheels in the
rear, that is capable of being pedaled, and that is equipped with
a helper motor of not more than fifty cubic centimeters piston
displacement that produces no more than one brake horsepower and
is capable of propelling the vehicle at a speed of no greater than
twenty miles per hour on a level surface.

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

(N) "Noncommercial trailer" means any trailer, except a
travel trailer or trailer that is used to transport a boat as
described in division (B) of this section, but, where applicable,
includes a vehicle that is used to transport a boat as described

in division (M) of this section, that has a gross weight of no
more than three thousand pounds, and that is used exclusively for
purposes other than engaging in business for a profit.

(O) "Manufactured home" means any nonself-propelled vehicle
transportable in one or more sections, which, in the traveling
mode, is eight body feet or more in width or forty body feet or
more in length or, when erected on site, is three hundred twenty
or more square feet, and which is built on a permanent chassis and
designed to be used as a dwelling with or without a permanent
foundation when connected to the required utilities, and includes
the plumbing, heating, air conditioning, and electrical systems
contained therein. Calculations used to determine the number of
square feet in a structure are based on the structure's exterior
dimensions measured at the largest horizontal projections when
erected on site. These dimensions include all expandable rooms,
cabinets, and other projections containing interior space, but do
not include bay windows.

(P) "Semitrailer" means any vehicle of the trailer type that
does not have motive power and is so designed or used with another
and separate motor vehicle that in operation a part of its own
weight or that of its load, or both, rests upon and is carried by
the other vehicle furnishing the motive power for propelling
itself and the vehicle referred to in this division, and includes,
for the purpose only of registration and taxation under those
chapters, any vehicle of the dolly type, such as a trailer dolly,
that is designed or used for the conversion of a semitrailer into
a trailer.

(Q) "Recreational vehicle" means a vehicular portable
structure that is designed and constructed to be used as a
temporary dwelling for travel, recreational, and vacation uses and
is classed as follows:

(1) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.

(2) "Motor home" means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

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

(4) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

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

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

(S) "Solid tires" means tires of rubber or similar elastic

material that are not dependent upon confined air for support of 2022
the load. 2023

(T) "Solid tire vehicle" means any vehicle that is equipped 2024
with two or more solid tires. 2025

(U) "Farm machinery" means all machines and tools that are 2026
used in the production, harvesting, and care of farm products, and 2027
includes trailers that are used to transport agricultural produce 2028
or agricultural production materials between a local place of 2029
storage or supply and the farm when drawn or towed on a public 2030
road or highway at a speed of twenty-five miles per hour or less. 2031

(V) "Owner" includes any person, firm, or corporation other 2032
than a manufacturer or dealer that has title to a motor vehicle, 2033
except that in sections 4505.01 to 4505.19 of the Revised Code, 2034
"owner" includes in addition manufacturers and dealers. 2035

(W) "Manufacturer" and "dealer" include all persons, firms, 2036
and corporations that are regularly engaged in the business of 2037
manufacturing, selling, displaying, offering for sale, or dealing 2038
in motor vehicles, at an established place of business that is 2039
used exclusively for the purpose of manufacturing, selling, 2040
displaying, offering for sale, or dealing in motor vehicles. A 2041
place of business that is used for manufacturing, selling, 2042
displaying, offering for sale, or dealing in motor vehicles shall 2043
be deemed to be used exclusively for those purposes even though 2044
snowmobiles or all-purpose vehicles are sold or displayed for sale 2045
thereat, even though farm machinery is sold or displayed for sale 2046
thereat, or even though repair, accessory, gasoline and oil, 2047
storage, parts, service, or paint departments are maintained 2048
thereat, or, in any county having a population of less than 2049
seventy-five thousand persons at the last federal census, even 2050
though a department in a place of business is used to dismantle, 2051
salvage, or rebuild motor vehicles by means of used parts, if such 2052

departments are operated for the purpose of furthering and 2053
assisting in the business of manufacturing, selling, displaying, 2054
offering for sale, or dealing in motor vehicles. Places of 2055
business or departments in a place of business used to dismantle, 2056
salvage, or rebuild motor vehicles by means of using used parts 2057
are not considered as being maintained for the purpose of 2058
assisting or furthering the manufacturing, selling, displaying, 2059
and offering for sale or dealing in motor vehicles. 2060

(X) "Operator" includes any person who drives or operates a 2061
motor vehicle upon the public highways. 2062

(Y) "Chauffeur" means any operator who operates a motor 2063
vehicle, other than a taxicab, as an employee for hire; or any 2064
operator whether or not the owner of a motor vehicle, other than a 2065
taxicab, who operates such vehicle for transporting, for gain, 2066
compensation, or profit, either persons or property owned by 2067
another. Any operator of a motor vehicle who is voluntarily 2068
involved in a ridesharing arrangement is not considered an 2069
employee for hire or operating such vehicle for gain, 2070
compensation, or profit. 2071

(Z) "State" includes the territories and federal districts of 2072
the United States, and the provinces of Canada. 2073

(AA) "Public roads and highways" for vehicles includes all 2074
public thoroughfares, bridges, and culverts. 2075

(BB) "Manufacturer's number" means the manufacturer's 2076
original serial number that is affixed to or imprinted upon the 2077
chassis or other part of the motor vehicle. 2078

(CC) "Motor number" means the manufacturer's original number 2079
that is affixed to or imprinted upon the engine or motor of the 2080
vehicle. 2081

(DD) "Bill of sale" means the written statement or document 2082

of transfer or conveyance required prior to January 1, 1938, to be
executed and delivered by the corporation, partnership,
association, or person selling, giving away, transferring, or
passing title to a motor vehicle.

(EE) "Distributor" means any person who is authorized by a
motor vehicle manufacturer to distribute new motor vehicles to
licensed motor vehicle dealers at an established place of business
that is used exclusively for the purpose of distributing new motor
vehicles to licensed motor vehicle dealers, except when the
distributor also is a new motor vehicle dealer, in which case ~~he~~
the distributor may distribute at the location of ~~his~~ the
distributor's licensed dealership.

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

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

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

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

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

"Apportionable vehicle" does not include recreational
vehicles, vehicles displaying restricted plates, city pick-up and

delivery vehicles, buses used for the transportation of chartered 2113
parties, or vehicles owned and operated by the United States, this 2114
state, or any political subdivisions thereof. 2115

(HH) "Chartered party" means a group of persons who contract 2116
as a group to acquire the exclusive use of a passenger-carrying 2117
motor vehicle at a fixed charge for the vehicle in accordance with 2118
the carrier's tariff, lawfully on file with the interstate 2119
commerce commission, for the purpose of group travel to a 2120
specified destination or for a particular itinerary, either agreed 2121
upon in advance or modified by the chartered group after having 2122
left the place of origin. 2123

(II) "International registration plan" means a reciprocal 2124
agreement of member jurisdictions that is endorsed by the American 2125
association of motor vehicle administrators, and that promotes and 2126
encourages the fullest possible use of the highway system by 2127
authorizing apportioned registration of fleets of vehicles and 2128
recognizing registration of vehicles apportioned in member 2129
jurisdictions. 2130

(JJ) "Restricted plate" means a license plate that has a 2131
restriction of time, geographic area, mileage, or commodity, and 2132
includes license plates issued to farm trucks under division (K) 2133
of section 4503.04 of the Revised Code. 2134

(KK) "Gross vehicle weight," with regard to any commercial 2135
car, trailer, semitrailer, or bus that is taxed at the rates 2136
established under section 4503.042 of the Revised Code, means the 2137
unladen weight of the vehicle fully equipped plus the maximum 2138
weight of the load to be carried on the vehicle. 2139

(LL) "Combined gross vehicle weight" with regard to any 2140
combination of a commercial car, trailer, and semitrailer, that is 2141
taxed at the rates established under section 4503.042 of the 2142
Revised Code, means the total unladen weight of the combination of 2143

vehicles fully equipped plus the maximum weight of the load to be
carried on that combination of vehicles.

(MM) "Chauffeured limousine" means a motor vehicle that is
designed to carry fewer than nine passengers and is operated for
hire on an hourly basis pursuant to a prearranged contract for the
transportation of passengers on public roads and highways along a
route under the control of the person hiring the vehicle and not
over a defined and regular route. "Prearranged contract" means an
agreement, made in advance of boarding, to provide transportation
from a specific location in a chauffeured limousine at a fixed
rate per hour or trip. "Chauffeured limousine" does not include
any vehicle that is used exclusively in the business of funeral
directing.

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

All moneys credited to the auto registration distribution
fund shall be distributed to the counties and districts of

registration, except for funds received by the registrar under 2175
section 4504.09 of the Revised Code, after receipt of 2176
certifications from the commissioners of the sinking fund 2177
certifying, as required by sections 5528.15 and 5528.35 of the 2178
Revised Code, that there are sufficient moneys to the credit of 2179
the highway improvement bond retirement fund created by section 2180
5528.12 of the Revised Code to meet in full all payments of 2181
interest, principal, and charges for the retirement of bonds and 2182
other obligations issued pursuant to Section 2g of Article VIII, 2183
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 2184
Code due and payable during the current calendar year, and that 2185
there are sufficient moneys to the credit of the highway 2186
obligations bond retirement fund created by section 5528.32 of the 2187
Revised Code to meet in full all payments of interest, principal, 2188
and charges for the retirement of highway obligations issued 2189
pursuant to Section 2i of Article VIII, Ohio Constitution, and 2190
sections 5528.30 and 5528.31 of the Revised Code due and payable 2191
during the current calendar year, in the manner provided in 2192
section 4501.04 of the Revised Code. 2193

The treasurer of state may invest any portion of the moneys 2194
credited to the auto registration distribution fund, in the same 2195
manner and subject to all the laws with respect to the investment 2196
of state funds by the treasurer of state, and all investment 2197
earnings of the fund shall be credited to the fund. 2198

Once each month the registrar shall prepare vouchers in favor 2199
of the county auditor of each county for the amount of the tax 2200
collection pursuant to sections 4503.02 and 4503.12 of the Revised 2201
Code apportioned to the county and to the districts of 2202
registration located wholly or in part in the county auditor's 2203
county. The county auditor shall distribute the proceeds of the 2204
tax collections due the county and the districts of registration 2205
in the manner provided in section 4501.04 of the Revised Code. 2206

Once each month the registrar also shall prepare vouchers in 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 2238
credited to the central registration fund. 2239

~~(B) By the fifteenth day of October of each year, the 2240
registrar and the director of the office of budget and management 2241
shall determine and certify for the preceding fiscal year the 2242
amount, if any, by which the fees collected and paid into the 2243
central registration fund exceed the expenses incurred by the 2244
registrar during such year that are determined to be expenses that 2245
would not have been incurred except for the enactment of Amended 2246
Substitute Senate Bill No. 1 of the 117th general assembly. The 2247
amount of the excess shall be transferred from the central 2248
registration fund to the auto registration distribution fund 2249
within ten days of the date on which the certification is made, 2250
except as follows: 2251~~

~~(1) First, the registrar and the director may determine the 2252
amount of the excess, if any, that will be necessary to meet 2253
anticipated expenses in the next fiscal year and that amount shall 2254
be retained in the central registration fund; 2255~~

~~(2) Second, the amount of the remaining excess, if any, equal 2256
to the number of motor vehicles inspected pursuant to section 2257
4505.061 of the Revised Code as determined and certified by the 2258
registrar, multiplied by fifty cents shall be transferred into the 2259
state bureau of motor vehicles fund established by section 4501.25 2260
of the Revised Code. 2261~~

~~(C) The director of the office of budget and management shall 2262
determine and certify the amount of any estimated deficiency in 2263
the central registration fund. The amount of the deficiency shall 2264
be paid into the central registration fund from moneys received by 2265
the registrar under section 4503.02 of the Revised Code, at such 2266
times and in a manner determined by the director and the 2267
registrar. 2268~~

Sec. 4501.15. (A) The department of public safety shall not 2269
provide social security numbers from its driver license and 2270
vehicle registration records to any person, except local, state, 2271
or federal governmental agencies. This ~~section~~ division does not 2272
preclude the registrar from reporting a person's social security 2273
number if the number was provided in the request for information. 2274

(B) The department shall not provide to any person credit 2275
card account numbers or any other information obtained when a 2276
person uses a credit card to pay motor vehicle registration taxes 2277
or fees, license fees, or other similar taxes, fees, penalties, or 2278
charges imposed or levied by the state and collected by the 2279
department, except that such information may be provided to the 2280
financial institutions and credit issuing companies directly 2281
involved in the credit transaction or to local, state, or federal 2282
governmental agencies. 2283

Sec. 4501.16. There is hereby created in the state treasury 2284
the MARCS maintenance fund. The fund shall consist of moneys 2285
received by the state highway patrol from users of the 2286
multi-agency radio communications system (MARCS). The fund shall 2287
be used to provide maintenance for MARCS-related equipment located 2288
at both the MARCS facilities and tower sites. All investment 2289
earnings on moneys in the fund shall be credited to the fund. 2290

Sec. 4501.19. There is hereby created in the state treasury 2291
the law enforcement reimbursement fund. The law enforcement 2292
reimbursement fund shall consist of ~~those~~ fees collected by the 2293
registrar of motor vehicles under division (A)(6) of section 2294
4503.233 of the Revised Code, and shall be used to make payments 2295
to law enforcement agencies in accordance with that division. 2296
However, the director of budget and management may transfer excess 2297
money from the law enforcement reimbursement fund to the bureau of 2298

motor vehicles fund created in section 4501.25 Of the Revised Code 2299
if the registrar determines that the amount of money in the law 2300
enforcement reimbursement fund exceeds the amounts required to be 2301
paid by division (A)(6) of section 4503.233 Of the Revised Code, 2302
and the registrar requests the director to make the transfer. All 2303
investment earnings of the law enforcement reimbursement fund 2304
shall be credited to the fund. 2305

Sec. 4501.20. There is hereby created in the state treasury 2306
the collegiate license plate fund. The fund shall consist of the 2307
contributions ~~and fees~~ that are paid to the registrar of motor 2308
vehicles by applicants who voluntarily choose to obtain collegiate 2309
license plates pursuant to section 4503.51 of the Revised Code. 2310

A contribution deposited in the fund shall be paid to the 2311
university or college whose name or marking or design appears on 2312
collegiate license plates that are issued to a person under 2313
section 4503.51 of the Revised Code. A university or college that 2314
receives contributions from the fund shall deposit the 2315
contributions into its general scholarship fund. ~~The fees~~ 2316
~~deposited in the fund shall be used to pay the expenses the bureau~~ 2317
~~of motor vehicles incurs in providing the additional services~~ 2318
~~required in the issuing of collegiate license plates. All~~ 2319

All investment earnings of the collegiate license plate fund 2320
shall be credited to the fund. 2321

Sec. 4501.22. There is hereby created in the state treasury 2322
the pro football hall of fame license plate fund. The fund shall 2323
consist of the contributions ~~and fees~~ that are paid to the 2324
registrar of motor vehicles by applicants who voluntarily choose 2325
to obtain pro football hall of fame license plates pursuant to 2326
section 4503.55 of the Revised Code. 2327

A contribution deposited in the fund shall be paid to the pro 2328

football hall of fame, which shall deposit the contribution into a 2329
special bank account that it establishes and that shall be 2330
separate and distinct from any other account maintained by the pro 2331
football hall of fame, to be used exclusively for the purpose of 2332
promoting the pro football hall of fame as a travel destination. 2333

~~The fees deposited in the pro football hall of fame license 2334
plate fund shall be used to pay the expenses the bureau of motor 2335
vehicles incurs in providing the additional services required in 2336
the issuing of pro football hall of fame license plates. 2337~~

All investment earnings of the pro football hall of fame 2338
license plate fund shall be credited to the fund. 2339

Sec. 4501.28. There is hereby created in the state treasury 2340
the MARCS operations fund. The fund shall consist of moneys 2341
received by the emergency management agency established under 2342
section 5502.22 Of the Revised Code from users of the multi-agency 2343
radio communications system (MARCS). The fund shall be used to 2344
provide for the systems operations of MARCS. All investment 2345
earnings on moneys in the fund shall be credited to the fund. 2346

Sec. 4503.102. (A) The registrar of motor vehicles shall 2347
adopt rules to establish a centralized system of motor vehicle 2348
registration renewal by mail. Any person owning a motor vehicle 2349
that was registered in ~~his~~ the person's name during the preceding 2350
registration year shall renew the registration of the motor 2351
vehicle either by mail through the centralized system of 2352
registration established under this section or in person at a 2353
deputy registrar's office. 2354

(B)(1) No less than forty-five days prior to the expiration 2355
date of any motor vehicle registration, the registrar shall mail a 2356
renewal notice to the person in whose name the motor vehicle is 2357
registered. The renewal notice shall clearly state that the 2358

registration of the motor vehicle may be renewed by mail through 2359
the centralized system of registration or in person at a deputy 2360
registrar's office and shall be preprinted with information 2361
including, but not limited to, the owner's name and residence 2362
address as shown in the records of the bureau of motor vehicles, a 2363
brief description of the motor vehicle to be registered, notice of 2364
the license taxes and fees due on the motor vehicle, the toll-free 2365
telephone number of the registrar as required under division 2366
(D)(1) of section 4503.031 of the Revised Code, and any additional 2367
information the registrar may require by rule. The renewal notice 2368
shall be sent by regular mail to the owner's last known address as 2369
shown in the records of the bureau of motor vehicles. 2370

(2) If the application for renewal of the registration of a 2371
motor vehicle is prohibited from being accepted by the registrar 2372
or a deputy registrar by division (D) of section 2935.27, division 2373
(A) of section 2937.221, division (B) of section 4507.168, or 2374
division (B)(1) of section 4521.10 of the Revised Code, the 2375
registrar is not required to send a renewal notice to the vehicle 2376
owner or vehicle lessee. 2377

(C) The owner of the motor vehicle shall verify the 2378
information contained in the notice, sign it, and return it, in 2379
person to a deputy registrar or by mail to the registrar, together 2380
with a credit card number, when permitted by rule of the 2381
registrar, check, or money order in the amount of the registration 2382
taxes and fees payable on the motor vehicle and a mail fee of two 2383
dollars and twenty-five cents plus postage as indicated on the 2384
notice, if the registration is renewed by mail, and an inspection 2385
certificate for the motor vehicle as provided in section 3704.14 2386
of the Revised Code. 2387

(D) If all registration and transfer fees for the motor 2388
vehicle for the preceding year or the preceding period of the 2389
current registration year have not been paid, if division (D) of 2390

section 2935.27, division (A) of section 2937.221, division (B) of 2391
section 4507.168, or division (B)(1) of section 4521.10 of the 2392
Revised Code prohibits acceptance of the renewal notice, or if the 2393
owner or lessee does not have an inspection certificate for the 2394
motor vehicle as provided in section 3704.14 of the Revised Code, 2395
if that section is applicable, the license shall be refused and 2396
the registrar or deputy registrar shall so notify the owner. This 2397
section does not require the payment of license or registration 2398
taxes on a motor vehicle for any preceding year, or for any 2399
preceding period of a year, if the motor vehicle was not taxable 2400
for that preceding year or period under section 4503.02, 4503.04, 2401
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code. 2402

(E)(1) Failure to receive a renewal notice does not relieve a 2403
motor vehicle owner from the responsibility to renew the 2404
registration for the motor vehicle. Any person who has a motor 2405
vehicle registered in this state and who does not receive a 2406
renewal notice as provided in division (B) of this section prior 2407
to the expiration date of the registration shall request an 2408
application for registration from the registrar or a deputy 2409
registrar and return the signed application and any applicable 2410
license taxes and fees to the registrar or deputy registrar. 2411

(2) If the owner of a motor vehicle submits an application 2412
for registration and the registrar is prohibited by division (D) 2413
of section 2935.27, division (A) of section 2937.221, division (B) 2414
of section 4507.168, or division (B)(1) of section 4521.10 of the 2415
Revised Code from accepting the application, the registrar shall 2416
return the application and the payment to the owner and also shall 2417
include an explanatory notice as described in division (B)(2) of 2418
this section. 2419

(F) Every deputy registrar shall post in a prominent place at 2420
the deputy's office a notice informing the public of the mail 2421
registration system required by this section, and also shall post 2422

a notice that every owner of a motor vehicle and every chauffeur 2423
holding a certificate of registration is required to notify the 2424
registrar in writing of any change of residence within ten days 2425
after the change occurs. The notice shall be in such form as the 2426
registrar prescribes by rule. 2427

(G) The two dollars and twenty-five cents fee, plus postage 2428
and any credit card surcharge collected by the registrar for 2429
registration by mail, shall be paid to the credit of the central 2430
registration fund established by section 4501.14 of the Revised 2431
Code. 2432

(H) ~~No later than January 1, 1991, the registrar shall~~ 2433
~~implement the initial phase of a credit card payment program~~ 2434
~~permitting payment of motor vehicle renewal registration taxes and~~ 2435
~~fees by means of a credit card when such renewal is made by mail.~~ 2436
~~No later than January 1, 1993, the~~ The registrar shall may 2437
~~implement the final phase of the credit card payment a~~ program 2438
~~permitting payment of motor vehicle registration taxes and fees,~~ 2439
~~driver's license and commercial driver's license fees, and any~~ 2440
~~other taxes, fees, penalties, or charges imposed or levied by the~~ 2441
~~state relating to such registrations and licenses that are~~ 2442
~~collected by the registrar or a deputy registrar by means of a~~ 2443
~~credit card when such motor vehicle registrations, license~~ 2444
~~applications, or other similar state related transactions are made~~ 2445
~~in person at the office of the registrar or at a deputy~~ 2446
~~registrar's office. The registrar shall may adopt rules as~~ 2447
~~necessary for this purpose. No deputy registrar shall accept a~~ 2448
~~credit card as payment for the purchase of any goods sold by the~~ 2449
~~deputy registrar and any tax imposed by Chapter 5739. of the~~ 2450
~~Revised Code on the sale of such goods.~~ 2451

If a person uses a credit card to pay motor vehicle 2452
registration taxes or fees, license fees, or other similar taxes, 2453
fees, penalties, or charges imposed or levied by the state as 2454

provided in this section, a surcharge sufficient to pay the 2455
required service charge of the financial institution or credit 2456
card company shall be paid by the person using the credit card. 2457

(I) For persons who reside in counties where tailpipe 2458
emissions inspections are required under the motor vehicle 2459
inspection and maintenance program, the notice required by 2460
division (B) of this section shall also include the toll-free 2461
telephone number maintained by the Ohio environmental protection 2462
agency to provide information concerning the locations of 2463
emissions testing centers. 2464

Sec. 4503.191. (A) The identification license plate shall be 2465
issued for a multi-year period as determined by the director of 2466
public safety, and shall be accompanied by a validation sticker, 2467
to be attached to the license plate. The validation sticker shall 2468
indicate the expiration of the registration period to which the 2469
motor vehicle for which the license plate is issued is assigned, 2470
in accordance with rules adopted by the registrar. During each 2471
succeeding year of the multi-year period following the issuance of 2472
the plate and validation sticker, upon the filing of an 2473
application for registration and the payment of the tax therefor, 2474
a validation sticker alone shall be issued. The validation 2475
stickers required under this section shall be of different colors 2476
or shades each year, the new colors or shades to be selected by 2477
the director. 2478

(B) Identification license plates and validation stickers 2479
required under this section, and county identification stickers 2480
shall be produced by Ohio penal industries. However, the registrar 2481
and Ohio penal industries may enter into an agreement under which 2482
the bureau of motor vehicles at certain times may produce certain 2483
types of validation and county identification stickers. The 2484
agreement shall specify those times and types of stickers. 2485

2486

Sec. 4503.40. The registrar of motor vehicles shall be 2487
allowed a fee, not to exceed ten dollars, for each application 2488
received by ~~him~~ the registrar for special state reserved license 2489
plate numbers and the issuing of such licenses, and validation 2490
stickers, in the several series as ~~he~~ the registrar may designate. 2491
The fee shall be in addition to the license tax established by 2492
this chapter and, where applicable, Chapter 4504. of the Revised 2493
Code. Seven dollars and fifty cents of the fee shall be for the 2494
purpose of compensating the bureau of motor vehicles for 2495
additional services required in the issuing of such licenses, and 2496
the remaining two dollars and fifty cents shall be transmitted by 2497
the registrar to the treasurer of state for deposit in the highway 2498
operating fund created by section 5735.291 of the Revised Code. 2499
The types of motor vehicles for which special state reserved 2500
license plates may be issued in accordance with this section shall 2501
include at least motorcycles, ~~motor~~ buses, passenger cars, and 2502
noncommercial motor vehicles. 2503

Sec. 4503.42. The registrar of motor vehicles shall be 2504
allowed a fee of not to exceed thirty-five dollars, which shall be 2505
in addition to the regular license fee for tags as prescribed 2506
under section 4503.04 of the Revised Code and any tax levied under 2507
section 4504.02 or 4504.06 of the Revised Code, for each 2508
application received by ~~him~~ the registrar for special reserved 2509
license plate numbers containing more than three letters or 2510
numerals, and the issuing of such licenses and validation stickers 2511
in the several series as ~~he~~ the registrar may designate. Five 2512
dollars of the fee shall be for the purpose of compensating the 2513
bureau of motor vehicles for additional services required in the 2514
issuing of such licenses and validation stickers, and the 2515
remaining thirty dollars shall be transmitted by the registrar to 2516

the treasurer of state for deposit in the highway operating fund 2517
created by section 5735.291 of the Revised Code. 2518

This section does not apply to the issuance of reserved 2519
license plates as authorized by sections 4503.14, 4503.15, and 2520
4503.40 of the Revised Code. The types of motor vehicles for which 2521
license plate numbers containing more than three letters or 2522
numerals may be issued in accordance with this section shall 2523
include at least ~~motor~~ buses, passenger cars, and noncommercial 2524
motor vehicles. 2525

Sec. 4503.51. (A) The owner of any passenger car, 2526
noncommercial motor vehicle, or recreational vehicle may 2527
voluntarily choose to submit an application to the registrar of 2528
motor vehicles for registration of such motor vehicle and for 2529
issuance of collegiate license plates. The request for a 2530
collegiate license plate may be combined with a request for a 2531
special reserved license plate under section 4503.40 or 4503.42 of 2532
the Revised Code. 2533

Upon receipt of an application for registration of a 2534
passenger car, noncommercial motor vehicle, or recreational 2535
vehicle in accordance with any rules adopted under this section 2536
and upon compliance with division (B) of this section, the 2537
registrar shall issue to the applicant appropriate vehicle 2538
registration and a set of collegiate license plates with a 2539
validation sticker, or a validation sticker alone when required by 2540
section 4503.191 of the Revised Code. 2541

In addition to the letters and numbers ordinarily inscribed 2542
thereon, collegiate license plates shall be inscribed with the 2543
name of a university or college that is participating with the 2544
registrar in the issuance of collegiate license plates, or any 2545
other identifying marking or design selected by such a university 2546

or college and approved by the registrar. Collegiate license
plates shall bear county identification stickers unless the
registrar approves a design for the license plates that does not
allow for the placement of the county identification sticker.

(B) The collegiate license plates and validation sticker
shall be issued upon receipt of a contribution as provided in
division (C) of this section and payment of the regular license
fees as prescribed under section 4503.04 of the Revised Code, any
applicable motor vehicle tax levied under Chapter 4504. of the
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 2579
registration voluntarily pays for the purpose of compensating the 2580
bureau for the additional services required in the issuing of ~~his~~ 2581
the collegiate license plates shall be transmitted into the state 2582
treasury to the ~~treasurer~~ credit of the state ~~for deposit in the~~ 2583
~~collegiate license plate~~ bureau of motor vehicles fund created in 2584
section ~~4501.20~~ 4501.25 of the Revised Code. 2585

(D) The registrar, in accordance with Chapter 119. of the 2586
Revised Code, shall adopt rules necessary for the efficient 2587
administration of the collegiate license plate program. 2588

(E) As used in this section, "university or college" means a 2589
state university or college or a private university or college 2590
located in this state that possesses a certificate of 2591
authorization issued by the Ohio board of regents pursuant to 2592
Chapter 1713. of the Revised Code. "University or college" also 2593
includes community colleges created pursuant to Chapter 3354. of 2594
the Revised Code, university branches created pursuant to Chapter 2595
3355. of the Revised Code, technical colleges created pursuant to 2596
Chapter 3357. of the Revised Code, and state community colleges 2597
created pursuant to Chapter 3358. of the Revised Code. 2598

Sec. 4503.52. (A) The owner of any passenger car, 2599
noncommercial motor vehicle, or recreational vehicle may apply to 2600
the registrar of motor vehicles for the registration of the 2601
vehicle and issuance of Lake Erie license plates. The application 2602
for Lake Erie license plates may be combined with a request for a 2603
special reserved license plate under section 4503.40 or 4503.42 of 2604
the Revised Code. Upon receipt of the completed application and 2605
compliance with division (B) of this section, the registrar shall 2606
issue to the applicant the appropriate vehicle registration and a 2607
set of Lake Erie license plates with a validation sticker or a 2608
validation sticker alone when required by section 4503.191 of the 2609

Revised Code. 2610

In addition to the letters and numbers ordinarily inscribed 2611
thereon, Lake Erie license plates shall be inscribed with 2612
identifying words or markings designed by the Ohio Lake Erie 2613
commission and approved by the registrar. Lake Erie license plates 2614
shall bear county identification stickers unless the registrar 2615
approves a design for the license plates that does not allow for 2616
the placement of the county identification sticker. 2617

(B) The Lake Erie license plates and validation sticker shall 2618
be issued upon receipt of a contribution as provided in division 2619
(C) of this section and upon payment of the regular license fees 2620
as prescribed under section 4503.04 of the Revised Code, a fee not 2621
to exceed ten dollars for the purpose of compensating the bureau 2622
of motor vehicles for additional services required in the issuing 2623
of the Lake Erie license plates, any applicable motor vehicle tax 2624
levied under Chapter 4504. of the Revised Code, and compliance 2625
with all other applicable laws relating to the registration of 2626
motor vehicles. If the application for Lake Erie license plates is 2627
combined with a request for a special reserved license plate under 2628
section 4503.40 or 4503.42 of the Revised Code, the license plate 2629
and validation sticker shall be issued upon payment of the 2630
contribution, fees, and taxes contained in this division and the 2631
additional fee prescribed under section 4503.40 or 4503.42 of the 2632
Revised Code. 2633

(C) For each application for registration and registration 2634
renewal ~~he receives~~ received under this section, the registrar 2635
shall collect a contribution in an amount not to exceed forty 2636
dollars as determined by the Ohio Lake Erie commission. The 2637
registrar shall transmit this contribution to the treasurer of 2638
state for deposit in the Lake Erie protection fund created in 2639
section 1506.23 of the Revised Code. 2640

The registrar shall deposit the additional fee not to exceed 2641
ten dollars specified in division (B) of this section that the 2642
applicant for registration voluntarily pays for the purpose of 2643
compensating the bureau for the additional services required in 2644
the issuing of ~~his~~ the Lake Erie license plates in the ~~Lake Erie~~ 2645
~~license plate state bureau of motor vehicles~~ fund created in 2646
section ~~4501.21~~ 4501.25 of the Revised Code. 2647

Sec. 4503.55. (A) The owner of any passenger car, 2648
noncommercial motor vehicle, or recreational vehicle may apply to 2649
the registrar of motor vehicles for the registration of the 2650
vehicle and issuance of pro football hall of fame license plates. 2651
The application for pro football hall of fame license plates may 2652
be combined with a request for a special reserved license plate 2653
under section 4503.40 or 4503.42 of the Revised Code. Upon receipt 2654
of the completed application and compliance with division (B) of 2655
this section, the registrar shall issue to the applicant the 2656
appropriate vehicle registration and a set of pro football hall of 2657
fame license plates with a validation sticker or a validation 2658
sticker alone when required by section 4503.191 of the Revised 2659
Code. 2660

In addition to the letters and numbers ordinarily inscribed 2661
thereon, pro football hall of fame license plates shall be 2662
inscribed with identifying words or markings designed by the pro 2663
football hall of fame and approved by the registrar. Pro football 2664
hall of fame plates shall bear county identification stickers 2665
unless the registrar approves a design for the license plates that 2666
does not allow for the placement of the county identification 2667
sticker. 2668

(B) The pro football hall of fame license plates and 2669
validation sticker shall be issued upon receipt of a contribution 2670
as provided in division (C) of this section and upon payment of 2671

the regular license fees as prescribed under section 4503.04 of
the 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 the pro football hall of fame
license plates, any applicable motor vehicle tax levied under
Chapter 4504. of the Revised Code, and compliance with all other
applicable laws relating to the registration of motor vehicles. If
the application for pro football hall of fame license plates 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 contained in this division and the
additional fee prescribed under section 4503.40 or 4503.42 of the
Revised Code.

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

The registrar shall deposit the additional fee not to exceed
ten dollars specified in division (B) of this section 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 applicant's pro football hall of fame
license plates in the ~~pro football hall of fame license plate~~
state bureau of motor vehicles fund created in section ~~4501.22~~
4501.25 of the Revised Code.

Sec. 4503.56. (A) The owner of any passenger car,
noncommercial motor vehicle, or recreational vehicle may apply to
the registrar of motor vehicles for the registration of the

vehicle and issuance of scenic rivers license plates. The 2703
application for scenic rivers license plates may be combined with 2704
a request for a special reserved license plate under section 2705
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 2706
completed application and compliance with division (B) of this 2707
section, the registrar shall issue to the applicant the 2708
appropriate vehicle registration and a set of scenic rivers 2709
license plates with a validation sticker or a validation sticker 2710
alone when required by section 4503.191 of the Revised Code. 2711

In addition to the letters and numbers ordinarily inscribed 2712
thereon, scenic rivers license plates shall be inscribed with 2713
identifying words or markings designed by the department of 2714
natural resources and approved by the registrar. Scenic rivers 2715
license plates shall bear county identification stickers unless 2716
the registrar approves a design for the license plates that does 2717
not allow for the placement of the county identification sticker. 2718

(B) The scenic rivers license plates and validation sticker 2719
shall be issued upon receipt of a contribution as provided in 2720
division (C) of this section and upon payment of the regular 2721
license fees as prescribed under section 4503.04 of the Revised 2722
Code, a fee not to exceed ten dollars for the purpose of 2723
compensating the bureau of motor vehicles for additional services 2724
required in the issuing of the scenic rivers license plates, any 2725
applicable motor vehicle tax levied under Chapter 4504. of the 2726
Revised Code, and compliance with all other applicable laws 2727
relating to the registration of motor vehicles. If the application 2728
for scenic rivers license plates is combined with a request for a 2729
special reserved license plate under section 4503.40 or 4503.42 of 2730
the Revised Code, the license plate and validation sticker shall 2731
be issued upon payment of the contribution, fees, and taxes 2732
contained in this division and the additional fee prescribed under 2733
section 4503.40 or 4503.42 of the Revised Code. 2734

(C) For each application for registration and registration 2735
renewal under this section, the registrar shall collect a 2736
contribution in an amount not to exceed forty dollars as 2737
determined by the department of natural resources. The registrar 2738
shall transmit this contribution to the treasurer of state for 2739
deposit in the scenic rivers protection fund created in section 2740
4501.24 of the Revised Code. 2741

The registrar shall deposit the additional fee not to exceed 2742
ten dollars specified in division (B) of this section that the 2743
applicant for registration voluntarily pays for the purpose of 2744
compensating the bureau for the additional services required in 2745
the issuing of ~~his~~ the applicant's scenic rivers license plates in 2746
the ~~scenic rivers protection license plate~~ state bureau of motor 2747
vehicles fund created in section ~~4501.23~~ 4501.25 of the Revised 2748
Code. 2749

Sec. 4503.66. Without limitation, the registrar of motor 2750
vehicles may adopt rules governing the following: 2751

(A) The temporary registration of vehicles pending receipt of 2752
the apportioned license plate and registration card; 2753

(B) The initial application for apportioned registration; 2754

(C) The addition of declared jurisdictions throughout the 2755
registration year; 2756

(D) The apportioned registration of vehicles leased to motor 2757
carriers, including the issuance of trip permits and temporary 2758
registration permits for owner-operators not operating as lessors; 2759

(E) The apportioned registration of vehicular equipment 2760
leased to a carrier for a single interjurisdictional movement; 2761

(F) The apportioned registration of rental vehicles; 2762

(G) The apportioned registration of vehicular equipment 2763

leased by household goods carriers;	2764
(H) The registration of motor buses;	2765
(I) The issuance of trip permits;	2766
(J) The issuance of hunters' permits;	2767
(K) The registration under this chapter of vehicles based in	2768
jurisdictions that are not members of the international	2769
registration plan.	2770
Sec. 4505.11. (A) Each owner of a motor vehicle and each	2771
person mentioned as owner in the last certificate of title, when	2772
the motor vehicle is dismantled, destroyed, or changed in such	2773
manner that it loses its character as a motor vehicle, or changed	2774
in such manner that it is not the motor vehicle described in the	2775
certificate of title, shall surrender the certificate of title to	2776
that motor vehicle to the clerk of the court of common pleas who	2777
issued it, and thereupon the clerk, with the consent of any	2778
holders of any liens noted thereon, shall enter a cancellation	2779
upon the clerk's records and shall notify the registrar of motor	2780
vehicles of the cancellation.	2781
Upon the cancellation of a certificate of title in the manner	2782
prescribed by this section, the clerk and the registrar of motor	2783
vehicles may cancel and destroy all certificates and all	2784
memorandum certificates in that chain of title.	2785
(B) Where an Ohio certificate of title or salvage certificate	2786
of title to a motor vehicle is assigned to a salvage dealer, the	2787
dealer is not required to obtain an Ohio certificate of title or a	2788
salvage certificate of title to the motor vehicle in the dealer's	2789
own name if the dealer dismantles or destroys the motor vehicle,	2790
indicates the number of the dealer's motor vehicle salvage	2791
dealer's license thereon, marks "FOR DESTRUCTION" across the face	2792
of the certificate of title or salvage certificate of title, and	2793

surrenders the certificate of title or salvage certificate of
title to the clerk of the court of common pleas as provided in
division (A) of this section. If the salvage dealer retains the
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 2826
facility is located. The insurance company shall mark the face of 2827
the certificate of title "FOR DESTRUCTION" and shall deliver a 2828
photocopy of the certificate of title to the salvage dealer or 2829
scrap metal processing facility for its records. 2830

(3) If an insurance company declares it economically 2831
impractical to repair a motor vehicle, agrees to pay to the 2832
insured or claimant owner an amount in settlement of a claim 2833
against a policy of motor vehicle insurance covering the motor 2834
vehicle, and agrees to permit the insured or claimant owner to 2835
retain possession of the motor vehicle, the insurance company 2836
shall not pay the insured or claimant owner any amount in 2837
settlement of the insurance claim until the owner obtains a 2838
salvage certificate of title to the vehicle and furnishes a copy 2839
of the salvage certificate of title to the insurance company. 2840

(D) When a self-insured organization, rental or leasing 2841
company, or secured creditor becomes the owner of a motor vehicle 2842
that is burned, damaged, or dismantled and is determined to be 2843
economically impractical to repair, the self-insured organization, 2844
rental or leasing company, or secured creditor shall do one of the 2845
following: 2846

(1) Mark the face of the certificate of title to the motor 2847
vehicle "FOR DESTRUCTION" and surrender the certificate of title 2848
to the clerk of the court of common pleas for cancellation as 2849
described in division (A) of this section. The self-insured 2850
organization, rental or leasing company, or secured creditor 2851
thereupon shall deliver the motor vehicle, together with a 2852
photocopy of the certificate of title, to a salvage dealer or 2853
scrap metal processing facility and shall cause the motor vehicle 2854
to be dismantled, flattened, crushed, or destroyed. 2855

(2) Obtain a salvage certificate of title to the motor 2856

vehicle in the name of the self-insured organization, rental or
leasing company, or secured creditor, as provided in division
(C)(1) of this section, and then sell or otherwise dispose of the
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 2889
issuing a certificate of title pursuant to this division, but the 2890
clerk is not liable for any of the clerk's errors or omissions or 2891
those of the clerk's deputies, or the automated title processing 2892
system in the performance of those duties. A fee of ~~twenty-five~~ 2893
forty dollars in fiscal year 1998 and fifty dollars in fiscal year 2894
1999 and thereafter shall be assessed by the state highway patrol 2895
for each inspection made pursuant to this division and shall be 2896
deposited into the state highway safety fund established by 2897
section 4501.06 of the Revised Code. 2898

(F) No person shall operate upon the highways in this state a 2899
motor vehicle, title to which is evidenced by a salvage 2900
certificate of title, except to deliver the motor vehicle pursuant 2901
to an appointment for an inspection under this section. 2902

(G) No motor vehicle the certificate of title to which has 2903
been marked "FOR DESTRUCTION" and surrendered to the clerk of the 2904
court of common pleas shall be used for anything except parts and 2905
scrap metal. 2906

Sec. 4505.111. Every motor vehicle, other than a motor 2907
vehicle as provided in divisions (C), (D), and (E) of section 2908
4505.11 of the Revised Code, that is assembled from component 2909
parts by a person other than the manufacturer, shall be inspected 2910
by the state highway patrol prior to issuance of title to the 2911
motor vehicle. The inspection shall include establishing proof of 2912
ownership and an inspection of the motor number and vehicle 2913
identification number of the motor vehicle, and any items of 2914
equipment the director of public safety considers advisable and 2915
requires to be inspected by rule. A fee of ~~twenty-five~~ forty 2916
dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 2917
and thereafter shall be assessed by the state highway patrol for 2918
each inspection made pursuant to this section, and shall be 2919

deposited in the state highway safety fund established by section 2920
4501.06 of the Revised Code. 2921

Sec. 4506.24. (A) ~~Until January 1, 1997, a~~ A restricted 2922
commercial driver's license and waiver for farm-related service 2923
industries may be issued by the registrar of motor vehicles to 2924
allow a person to operate a commercial motor vehicle during 2925
seasonal periods determined by the registrar and subject to the 2926
restrictions set forth in this section. 2927

(B) Upon receiving an application for a restricted commercial 2928
driver's license under section 4506.07 of the Revised Code and 2929
payment of a fee as provided in section 4506.08 of the Revised 2930
Code, the registrar may issue such license to any person who meets 2931
all of the following requirements: 2932

(1) Has at least one year of driving experience in any type 2933
of vehicle; 2934

(2) Holds a valid driver's license, other than a restricted 2935
license, issued under Chapter 4507. of the Revised Code; 2936

(3) Certifies that during the one-year period immediately 2937
preceding ~~his~~ application, all of the following apply: 2938

(a) ~~He~~ The person has not had more than one license; 2939

(b) ~~He~~ The person has not had any license suspended, revoked, 2940
or canceled; 2941

(c) ~~He~~ The person has not had any convictions for any type of 2942
motor vehicle for the offenses for which disqualification is 2943
prescribed in section 4506.16 of the Revised Code; 2944

(d) ~~He~~ The person has not had any violation of a state or 2945
local law relating to motor vehicle traffic control other than a 2946
parking violation arising in connection with any traffic accident 2947
and has no record of an accident in which ~~he~~ the person was at 2948

fault.	2949
(4) Certifies and also provides evidence that he <u>the person</u>	2950
is employed in one or more of the following farm-related service	2951
industries requiring him <u>the person</u> to operate a commercial motor	2952
vehicle:	2953
(a) Custom harvesters;	2954
(b) Farm retail outlets and suppliers;	2955
(c) Agri-chemical business;	2956
(d) Livestock feeders.	2957
(C) An annual waiver for farm-related service industries may	2958
be issued to authorize the holder of a restricted commercial	2959
driver's license to operate a commercial motor vehicle during	2960
seasonal periods designated by the registrar. The registrar shall	2961
determine the format of the waiver. The total number of days that	2962
a person may operate a commercial motor vehicle pursuant to a	2963
waiver for farm-related service industries shall not exceed one	2964
hundred eighty days in any twelve-month period. Each time the	2965
holder of a restricted commercial driver's license applies for a	2966
waiver for farm-related service industries, the registrar shall	2967
verify that the person meets all of the requirements set forth in	2968
division (B) of this section. The restricted commercial driver's	2969
license and waiver shall be carried at all times when a commercial	2970
motor vehicle is being operated by the holder of the license and	2971
waiver.	2972
(D) The holder of a restricted commercial driver's license	2973
and valid waiver for farm-related service industries may operate a	2974
class B or C commercial motor vehicle subject to all of the	2975
following restrictions:	2976
(1) The commercial motor vehicle is operated within a	2977
distance of no more than one hundred fifty miles of the employer's	2978

place of business or the farm currently being served; 2979

(2) The operation of the commercial motor vehicle does not 2980
involve transporting hazardous materials for which placarding is 2981
required, except as follows: 2982

(a) Diesel fuel in quantities of one thousand gallons or 2983
less; 2984

(b) Liquid fertilizers in vehicles or implements of husbandry 2985
with total capacities of three thousand gallons or less; 2986

(c) Solid fertilizers that are not transported with any 2987
organic substance. 2988

(E) Except as otherwise provided in this section an applicant 2989
for or holder of a restricted commercial driver's license and 2990
waiver for farm-related service industries is subject to the 2991
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 2992
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 2993
not apply to an applicant for a restricted commercial driver's 2994
license and waiver. 2995

Sec. 4507.45. If a person's driver's license, commercial 2996
driver's license, or nonresident operating privilege is suspended, 2997
disqualified, or revoked for an indefinite period of time or for a 2998
period of at least ninety days, and if at the end of the period of 2999
suspension, disqualification, or revocation the person is eligible 3000
to have the license or privilege reinstated, the registrar of 3001
motor vehicles shall collect a reinstatement fee of thirty dollars 3002
when the person requests reinstatement. However, the registrar 3003
shall not collect the fee prescribed by this section if a 3004
different driver's license, commercial driver's license, or 3005
nonresident operating privilege reinstatement fee is prescribed by 3006
law. 3007

Sec. 4511.10. The department of transportation may place and 3008

maintain traffic control devices, conforming to its manual and 3009
specifications, upon all state highways as are necessary to 3010
indicate and to carry out sections 4511.01 to 4511.78 and 4511.99 3011
of the Revised Code, or to regulate, warn, or guide traffic. 3012

No local authority shall place or maintain any traffic 3013
control device upon any highway under the jurisdiction of the 3014
department except by permission of the director of transportation. 3015

The director shall give permission for a county, township, 3016
municipal corporation, or state university that owns and operates 3017
a level 1 trauma center, as designated by the American college of 3018
surgeons, to place and maintain on state highways informational 3019
signs indicating the location of the trauma center. The director 3020
shall approve the design and placement of any sign indicating a 3021
trauma center, provided the design and placement conform to the 3022
department's manual and specifications. 3023

Sec. 4509.06. (A) The driver of any motor vehicle which is in 3024
any manner involved in a motor vehicle accident ~~shall~~ within 3025
~~thirty days~~ six months of the accident may forward a written 3026
report of the accident to the registrar of motor vehicles on a 3027
form prescribed by the registrar alleging that a driver or owner 3028
of any other vehicle involved in the accident was uninsured at the 3029
time of the accident. 3030

(B) Upon receipt of the accident report, the registrar shall 3031
send a notice by regular mail to the driver and owner alleged to 3032
be uninsured requiring the person to give evidence that the person 3033
had proof of financial responsibility in effect at the time of the 3034
accident. 3035

(C) Within thirty days after the mailing of the notice by the 3036
registrar, the driver of the vehicle alleged to be uninsured shall 3037
forward a report together with acceptable proof of financial 3038

responsibility to the registrar in a form prescribed by the 3039
registrar. The forwarding of the report by the owner of the motor 3040
vehicle involved in the accident is deemed compliance with this 3041
section by the driver. This section does not change or modify the 3042
duties of the driver or operator of a motor vehicle as set forth 3043
in section 4549.02 of the Revised Code. 3044

(D) In accordance with sections 4509.01 to 4509.78 of the 3045
Revised Code, the registrar shall suspend the license of any 3046
person who fails to give acceptable proof of financial 3047
responsibility as required in this section. 3048

Sec. 4511.101. (A) The director of transportation, in 3049
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 3050
shall establish a program for the placement of business logos for 3051
identification purposes on state directional signs within the 3052
rights-of-way of divided, multi-lane, limited access highways ~~on~~ 3053
~~the interstate system~~ in rural areas, except when any of the 3054
following conditions applies: 3055

(1) Upon approval by the director, a business logo sign may 3056
be located in an urban area if the land contiguous to the highway 3057
is sparsely populated and appears to be rural in character; 3058

(2) A business logo sign may be located in a rural or urban 3059
area, if the interchange providing access to the businesses 3060
indicated on the sign has been constructed and paid for primarily 3061
with private funds. 3062

(B) All direct and indirect costs of the business logo sign 3063
program established pursuant to this section shall be fully paid 3064
by the businesses applying for participation in the program. At 3065
any interchange where a business logo sign is erected, such costs 3066
shall be divided equally among the participating businesses. The 3067
direct and indirect costs of the program shall include, but not be 3068
limited to, the cost of capital, directional signs, blanks, posts, 3069

logos, installation, repair, engineering, design, insurance, 3070
removal, replacement, and administration. Nothing in this chapter 3071
shall be construed to prohibit the director from establishing such 3072
a program. 3073

(C) The director, in accordance with rules adopted pursuant 3074
to Chapter 119. of the Revised Code, may contract with any private 3075
person to operate, maintain, and market the business logo sign 3076
program. The rules shall describe the terms of the contract, and 3077
shall allow for a reasonable profit to be earned by the successful 3078
applicant. In awarding the contract, the director shall consider 3079
the skill, expertise, prior experience, and other qualifications 3080
of each applicant. 3081

(D) As used in this section, "urban area" means an area 3082
having a population of fifty thousand or more according to the 3083
most recent federal census and designated as such on urban maps 3084
prepared by the department. 3085

(E) Neither the department nor the director shall do ~~any~~ 3086
either of the following: 3087

(1) Limit the right of any person to erect, maintain, repair, 3088
remove, or utilize any off-premises or on-premises advertising 3089
device; 3090

(2) Make participation in the business logo sign program 3091
conditional upon a business agreeing to limit, discontinue, 3092
withdraw, modify, alter, or change any advertising or sign; 3093

~~(3) Establish any program for the placement of business logos 3094
on state directional signs on highways that are not part of the 3095
interstate highway system. 3096~~

~~(F) In accordance with 23 U.S.C.A. 109(d), 131(f), and 315, 3097
as amended, and notwithstanding division (E)(3) of this section, 3098
the director shall establish a test program for the placement of 3099~~

~~business logos on state directional signs within the rights of way
of state highways. The initial location of the test program shall
be in Stark county at the intersection of United States route
number thirty and state highway number twenty one. Business logo
signs shall be placed at that location not later than sixty days
after June 30, 1993. The second location of the test program shall
be in Union county at the intersection of United States routes
thirty three and thirty six. Business logo signs shall be placed
at that location not later than sixty days after the effective
date of this amendment. The third location of the test program
shall be in Cuyahoga county at the intersection of United States
route four hundred twenty two and Harper road. Business logo signs
shall be placed at that location not later than sixty days after
the effective date of this amendment. In accordance with division
(B) of this section, the direct and indirect costs of the test
program shall be fully paid by businesses applying for
participation in the program.~~

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

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

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

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

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

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

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

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

(D) "Commercial activity" means a farm market, winery, or a bed and breakfast.

Sec. 4511.191. (A) Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this state shall be deemed to have given consent to a chemical test or tests of the person's blood, breath, or urine for the purpose of determining the alcohol, drug, or alcohol and drug content of the person's blood, breath, or urine if arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine. The chemical test or tests shall be administered at the request of a police officer having reasonable grounds to believe the person to have been operating a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking in this state while under the influence of alcohol, a drug

of abuse, or alcohol and a drug of abuse or with a prohibited 3161
concentration of alcohol in the blood, breath, or urine. The law 3162
enforcement agency by which the officer is employed shall 3163
designate which of the tests shall be administered. 3164

(B) Any person who is dead or unconscious, or who is 3165
otherwise in a condition rendering the person incapable of 3166
refusal, shall be deemed not to have withdrawn consent as provided 3167
by division (A) of this section and the test or tests may be 3168
administered, subject to sections 313.12 to 313.16 of the Revised 3169
Code. 3170

(C)(1) Any person under arrest for operating a vehicle while 3171
under the influence of alcohol, a drug of abuse, or alcohol and a 3172
drug of abuse or for operating a vehicle with a prohibited 3173
concentration of alcohol in the blood, breath, or urine shall be 3174
advised at a police station, or at a hospital, first-aid station, 3175
or clinic to which the person has been taken for first-aid or 3176
medical treatment, of both of the following: 3177

(a) The consequences, as specified in division (E) of this 3178
section, of the person's refusal to submit upon request to a 3179
chemical test designated by the law enforcement agency as provided 3180
in division (A) of this section; 3181

(b) The consequences, as specified in division (F) of this 3182
section, of the person's submission to the designated chemical 3183
test if the person is found to have a prohibited concentration of 3184
alcohol in the blood, breath, or urine. 3185

(2)(a) The advice given pursuant to division (C)(1) of this 3186
section shall be in a written form containing the information 3187
described in division (C)(2)(b) of this section and shall be read 3188
to the person. The form shall contain a statement that the form 3189
was shown to the person under arrest and read to the person in the 3190
presence of the arresting officer and either another police 3191

officer, a civilian police employee, or an employee of a hospital, 3192
first-aid station, or clinic, if any, to which the person has been 3193
taken for first-aid or medical treatment. The witnesses shall 3194
certify to this fact by signing the form. 3195

(b) The form required by division (C)(2)(a) of this section 3196
shall read as follows: 3197

"You now are under arrest for operating a vehicle while under 3198
the influence of alcohol, a drug of abuse, or both alcohol and a 3199
drug of abuse and will be requested by a police officer to submit 3200
to a chemical test to determine the concentration of alcohol, 3201
drugs of abuse, or alcohol and drugs of abuse in your blood, 3202
breath, or urine. 3203

If you refuse to submit to the requested test or if you 3204
submit to the requested test and are found to have a prohibited 3205
concentration of alcohol in your blood, breath, or urine, your 3206
driver's or commercial driver's license or permit or nonresident 3207
operating privilege immediately will be suspended for the period 3208
of time specified by law by the officer, on behalf of the 3209
registrar of motor vehicles. You may appeal this suspension at 3210
your initial appearance before the court that hears the charges 3211
against you resulting from the arrest, and your initial appearance 3212
will be conducted no later than five days after the arrest. This 3213
suspension is independent of the penalties for the offense, and 3214
you may be subject to other penalties upon conviction." 3215

(D)(1) If a person under arrest as described in division 3216
(C)(1) of this section is not asked by a police officer to submit 3217
to a chemical test designated as provided in division (A) of this 3218
section, the arresting officer shall seize the Ohio or 3219
out-of-state driver's or commercial driver's license or permit of 3220
the person and immediately forward the seized license or permit to 3221
the court in which the arrested person is to appear on the charge 3222

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

(a) On behalf of the registrar, serve a notice of suspension
upon the person that advises the person that, independent of any
penalties or sanctions imposed upon the person pursuant to any
other section of the Revised Code or any other municipal

ordinance, the person's driver's or commercial driver's license or 3255
permit or nonresident operating privilege is suspended, that the 3256
suspension takes effect immediately, that the suspension will last 3257
at least until the person's initial appearance on the charge that 3258
will be held within five days after the date of the person's 3259
arrest or the issuance of a citation to the person, and that the 3260
person may appeal the suspension at the initial appearance; seize 3261
the Ohio or out-of-state driver's or commercial driver's license 3262
or permit of the person; and immediately forward the seized 3263
license or permit to the registrar. If the arrested person does 3264
not have the person's driver's or commercial driver's license or 3265
permit on his or her person or in his or her vehicle, the 3266
arresting officer shall order the person to surrender it to the 3267
law enforcement agency that employs the officer within twenty-four 3268
hours after the service of the notice of suspension, and, upon the 3269
surrender, the officer's employing agency immediately shall 3270
forward the license or permit to the registrar. 3271

(b) Verify the current residence of the person and, if it 3272
differs from that on the person's driver's or commercial driver's 3273
license or permit, notify the registrar of the change; 3274

(c) In addition to forwarding the arrested person's driver's 3275
or commercial driver's license or permit to the registrar, send to 3276
the registrar, within forty-eight hours after the arrest of the 3277
person, a sworn report that includes all of the following 3278
statements: 3279

(i) That the officer had reasonable grounds to believe that, 3280
at the time of the arrest, the arrested person was operating a 3281
vehicle upon a highway or public or private property used by the 3282
public for vehicular travel or parking within this state while 3283
under the influence of alcohol, a drug of abuse, or alcohol and a 3284
drug of abuse or with a prohibited concentration of alcohol in the 3285
blood, breath, or urine; 3286

(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, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense;

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

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

possible, but no later than forty-eight hours after the arrest of
the person, the arresting officer shall send a copy of the sworn
report to the court in which the arrested person is to appear on
the charge for which the person was arrested.

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

(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 3350
permit for a period of one year after the date of the alleged 3351
violation. 3352

(b) If the arrested person, within five years of the date on 3353
which the person refused the request to consent to the chemical 3354
test, had refused one previous request to consent to a chemical 3355
test of the person's blood, breath, or urine to determine its 3356
alcohol content, the period of suspension or denial shall be two 3357
years. 3358

(c) If the arrested person, within five years of the date on 3359
which the person refused the request to consent to the chemical 3360
test, had refused two previous requests to consent to a chemical 3361
test of the person's blood, breath, or urine to determine its 3362
alcohol content, the period of suspension or denial shall be three 3363
years. 3364

(d) If the arrested person, within five years of the date on 3365
which the person refused the request to consent to the chemical 3366
test, had refused three or more previous requests to consent to a 3367
chemical test of the person's blood, breath, or urine to determine 3368
its alcohol content, the period of suspension or denial shall be 3369
five years. 3370

(2) The suspension or denial imposed under division (E)(1) of 3371
this section shall continue for the entire one-year, two-year, 3372
three-year, or five-year period, subject to appeal as provided in 3373
this section and subject to termination as provided in division 3374
(K) of this section. 3375

(F) Upon receipt of the sworn report of an arresting officer 3376
completed and sent to the registrar and a court pursuant to 3377
divisions (D)(1)(c) and (D)(2) of this section in regard to a 3378
person whose test results indicate that the person's blood 3379
contained a concentration of ten-hundredths of one per cent or 3380

more by weight of alcohol, the person's breath contained a 3381
concentration of ten-hundredths of one gram or more by weight of 3382
alcohol per two hundred ten liters of the person's breath, or the 3383
person's urine contained a concentration of fourteen-hundredths of 3384
one gram or more by weight of alcohol per one hundred milliliters 3385
of the person's urine at the time of the alleged offense, the 3386
registrar shall enter into the registrar's records the fact that 3387
the person's driver's or commercial driver's license or permit or 3388
nonresident operating privilege was suspended by the arresting 3389
officer under division (D)(1)(a) of this section and the period of 3390
the suspension, as determined under divisions (F)(1) to (4) of 3391
this section. The suspension shall be subject to appeal as 3392
provided in this section and shall be for whichever of the 3393
following periods that applies: 3394

(1) Except when division (F)(2), (3), or (4) of this section 3395
applies and specifies a different period of suspension or denial, 3396
the period of the suspension or denial shall be ninety days. 3397

(2) If the person has been convicted, within ten years of the 3398
date the test was conducted, of one violation of division (A) or 3399
(B) of section 4511.19 of the Revised Code, a municipal ordinance 3400
relating to operating a vehicle while under the influence of 3401
alcohol, a drug of abuse, or alcohol and a drug of abuse, a 3402
municipal ordinance relating to operating a vehicle with a 3403
prohibited concentration of alcohol in the blood, breath, or 3404
urine, section 2903.04 of the Revised Code in a case in which the 3405
offender was subject to the sanctions described in division (D) of 3406
that section, or section 2903.06, 2903.07, or 2903.08 of the 3407
Revised Code or a municipal ordinance that is substantially 3408
similar to section 2903.07 of the Revised Code in a case in which 3409
the jury or judge found that at the time of the commission of the 3410
offense the offender was under the influence of alcohol, a drug of 3411
abuse, or alcohol and a drug of abuse, or a statute of any other 3412

state or a municipal ordinance of a municipal corporation located 3413
in any other state that is substantially similar to division (A) 3414
or (B) of section 4511.19 of the Revised Code, the period of the 3415
suspension or denial shall be one year. 3416

(3) If the person has been convicted, within ten years of the 3417
date the test was conducted, of two violations of a statute or 3418
ordinance described in division (F)(2) of this section, the period 3419
of the suspension or denial shall be two years. 3420

(4) If the person has been convicted, within ten years of the 3421
date the test was conducted, of more than two violations of a 3422
statute or ordinance described in division (F)(2) of this section, 3423
the period of the suspension or denial shall be three years. 3424

(G)(1) A suspension of a person's driver's or commercial 3425
driver's license or permit or nonresident operating privilege 3426
under division (D)(1)(a) of this section for the period of time 3427
described in division (E) or (F) of this section is effective 3428
immediately from the time at which the arresting officer serves 3429
the notice of suspension upon the arrested person. Any subsequent 3430
finding that the person is not guilty of the charge that resulted 3431
in the person being requested to take, or in the person taking, 3432
the chemical test or tests under division (A) of this section 3433
affects the suspension only as described in division (H)(2) of 3434
this section. 3435

(2) If a person is arrested for operating a vehicle while 3436
under the influence of alcohol, a drug of abuse, or alcohol and a 3437
drug of abuse or for operating a vehicle with a prohibited 3438
concentration of alcohol in the blood, breath, or urine and 3439
regardless of whether the person's driver's or commercial driver's 3440
license or permit or nonresident operating privilege is or is not 3441
suspended under division (E) or (F) of this section, the person's 3442
initial appearance on the charge resulting from the arrest shall 3443

be held within five days of the person's arrest or the issuance of 3444
the citation to the person, subject to any continuance granted by 3445
the court pursuant to division (H)(1) of this section regarding 3446
the issues specified in that division. 3447

(H)(1) If a person is arrested for operating a vehicle while 3448
under the influence of alcohol, a drug of abuse, or alcohol and a 3449
drug of abuse or for operating a vehicle with a prohibited 3450
concentration of alcohol in the blood, breath, or urine and if the 3451
person's driver's or commercial driver's license or permit or 3452
nonresident operating privilege is suspended under division (E) or 3453
(F) of this section, the person may appeal the suspension at the 3454
person's initial appearance on the charge resulting from the 3455
arrest in the court in which the person will appear on that 3456
charge. If the person appeals the suspension at the person's 3457
initial appearance, the appeal does not stay the operation of the 3458
suspension. Subject to division (H)(2) of this section, no court 3459
has jurisdiction to grant a stay of a suspension imposed under 3460
division (E) or (F) of this section, and any order issued by any 3461
court that purports to grant a stay of any suspension imposed 3462
under either of those divisions shall not be given administrative 3463
effect. 3464

If the person appeals the suspension at the person's initial 3465
appearance, either the person or the registrar may request a 3466
continuance of the appeal. Either the person or the registrar 3467
shall make the request for a continuance of the appeal at the same 3468
time as the making of the appeal. If either the person or the 3469
registrar requests a continuance of the appeal, the court may 3470
grant the continuance. The court also may continue the appeal on 3471
its own motion. The granting of a continuance applies only to the 3472
conduct of the appeal of the suspension and does not extend the 3473
time within which the initial appearance must be conducted, and 3474
the court shall proceed with all other aspects of the initial 3475

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 3506
the time of the alleged offense. 3507

(2) If the person appeals the suspension at the initial 3508
appearance, the judge or referee of the court or the mayor of the 3509
mayor's court shall determine whether one or more of the 3510
conditions specified in divisions (H)(1)(a) to (d) of this section 3511
have not been met. The person who appeals the suspension has the 3512
burden of proving, by a preponderance of the evidence, that one or 3513
more of the specified conditions has not been met. If during the 3514
appeal at the initial appearance the judge or referee of the court 3515
or the mayor of the mayor's court determines that all of those 3516
conditions have been met, the judge, referee, or mayor shall 3517
uphold the suspension, shall continue the suspension, and shall 3518
notify the registrar of the decision on a form approved by the 3519
registrar. Except as otherwise provided in division (H)(2) of this 3520
section, if the suspension is upheld or if the person does not 3521
appeal the suspension at the person's initial appearance under 3522
division (H)(1) of this section, the suspension shall continue 3523
until the complaint alleging the violation for which the person 3524
was arrested and in relation to which the suspension was imposed 3525
is adjudicated on the merits by the judge or referee of the trial 3526
court or by the mayor of the mayor's court. If the suspension was 3527
imposed under division (E) of this section and it is continued 3528
under this division, any subsequent finding that the person is not 3529
guilty of the charge that resulted in the person being requested 3530
to take the chemical test or tests under division (A) of this 3531
section does not terminate or otherwise affect the suspension. If 3532
the suspension was imposed under division (F) of this section and 3533
it is continued under this division, the suspension shall 3534
terminate if, for any reason, the person subsequently is found not 3535
guilty of the charge that resulted in the person taking the 3536
chemical test or tests under division (A) of this section. 3537

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. 3570

(I)(1) If a person's driver's or commercial driver's license 3571
or permit or nonresident operating privilege has been suspended 3572
pursuant to division (E) of this section, and the person, within 3573
the preceding seven years, has refused three previous requests to 3574
consent to a chemical test of the person's blood, breath, or urine 3575
to determine its alcohol content or has been convicted of or 3576
pleaded guilty to three or more violations of division (A) or (B) 3577
of section 4511.19 of the Revised Code, a municipal ordinance 3578
relating to operating a vehicle while under the influence of 3579
alcohol, a drug of abuse, or alcohol and a drug of abuse, a 3580
municipal ordinance relating to operating a vehicle with a 3581
prohibited concentration of alcohol in the blood, breath, or 3582
urine, section 2903.04 of the Revised Code in a case in which the 3583
person was subject to the sanctions described in division (D) of 3584
that section, or section 2903.06, 2903.07, or 2903.08 of the 3585
Revised Code or a municipal ordinance that is substantially 3586
similar to section 2903.07 of the Revised Code in a case in which 3587
the jury or judge found that the person was under the influence of 3588
alcohol, a drug of abuse, or alcohol and a drug of abuse, or a 3589
statute of any other state or a municipal ordinance of a municipal 3590
corporation located in any other state that is substantially 3591
similar to division (A) or (B) of section 4511.19 of the Revised 3592
Code, the person is not entitled to request, and the court shall 3593
not grant to the person, occupational driving privileges under 3594
this division. Any other person whose driver's or commercial 3595
driver's license or nonresident operating privilege has been 3596
suspended pursuant to division (E) of this section may file a 3597
petition requesting occupational driving privileges in the 3598
municipal court, county court, or, if the person is a minor, 3599
juvenile court with jurisdiction over the place at which the 3600
arrest occurred. The petition may be filed at any time subsequent 3601

to the date on which the arresting officer serves the notice of 3602
suspension upon the arrested person. The person shall pay the 3603
costs of the proceeding, notify the registrar of the filing of the 3604
petition, and send the registrar a copy of the petition. 3605

In the proceedings, the registrar shall be represented by the 3606
prosecuting attorney of the county in which the arrest occurred if 3607
the petition is filed in the juvenile court or county court, 3608
except that, if the arrest occurred within a city or village 3609
within the jurisdiction of the county court in which the petition 3610
is filed, the city director of law or village solicitor of that 3611
city or village shall represent the registrar. If the petition is 3612
filed in the municipal court, the registrar shall be represented 3613
as provided in section 1901.34 of the Revised Code. 3614

The court, if it finds reasonable cause to believe that 3615
suspension would seriously affect the person's ability to continue 3616
in the person's employment, may grant the person occupational 3617
driving privileges during the period of suspension imposed 3618
pursuant to division (E) of this section, subject to the 3619
limitations contained in this division and division (I)(2) of this 3620
section. The court may grant the occupational driving privileges, 3621
subject to the limitations contained in this division and division 3622
(I)(2) of this section, regardless of whether the person appeals 3623
the suspension at the person's initial appearance under division 3624
(H)(1) of this section or appeals the decision of the court made 3625
pursuant to the appeal conducted at the initial appearance, and, 3626
if the person has appealed the suspension or decision, regardless 3627
of whether the matter at issue has been heard or decided by the 3628
court. The court shall not grant occupational driving privileges 3629
to any person who, within seven years of the filing of the 3630
petition, has refused three previous requests to consent to a 3631
chemical test of the person's blood, breath, or urine to determine 3632
its alcohol content or has been convicted of or pleaded guilty to 3633

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, and shall not grant
occupational driving privileges for employment as a driver of
commercial motor vehicles to any person who is disqualified from
operating a commercial motor vehicle under section 2301.374 or
4506.16 of the Revised Code.

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

A person granted occupational driving privileges who operates
a vehicle for other than occupational purposes, in violation of

any condition imposed by the court, or without having the permit 3666
in the person's possession, is guilty of a violation of section 3667
4507.02 of the Revised Code. 3668

(b) The court may not grant a person occupational driving 3669
privileges under division (I)(1) of this section when prohibited 3670
by a limitation contained in that division or during any of the 3671
following periods of time: 3672

(i) The first thirty days of suspension imposed upon a person 3673
who, within five years of the date on which the person refused the 3674
request to consent to a chemical test of the person's blood, 3675
breath, or urine to determine its alcohol content and for which 3676
refusal the suspension was imposed, had not refused a previous 3677
request to consent to a chemical test of the person's blood, 3678
breath, or urine to determine its alcohol content; 3679

(ii) The first ninety days of suspension imposed upon a 3680
person who, within five years of the date on which the person 3681
refused the request to consent to a chemical test of the person's 3682
blood, breath, or urine to determine its alcohol content and for 3683
which refusal the suspension was imposed, had refused one previous 3684
request to consent to a chemical test of the person's blood, 3685
breath, or urine to determine its alcohol content; 3686

(iii) The first year of suspension imposed upon a person who, 3687
within five years of the date on which the person refused the 3688
request to consent to a chemical test of the person's blood, 3689
breath, or urine to determine its alcohol content and for which 3690
refusal the suspension was imposed, had refused two previous 3691
requests to consent to a chemical test of the person's blood, 3692
breath, or urine to determine its alcohol content; 3693

(iv) The first three years of suspension imposed upon a 3694
person who, within five years of the date on which the person 3695
refused the request to consent to a chemical test of the person's 3696

blood, breath, or urine to determine its alcohol content and for 3697
which refusal the suspension was imposed, had refused three or 3698
more previous requests to consent to a chemical test of the 3699
person's blood, breath, or urine to determine its alcohol content. 3700

(3) The court shall give information in writing of any action 3701
taken under this section to the registrar. 3702

(4) If a person's driver's or commercial driver's license or 3703
permit or nonresident operating privilege has been suspended 3704
pursuant to division (F) of this section, and the person, within 3705
the preceding seven years, has been convicted of or pleaded guilty 3706
to three or more violations of division (A) or (B) of section 3707
4511.19 of the Revised Code, a municipal ordinance relating to 3708
operating a vehicle while under the influence of alcohol, a drug 3709
of abuse, or alcohol and a drug of abuse, a municipal ordinance 3710
relating to operating a vehicle with a prohibited concentration of 3711
alcohol in the blood, breath, or urine, section 2903.04 of the 3712
Revised Code in a case in which the person was subject to the 3713
sanctions described in division (D) of that section, or section 3714
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 3715
ordinance that is substantially similar to section 2903.07 of the 3716
Revised Code in a case in which the jury or judge found that the 3717
person was under the influence of alcohol, a drug of abuse, or 3718
alcohol and a drug of abuse, or a statute of any other state or a 3719
municipal ordinance of a municipal corporation located in any 3720
other state that is substantially similar to division (A) or (B) 3721
of section 4511.19 of the Revised Code, the person is not entitled 3722
to request, and the court shall not grant to the person, 3723
occupational driving privileges under this division. Any other 3724
person whose driver's or commercial driver's license or 3725
nonresident operating privilege has been suspended pursuant to 3726
division (F) of this section may file in the court specified in 3727
division (I)(1) of this section a petition requesting occupational 3728

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
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 3761
entered arose from the same incident that led to the suspension or 3762
denial. 3763

The registrar shall credit against any judicial suspension of 3764
a person's driver's or commercial driver's license or permit or 3765
nonresident operating privilege imposed pursuant to division (B) 3766
or (E) of section 4507.16 of the Revised Code any time during 3767
which the person serves a related suspension imposed pursuant to 3768
division (E) or (F) of this section. 3769

(L) At the end of a suspension period under this section, 3770
section 4511.196, or division (B) of section 4507.16 of the 3771
Revised Code and upon the request of the person whose driver's or 3772
commercial driver's license or permit was suspended and who is not 3773
otherwise subject to suspension, revocation, or disqualification, 3774
the registrar shall return the driver's or commercial driver's 3775
license or permit to the person upon the occurrence of all of the 3776
following: 3777

(1) A showing by the person that the person had proof of 3778
financial responsibility, a policy of liability insurance in 3779
effect that meets the minimum standards set forth in section 3780
4509.51 of the Revised Code, or proof, to the satisfaction of the 3781
registrar, that the person is able to respond in damages in an 3782
amount at least equal to the minimum amounts specified in section 3783
4509.51 of the Revised Code. 3784

(2) Payment by the person of a license reinstatement fee of 3785
two hundred ~~fifty~~ eighty dollars to the bureau of motor vehicles, 3786
which fee shall be deposited in the state treasury and credited as 3787
follows: 3788

(a) Seventy-five dollars shall be credited to the drivers' 3789
treatment and intervention fund, which is hereby established. The 3790
fund shall be used to pay the costs of driver treatment and 3791

intervention programs operated pursuant to sections 3793.02 and 3792
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authorized by section 3793.10 of the Revised Code.

(b) Fifty dollars shall be credited to the reparations fund 3799
created by section 2743.191 of the Revised Code. 3800

(c) Twenty-five dollars shall be credited to the indigent 3801
drivers alcohol treatment fund, which is hereby established. 3802
Except as otherwise provided in division (L)(2)(c) of this 3803
section, moneys in the fund shall be distributed by the department 3804
of alcohol and drug addiction services to the county indigent 3805
drivers alcohol treatment funds, the county juvenile indigent 3806
drivers alcohol treatment funds, and the municipal indigent 3807
drivers treatment funds that are required to be established by 3808
counties and municipal corporations pursuant to division (N) of 3809
this section, and shall be used only to pay the cost of an alcohol 3810
and drug addiction treatment program attended by an offender or 3811
juvenile traffic offender who is ordered to attend an alcohol and 3812
drug addiction treatment program by a county, juvenile, or 3813
municipal court judge and who is determined by the county, 3814
juvenile, or municipal court judge not to have the means to pay 3815
for attendance at the program. Moneys in the fund that are not 3816
distributed to a county indigent drivers alcohol treatment fund, a 3817
county juvenile indigent drivers alcohol treatment fund, or a 3818
municipal indigent drivers alcohol treatment fund under division 3819
(N) of this section because the director of alcohol and drug 3820
addiction services does not have the information necessary to 3821
identify the county or municipal corporation where the offender or 3822
juvenile offender was arrested may be transferred by the director 3823

of budget and management to the drivers' treatment and 3824
intervention fund, created in division (L)(2)(a) of this section, 3825
upon certification of the amount by the director of alcohol and 3826
drug addiction services. 3827

(d) Fifty dollars shall be credited to the Ohio 3828
rehabilitation services commission established by section 3304.12 3829
of the Revised Code, to the services for rehabilitation fund, 3830
which is hereby established. The fund shall be used to match 3831
available federal matching funds where appropriate, and for any 3832
other purpose or program of the commission to rehabilitate people 3833
with disabilities to help them become employed and independent. 3834

(e) Fifty dollars shall be deposited into the state treasury 3835
and credited to the drug abuse resistance education programs fund, 3836
which is hereby established, to be used by the attorney general 3837
for the purposes specified in division (L)(2)(e) of this section. 3838

(f) Thirty dollars shall be credited to the state bureau of 3839
motor vehicles fund created by section 4501.25 Of the Revised 3840
Code. 3841

The attorney general shall use amounts in the drug abuse 3842
resistance education programs fund to award grants to law 3843
enforcement agencies to establish and implement drug abuse 3844
resistance education programs in public schools. Grants awarded to 3845
a law enforcement agency under division (L)(2)(e) of this section 3846
shall be used by the agency to pay for not more than fifty per 3847
cent of the amount of the salaries of law enforcement officers who 3848
conduct drug abuse resistance education programs in public 3849
schools. The attorney general shall not use more than six per cent 3850
of the amounts the attorney general's office receives under 3851
division (L)(2)(e) of this section to pay the costs it incurs in 3852
administering the grant program established by division (L)(2)(e) 3853
of this section and in providing training and materials relating 3854

to drug abuse resistance education programs. 3855

The attorney general shall report to the governor and the 3856
general assembly each fiscal year on the progress made in 3857
establishing and implementing drug abuse resistance education 3858
programs. These reports shall include an evaluation of the 3859
effectiveness of these programs. 3860

(M) Suspension of a commercial driver's license under 3861
division (E) or (F) of this section shall be concurrent with any 3862
period of disqualification under section 2301.374 or 4506.16 of 3863
the Revised Code. No person who is disqualified for life from 3864
holding a commercial driver's license under section 4506.16 of the 3865
Revised Code shall be issued a driver's license under Chapter 3866
4507. of the Revised Code during the period for which the 3867
commercial driver's license was suspended under division (E) or 3868
(F) of this section, and no person whose commercial driver's 3869
license is suspended under division (E) or (F) of this section 3870
shall be issued a driver's license under that chapter during the 3871
period of the suspension. 3872

(N)(1) Each county shall establish an indigent drivers 3873
alcohol treatment fund, each county shall establish a juvenile 3874
indigent drivers alcohol treatment fund, and each municipal 3875
corporation in which there is a municipal court shall establish an 3876
indigent drivers alcohol treatment fund. All revenue that the 3877
general assembly appropriates to the indigent drivers alcohol 3878
treatment fund for transfer to a county indigent drivers alcohol 3879
treatment fund, a county juvenile indigent drivers alcohol 3880
treatment fund, or a municipal indigent drivers alcohol treatment 3881
fund, all portions of fees that are paid under division (L) of 3882
this section and that are credited under that division to the 3883
indigent drivers alcohol treatment fund in the state treasury for 3884
a county indigent drivers alcohol treatment fund, a county 3885
juvenile indigent drivers alcohol treatment fund, or a municipal 3886

indigent drivers alcohol treatment fund, and all portions of fines 3887
that are specified for deposit into a county or municipal indigent 3888
drivers alcohol treatment fund by section 4511.193 of the Revised 3889
Code shall be deposited into that county indigent drivers alcohol 3890
treatment fund, county juvenile indigent drivers alcohol treatment 3891
fund, or municipal indigent drivers alcohol treatment fund in 3892
accordance with division (N)(2) of this section. Additionally, all 3893
portions of fines that are paid for a violation of section 4511.19 3894
of the Revised Code or division (B)(2) of section 4507.02 of the 3895
Revised Code, and that are required under division (A)(1) or (2) 3896
of section 4511.99 or division (B)(5) of section 4507.99 of the 3897
Revised Code to be deposited into a county indigent drivers 3898
alcohol treatment fund or municipal indigent drivers alcohol 3899
treatment fund shall be deposited into the appropriate fund in 3900
accordance with the applicable division. 3901

(2) That portion of the license reinstatement fee that is 3902
paid under division (L) of this section and that is credited under 3903
that division to the indigent drivers alcohol treatment fund shall 3904
be deposited into a county indigent drivers alcohol treatment 3905
fund, a county juvenile indigent drivers alcohol treatment fund, 3906
or a municipal indigent drivers alcohol treatment fund as follows: 3907

(a) If the suspension in question was imposed under this 3908
section, that portion of the fee shall be deposited as follows: 3909

(i) If the fee is paid by a person who was charged in a 3910
county court with the violation that resulted in the suspension, 3911
the portion shall be deposited into the county indigent drivers 3912
alcohol treatment fund under the control of that court; 3913

(ii) If the fee is paid by a person who was charged in a 3914
juvenile court with the violation that resulted in the suspension, 3915
the portion shall be deposited into the county juvenile indigent 3916
drivers alcohol treatment fund established in the county served by 3917

the court; 3918

(iii) If the fee is paid by a person who was charged in a 3919
municipal court with the violation that resulted in the 3920
suspension, the portion shall be deposited into the municipal 3921
indigent drivers alcohol treatment fund under the control of that 3922
court. 3923

(b) If the suspension in question was imposed under division 3924
(B) of section 4507.16 of the Revised Code, that portion of the 3925
fee shall be deposited as follows: 3926

(i) If the fee is paid by a person whose license or permit 3927
was suspended by a county court, the portion shall be deposited 3928
into the county indigent drivers alcohol treatment fund under the 3929
control of that court; 3930

(ii) If the fee is paid by a person whose license or permit 3931
was suspended by a municipal court, the portion shall be deposited 3932
into the municipal indigent drivers alcohol treatment fund under 3933
the control of that court. 3934

(3) Expenditures from a county indigent drivers alcohol 3935
treatment fund, a county juvenile indigent drivers alcohol 3936
treatment fund, or a municipal indigent drivers alcohol treatment 3937
fund shall be made only upon the order of a county, juvenile, or 3938
municipal court judge and only for payment of the cost of the 3939
attendance at an alcohol and drug addiction treatment program of a 3940
person who is convicted of, or found to be a juvenile traffic 3941
offender by reason of, a violation of division (A) of section 3942
4511.19 of the Revised Code or a substantially similar municipal 3943
ordinance, who is ordered by the court to attend the alcohol and 3944
drug addiction treatment program, and who is determined by the 3945
court to be unable to pay the cost of attendance at the treatment 3946
program. The board of alcohol, drug addiction, and mental health 3947
services established pursuant to section 340.02 of the Revised 3948

Code serving the alcohol, drug addiction, and mental health 3949
service district in which the court is located shall administer 3950
the indigent drivers alcohol treatment program of the court. When 3951
a court orders an offender or juvenile traffic offender to attend 3952
an alcohol and drug addiction treatment program, the board shall 3953
determine which program is suitable to meet the needs of the 3954
offender or juvenile traffic offender, and when a suitable program 3955
is located and space is available at the program, the offender or 3956
juvenile traffic offender shall attend the program designated by 3957
the board. A reasonable amount not to exceed five per cent of the 3958
amounts credited to and deposited into the county indigent drivers 3959
alcohol treatment fund, the county juvenile indigent drivers 3960
alcohol treatment fund, or the municipal indigent drivers alcohol 3961
treatment fund serving every court whose program is administered 3962
by that board shall be paid to the board to cover the costs it 3963
incurs in administering those indigent drivers alcohol treatment 3964
programs. 3965

Sec. 4511.951. (A) A fee of ~~twelve~~ thirty dollars ~~and fifty~~ 3966
~~cents~~ shall be charged by the registrar of motor vehicles for the 3967
reinstatement of any driver's license suspended pursuant to 3968
division (A) of Article IV of the compact enacted in section 3969
4511.95 of the Revised Code. 3970

(B) Pursuant to division (A) of Article VI of the nonresident 3971
violin compact of 1977 enacted in section 4511.95 of the Revised 3972
Code, the director of public safety shall serve as the compact 3973
administrator for Ohio. 3974

Sec. 4513.242. Notwithstanding section 4513.24 and division 3975
(F) of section 4513.241 of the Revised Code or any rule adopted 3976
thereunder, a decal, whether reflectorized or not, may be 3977
displayed upon any side window or sidewing of a motor vehicle if 3978
all of the following are met: 3979

(A) <u>The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected;</u>	3980
	3981
(B) <u>The decal is no larger than is necessary to accomplish the security arrangements;</u>	3982
	3983
(C) <u>The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.</u>	3984
	3985
	3986
	3987
Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the Revised Code:	3988
	3989
(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, and any combinations of individuals.	3990
	3991
	3992
(B) "Motor vehicle" means motor vehicle as defined in section 4501.01 of the Revised Code.	3993
	3994
(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.	3995
	3996
	3997
(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.	3998
	3999
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	4001
(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.	4002
	4003
	4004
(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary	4005
	4006
	4007
	4008

course of business when the transfers are made in connection with 4009
the disposition of all or substantially all of the transferor's 4010
assets is not engaging in business. 4011

(G) "Retail sale" or "sale at retail" means the act or 4012
attempted act of selling, bartering, exchanging, or otherwise 4013
disposing of a motor vehicle to an ultimate purchaser for use as a 4014
consumer. 4015

(H) "Retail installment contract" includes any contract in 4016
the form of a note, chattel mortgage, conditional sales contract, 4017
lease, agreement, or other instrument payable in one or more 4018
installments over a period of time and arising out of the retail 4019
sale of a motor vehicle. 4020

(I) "Farm machinery" means all machines and tools used in the 4021
production, harvesting, and care of farm products. 4022

(J) "Dealer" or "motor vehicle dealer" means any new motor 4023
vehicle dealer, any motor vehicle leasing dealer, and any used 4024
motor vehicle dealer. 4025

(K) "New motor vehicle dealer" means any person engaged in 4026
the business of selling at retail, displaying, offering for sale, 4027
or dealing in new motor vehicles pursuant to a contract or 4028
agreement entered into with the manufacturer, remanufacturer, or 4029
distributor of the motor vehicles. 4030

(L) "Used motor vehicle dealer" means any person engaged in 4031
the business of selling, displaying, offering for sale, or dealing 4032
in used motor vehicles, at retail or wholesale, but does not mean 4033
any new motor vehicle dealer selling, displaying, offering for 4034
sale, or dealing in used motor vehicles incidentally to engaging 4035
in the business of selling, displaying, offering for sale, or 4036
dealing in new motor vehicles, any person engaged in the business 4037
of dismantling, salvaging, or rebuilding motor vehicles by means 4038
of using used parts, or any public officer performing official 4039

duties. 4040

(M) "Motor vehicle leasing dealer" means any person engaged 4041
in the business of regularly making available, offering to make 4042
available, or arranging for another person to use a motor vehicle 4043
pursuant to a bailment, lease, or other contractual arrangement 4044
under which a charge is made for its use at a periodic rate for a 4045
term of thirty days or more, and title to the motor vehicle is in 4046
a person other than the user, but does not mean a manufacturer or 4047
its affiliate leasing to its employees or to dealers. 4048

(N) "Salesperson" means any person employed by a dealer or 4049
manufactured home broker to sell, display, and offer for sale, or 4050
deal in motor vehicles for a commission, compensation, or other 4051
valuable consideration, but does not mean any public officer 4052
performing official duties. 4053

(O) "Casual sale" means any transfer of a motor vehicle by a 4054
person other than a new motor vehicle dealer, used motor vehicle 4055
dealer, motor vehicle salvage dealer, as defined in division (A) 4056
of section 4738.01 of the Revised Code, salesperson, motor vehicle 4057
auction owner, manufacturer, or distributor acting in the capacity 4058
of a dealer, salesperson, auction owner, manufacturer, or 4059
distributor, to a person who purchases the motor vehicle for use 4060
as a consumer. 4061

(P) "Motor vehicle show" means a display of current models of 4062
motor vehicles whereby the primary purpose is the exhibition of 4063
competitive makes and models in order to provide the general 4064
public the opportunity to review and inspect various makes and 4065
models of motor vehicles at a single location. 4066

(Q) "Motor vehicle auction owner" means any person who is 4067
engaged wholly or in part in the business of auctioning motor 4068
vehicles. 4069

(R) "Manufacturer" means a person who manufactures, 4070

assembles, or imports motor vehicles, including motor homes, but
does not mean a person who only assembles or installs a body,
special equipment unit, finishing trim, or accessories on a motor
vehicle chassis supplied by a manufacturer or distributor.

(S) "Tent-type fold out camping trailer" means any vehicle
intended to be used, when stationary, as a temporary shelter with
living and sleeping facilities, and which is subject to the
following properties and limitations:

(1) A minimum of twenty-five per cent of the fold out portion
of the top and sidewalls combined must be constructed of canvas,
vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the
ground;

(c) Eight feet in width;

(d) One ton gross weight at time of sale.

(T) "Distributor" means any person authorized by a motor
vehicle manufacturer to distribute new motor vehicles to licensed
new motor vehicle dealers, but does not mean a person who only
assembles or installs a body, special equipment unit, finishing
trim, or accessories on a motor vehicle chassis supplied by a
manufacturer or distributor.

(U) "Flea market" means a market place, other than a dealer's
location licensed under this chapter, where a space or location is
provided for a fee or compensation to a seller to exhibit and
offer for sale or trade, motor vehicles to the general public.

(V) "Franchise" means any written agreement, contract, or

understanding between any motor vehicle manufacturer or 4101
remanufacturer engaged in commerce and any motor vehicle dealer, 4102
which purports to fix the legal rights and liabilities of the 4103
parties to such agreement, contract, or understanding. 4104

(W) "Franchisee" means a person who receives new motor 4105
vehicles from the franchisor under a franchise agreement and who 4106
offers, sells, and provides service for such new motor vehicles to 4107
the general public. 4108

(X) "Franchisor" means a new motor vehicle manufacturer, 4109
remanufacturer, or distributor who supplies new motor vehicles 4110
under a franchise agreement to a franchisee. 4111

(Y) "Dealer organization" means a state or local trade 4112
association the membership of which is comprised predominantly of 4113
new motor vehicle dealers. 4114

(Z) "Factory representative" means a representative employed 4115
by a manufacturer, remanufacturer, or by a factory branch 4116
primarily for the purpose of promoting the sale of its motor 4117
vehicles, parts, or accessories to dealers or for supervising or 4118
contacting its dealers or prospective dealers. 4119

(AA) "Administrative or executive management" means those 4120
individuals who are not subject to federal wage and hour laws. 4121

(BB) "Good faith" means honesty in the conduct or transaction 4122
concerned and the observance of reasonable commercial standards of 4123
fair dealing in the trade as is defined in division (S) of section 4124
1301.01 of the Revised Code, including, but not limited to, the 4125
duty to act in a fair and equitable manner so as to guarantee 4126
freedom from coercion, intimidation, or threats of coercion or 4127
intimidation; provided however, that recommendation, endorsement, 4128
exposition, persuasion, urging, or argument shall not be 4129
considered to constitute a lack of good faith. 4130

(CC) "Coerce" means to compel or attempt to compel by failing 4131
to act in good faith or by threat of economic harm, breach of 4132
contract, or other adverse consequences. Coerce does not mean to 4133
argue, urge, recommend, or persuade. 4134

(DD) "Relevant market area" means any area within a radius of 4135
ten miles from the site of a potential new dealership, except that 4136
for manufactured home or recreational vehicle dealerships the 4137
radius shall be twenty-five miles. 4138

(EE) "Wholesale" or "at wholesale" means the act or attempted 4139
act of selling, bartering, exchanging, or otherwise disposing of a 4140
motor vehicle to a transferee for the purpose of resale and not 4141
for ultimate consumption by that transferee. 4142

(FF) "Motor vehicle wholesaler" means any person licensed as 4143
a dealer under the laws of another state and engaged in the 4144
business of selling, displaying, or offering for sale used motor 4145
vehicles, at wholesale, but does not mean any motor vehicle dealer 4146
as defined in this section. 4147

(GG) "Remanufacturer" means a person who assembles or 4148
installs passenger seating, walls, a roof elevation, or a body 4149
extension on a conversion van with the motor vehicle chassis 4150
supplied by a manufacturer or distributor, or a person who 4151
modifies a truck chassis supplied by a manufacturer or distributor 4152
for use as a public safety or public service vehicle but does not 4153
mean either of the following: 4154

(1) A person who assembles or installs passenger seating, 4155
walls, a roof elevation, or a body extension on a manufactured 4156
home as defined in division (O) and referred to in division (B) of 4157
section 4501.01 of the Revised Code or a recreational vehicle as 4158
defined in division (Q) and referred to in division (B) of section 4159
4501.01 of the Revised Code; 4160

(2) A person who assembles or installs special equipment or 4161

accessories for handicapped persons, as defined in section 4503.44 4162
of the Revised Code, upon a motor vehicle chassis supplied by a 4163
manufacturer or distributor. 4164

For purposes of division (GG) of this section, "public safety 4165
vehicle or public service vehicle" means a fire truck, ambulance, 4166
school bus, street sweeper, sewer maintenance vehicle, garbage 4167
packing truck, ~~or~~ cement mixer, bus, mobile classroom vehicle, 4168
mobile laboratory vehicle, bookmobile, or other similar mobile 4169
self-contained facility vehicle. 4170

(HH) "Operating as a new motor vehicle dealership" means 4171
engaging in activities such as displaying, offering for sale, and 4172
selling new motor vehicles at retail, operating a service facility 4173
to perform repairs and maintenance on motor vehicles, offering for 4174
sale and selling motor vehicle parts at retail, and conducting all 4175
other acts that are usual and customary to the operation of a new 4176
motor vehicle dealership. For purposes of this chapter only, 4177
possession of either a valid new motor vehicle dealer franchise 4178
agreement or a new motor vehicle dealers license, or both of these 4179
items, is not evidence that a person is operating as a new motor 4180
vehicle dealership. 4181

(II) "Manufactured home broker" means any person acting as a 4182
selling agent on behalf of an owner of a manufactured home that is 4183
subject to taxation under section 4503.06 of the Revised Code. 4184

Sec. 4517.02. (A) Except as otherwise provided in this 4185
section, no person shall do any of the following: 4186

(1) Engage in the business of displaying or selling at retail 4187
new motor vehicles or assume to engage in such business, unless 4188
the person is licensed as a new motor vehicle dealer under 4189
sections 4517.01 to 4517.45 of the Revised Code, or is a 4190
salesperson licensed under those sections and employed by a 4191

licensed new motor vehicle dealer;	4192
(2) Engage in the business of offering for sale, displaying	4193
for sale, or selling at retail or wholesale used motor vehicles or	4194
assume to engage in that business, unless the person is licensed	4195
as a dealer under sections 4517.01 to 4517.45 of the Revised Code,	4196
or is a salesperson licensed under those sections and employed by	4197
a licensed used motor vehicle dealer or licensed new motor vehicle	4198
dealer;	4199
(3) Engage in the business of regularly making available,	4200
offering to make available, or arranging for another person to use	4201
a motor vehicle, in the manner described in division (M) of	4202
section 4517.01 of the Revised Code, unless the person is licensed	4203
as a motor vehicle leasing dealer under sections 4517.01 to	4204
4517.45 of the Revised Code;	4205
(4) Engage in the business of motor vehicle auctioning or	4206
assume to engage in such business, unless the person is licensed	4207
as a motor vehicle auction owner under sections 4517.01 to 4517.45	4208
and 4707.01 to 4707.99 of the Revised Code;	4209
(5) Engage in the business of distributing motor vehicles or	4210
assume to engage in such business, unless the person is licensed	4211
as a distributor under sections 4517.01 to 4517.45 of the Revised	4212
Code;	4213
(6) Make more than five casual sales of motor vehicles in a	4214
twelve-month period, commencing with the day of the month in which	4215
the first such sale is made, nor provide a location or space for	4216
the sale of motor vehicles at a flea market, without obtaining a	4217
license as a dealer under sections 4517.01 to 4517.45 of the	4218
Revised Code; provided however that nothing in this section shall	4219
be construed to prohibit the disposition without a license of a	4220
motor vehicle originally acquired and held for purposes other than	4221
sale, rental, or lease to an employee, retiree, officer, or	4222

director of the person making the disposition, to a corporation 4223
affiliated with the person making the disposition, or to a person 4224
licensed under sections 4517.01 to 4517.45 of the Revised Code; 4225

(7) Engage in the business of brokering manufactured homes 4226
unless that person is licensed as a manufactured home broker under 4227
sections 4517.01 to 4517.45 of the Revised Code. 4228

(B) Nothing in this section shall be construed to require an 4229
auctioneer licensed under sections 4707.01 to 4707.19 of the 4230
Revised Code, to obtain a motor vehicle salesperson's license 4231
under sections 4517.01 to 4517.45 of the Revised Code when 4232
conducting an auction sale for a licensed motor vehicle dealer on 4233
the dealer's premises, or when conducting an auction sale for a 4234
licensed motor vehicle auction owner; nor shall such an auctioneer 4235
be required to obtain a motor vehicle auction owner's license 4236
under sections 4517.01 to 4517.45 of the Revised Code when engaged 4237
in auctioning for a licensed motor vehicle auction owner. 4238

(C) Sections 4517.01 to 4517.45 of the Revised Code do not 4239
apply to any of the following: 4240

(1) Persons engaging in the business of selling commercial 4241
tractors, trailers, or semitrailers incidentally to engaging 4242
primarily in business other than the selling or leasing of motor 4243
vehicles; 4244

(2) Mortgagees selling at retail only those motor vehicles 4245
that have come into their possession by a default in the terms of 4246
a mortgage contract; 4247

(3) The leasing, rental, and interchange of motor vehicles 4248
used directly in the rendition of a public utility service by 4249
regulated motor carriers. 4250

(D) When a partnership licensed under sections 4517.01 to 4251
4517.45 of the Revised Code is dissolved by death, the surviving 4252

partners may operate under the license for a period of sixty days, 4253
and the heirs or representatives of deceased persons and receivers 4254
or trustees in bankruptcy appointed by any competent authority may 4255
operate under the license of the person succeeded in possession by 4256
such heir, representative, receiver, or trustee in bankruptcy. 4257

(E) ~~No~~ (1) Except as provided in division (E)(2) of this 4258
section, no remanufacturer shall engage in the business of selling 4259
at retail any new motor vehicle without having written authority 4260
from the manufacturer or distributor of the vehicle to sell new 4261
motor vehicles and to perform repairs under the terms of the 4262
manufacturer's or distributor's new motor vehicle warranty, 4263
unless, at the time of the sale of the vehicle, each customer is 4264
furnished with a binding agreement ensuring that the customer has 4265
the right to have the vehicle serviced or repaired by a new motor 4266
vehicle dealer who is franchised to sell and service vehicles of 4267
the same line-make as the chassis of the remanufactured vehicle 4268
purchased by the customer and whose service or repair facility is 4269
located within either twenty miles of the remanufacturer's 4270
location and place of business or twenty miles of the customer's 4271
residence or place of business. If there is no such new motor 4272
vehicle dealer located within twenty miles of the remanufacturer's 4273
location and place of business or the customer's residence or 4274
place of business, the binding agreement furnished to the customer 4275
may be with the new motor vehicle dealer who is franchised to sell 4276
and service vehicles of the same line-make as the chassis of the 4277
remanufactured vehicle purchased by the customer and whose service 4278
or repair facility is located nearest to the remanufacturer's 4279
location and place of business or the customer's residence or 4280
place of business. Additionally, at the time of sale of any 4281
vehicle, each customer of the remanufacturer shall be furnished 4282
with a warranty issued by the remanufacturer for a term of at 4283
least one year. 4284

(2) A remanufacturer who remanufactures ambulances, fire trucks, school buses, buses, mobile classroom vehicles, mobile laboratory vehicles, bookmobiles, or other similar mobile self-contained facility vehicles, shall not be required to furnish each customer with such a binding agreement if the manufacturer of the chassis regularly requires the manufacturer's franchisees through a franchise agreement to provide service and repair for the chassis.

Sec. 4517.12. (A) The registrar of motor vehicles shall deny the application of any person for a license as a motor vehicle dealer, motor vehicle leasing dealer, manufactured home broker, or motor vehicle auction owner and refuse to issue the license if the registrar finds that the applicant:

(1) Has made any false statement of a material fact in the application;

(2) Has not complied with sections 4517.01 to 4517.45 of the Revised Code;

(3) Is of bad business repute or has habitually defaulted on financial obligations;

(4) Is engaged or will engage in the business of selling at retail any new motor vehicles without having written authority from the manufacturer or distributor thereof to sell new motor vehicles and to perform repairs under the terms of the manufacturer's or distributor's new motor vehicle warranty, except as provided in division (C) of this section and except that a person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor shall not be denied a license pursuant to division (A)(4) of this section;

(5) Has been guilty of a fraudulent act in connection with 4315
selling or otherwise dealing in, or leasing, motor vehicles, or in 4316
connection with brokering manufactured homes; 4317

(6) Has entered into or is about to enter into a contract or 4318
agreement with a manufacturer or distributor of motor vehicles 4319
that is contrary to sections 4517.01 to 4517.45 of the Revised 4320
Code; 4321

(7) Is insolvent; 4322

(8) Is of insufficient responsibility to ensure the prompt 4323
payment of any final judgments that might reasonably be entered 4324
against the applicant because of the transaction of business as a 4325
motor vehicle dealer, motor vehicle leasing dealer, manufactured 4326
home broker, or motor vehicle auction owner during the period of 4327
the license applied for, or has failed to satisfy any such 4328
judgment; 4329

(9) Has no established place of business that, where 4330
applicable, is used or will be used for the purpose of selling, 4331
displaying, offering for sale, dealing in, or leasing motor 4332
vehicles at the location for which application is made; 4333

(10) Has, less than twelve months prior to making 4334
application, been denied a motor vehicle dealer's, motor vehicle 4335
leasing dealer's, manufactured home broker's, or motor vehicle 4336
auction owner's license, or has any such license revoked. 4337

(B) If the applicant is a corporation or partnership, the 4338
registrar may refuse to issue a license if any officer, director, 4339
or partner of the applicant has been guilty of any act or omission 4340
that would be cause for refusing or revoking a license issued to 4341
such officer, director, or partner as an individual. The 4342
registrar's finding may be based upon facts contained in the 4343
application or upon any other information the registrar may have. 4344
Immediately upon denying an application for any of the reasons in 4345

this section, the registrar shall enter a final order together
with the registrar's findings and certify the same to the motor
vehicle dealers' and salespersons' licensing board.

(C) Notwithstanding division (A)(4) of this section, the
registrar shall not deny the application of any person and refuse
to issue a license if the registrar finds that the applicant is
engaged or will engage in the business of selling at retail any
new motor vehicles and demonstrates all of the following in the
form prescribed by the registrar:

(1) That the applicant has posted a bond, surety, or
certificate of deposit with the registrar in an amount not less
than one hundred thousand dollars for the protection and benefit
of the applicant's customers except that a new motor vehicle
dealer who is not exclusively engaged in the business of selling
remufactured vehicles shall not be required to post the bond,
surety, or certificate of deposit otherwise required by division
(C)(1) of this section;

(2) That, except as provided in division (D) of this section,
at the time of the sale of the vehicle, each customer of the
applicant will be furnished with a binding agreement ensuring that
the customer has the right to have the vehicle serviced or
repaired by a new motor vehicle dealer who is licensed to sell and
service vehicles of the same line-make as the chassis of the
remufactured vehicle purchased by the customer and whose service
or repair facility is located within either twenty miles of the
applicant's location and place of business or twenty miles of the
customer's residence or place of business. If there is no such new
motor vehicle dealer located within twenty miles of the
applicant's location and place of business or the customer's
residence or place of business, the binding agreement furnished to
the customer may be with the new motor vehicle dealer who is
franchised to sell and service vehicles of the same line-make as

the chassis of the remanufactured vehicle purchased by the 4378
customer and whose service or repair facility is located nearest 4379
to the remanufacturer's location and place of business or the 4380
customer's residence or place of business. 4381

(3) That, at the time of the sale of the vehicle, each 4382
customer of the applicant will be furnished with a warranty issued 4383
by the remanufacturer for a term of at least one year; 4384

(4) That the applicant provides and maintains at the 4385
applicant's location and place of business a permanent facility 4386
with all of the following: 4387

(a) A showroom with space, under roof, for the display of at 4388
least one new motor vehicle; 4389

(b) A service and parts facility for remanufactured vehicles; 4390
4391

(c) Full-time service and parts personnel with the proper 4392
training and technical expertise to service the remanufactured 4393
vehicles sold by the applicant. 4394

(D) An applicant for a new motor vehicle dealer's license for 4395
the purpose of selling ambulances, fire trucks, school buses, 4396
buses, mobile classroom vehicles, mobile laboratory vehicles, 4397
bookmobiles, or other similar mobile self-contained facility 4398
vehicles, shall not be required to furnish each customer with a 4399
binding agreement for service or repair by a licensed new motor 4400
vehicle dealer if the manufacturer of the chassis regularly 4401
requires the manufacturer's franchisees through a franchise 4402
agreement to provide service and repair for the chassis. 4403

Sec. 4981.09. (A) There is hereby created in the state 4404
treasury the rail development fund. The fund shall consist of such 4405
moneys as may be provided by law, including moneys received from 4406
the sale, transfer, or lease of any rail property pursuant to 4407

section 4981.08 of the Revised Code, and amounts transferred 4408
pursuant to division (B) of this section. Moneys in the fund shall 4409
be used for the purpose of acquiring, rehabilitating, or 4410
developing rail property or service, or for participation in the 4411
acquisition of rail property with the federal government, 4412
municipal corporations, townships, counties, or other governmental 4413
agencies. For the purpose of acquiring such rail property, the 4414
Ohio rail development commission may obtain acquisition loans from 4415
the federal government or from any other source. 4416

The fund shall also be used to promote, plan, design, 4417
construct, operate, and maintain passenger and freight rail 4418
transportation systems, and may be used to pay the administrative 4419
costs of the Ohio rail development commission associated with 4420
conducting any authorized rail program, and for any purpose 4421
authorized by sections 4981.03 and 5501.56 of the Revised Code. 4422
The fund shall not be used to provide loan guarantees. 4423

(B) Twice each year~~+~~, by the last day of ~~January~~ March for 4424
the immediately preceding June through December~~+~~ and by the last 4425
day of ~~June~~ August for the immediately preceding January through 4426
May, the tax commissioner shall certify to the director of budget 4427
and management the ~~identified~~ amounts paid into the general 4428
revenue fund pursuant to Chapter 5733. of the Revised Code during 4429
those months by taxpayers engaged in the business of owning or 4430
operating a railroad either wholly or partially within this state 4431
~~on rights of way acquired and held exclusively by such taxpayer.~~ 4432
The certifications shall not include amounts refunded to such 4433
taxpayers. Upon receipt of each certification, the director of 4434
budget and management shall transfer seventy-five per cent of the 4435
amount certified from the general revenue fund to the rail 4436
development fund. 4437

Sec. 4981.34. (A) On behalf of a franchisee and pursuant to 4438

section 4981.15 of the Revised Code, the Ohio rail development 4439
commission may issue bonds for loans to finance development and 4440
construction of a franchisee's portion of a rail system. 4441
~~Notwithstanding section 4981.151 of the Revised Code, any~~ any 4442
bonds issued pursuant to this section do not, and shall state that 4443
they do not, represent or constitute a debt or pledge of the faith 4444
and credit of the state, nor do such bonds grant to the 4445
bondholders or noteholders any right to have the general assembly 4446
levy any taxes or appropriate any funds for the payment of the 4447
principal or interest thereon. Such bonds shall be payable solely 4448
from the loan repayments the commission receives from the 4449
franchisee to which the loan was made. The loan repayments shall 4450
be made from revenues that the franchisee receives from the 4451
operation of its portion of the rail system and that shall be 4452
pledged to repay the commission, or from such other credit sources 4453
as the franchisee may arrange. 4454

(B) The portion of the rail system awarded to a franchisee, 4455
any elements thereof, or the land upon which a franchise is 4456
situated may be owned by the franchisee or owned by the commission 4457
and leased to the franchisee for the term of the franchise. 4458

(C) The rail system may be financed partially by the 4459
commission and partially by franchisees. With respect to that 4460
portion of the rail system financed by the commission, the 4461
commission may utilize all of the bonding and financial authority 4462
contained in sections 4981.01 to 4981.26 of the Revised Code and 4463
also may seek to obtain state funding or federal financing on 4464
behalf of the rail system. Commission financing, credit support, 4465
and financial assistance may not be commingled with private 4466
financing obtained by the franchisee, and any moneys of the 4467
commission to be expended by the commission to finance a portion 4468
of a rail system shall be kept in accounts that are separate and 4469
apart from and not a part of the accounts in which are kept any 4470

moneys to be expended by a franchisee to finance its portion of a
rail system. 4471
4472

(D) The franchisee may arrange financing and refinancing of 4473
the system through any combination of debt, equity, and public 4474
sources available to it that it determines in its sole discretion. 4475
A franchisee shall not be precluded from utilizing any type of 4476
public or private assistance available to it in connection with 4477
the development of its franchise. A franchisee shall furnish the 4478
commission all relevant and necessary information with respect to 4479
financing terms to enable the commission to exercise its oversight 4480
responsibilities with respect to the franchisee's reasonable 4481
return on its investment. 4482

(E) When requested by a franchisee, the commission shall seek 4483
from the office of budget and management an allotment of proceeds 4484
from the issuance of private activity bonds. The commission shall 4485
distribute those proceeds to franchisees in such proportions and 4486
amounts as it determines in its discretion. 4487

(F)(1) The commission may levy and collect special 4488
assessments upon all parcels of real property, other than real 4489
property owned by a railroad corporation, in the immediate 4490
vicinity of any rail system station or terminal of the commission 4491
or a franchisee, including, without limitation, parcels that abut, 4492
are adjacent or contiguous to, or otherwise increase in value due 4493
to the existence of, the station or terminal. An assessment levied 4494
under this division shall be for the purpose of enabling the 4495
commission to collect a portion of the increase in the true value 4496
in money of any such parcel of property subsequent to the 4497
commencement of operation of a rail system station or terminal. 4498
All assessments shall be applied, directly or indirectly, to the 4499
development and financing of the portion of the rail system of 4500
which the station or terminal is a part. 4501

(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 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 4534
to be paid, but upon written request of the owner of the real 4535
property assessed, the county auditor may permit the owner to pay 4536
the assessment in equal installments over a period of not longer 4537
than ten years. 4538

(4) An owner of real property upon which a special assessment 4539
is levied under this section may file a petition in the court of 4540
common pleas of the county in which the real property is located 4541
challenging any aspect of the assessment, including the fact of 4542
the special assessment itself or the amount. The filing of such a 4543
petition shall stay the collection of any part of the special 4544
assessment, and collection shall not commence until a decision on 4545
the merits is rendered by the court. 4546

(G) Nothing in this section shall be construed as limiting 4547
the power of the commission to issue bonds pursuant to section 4548
4981.15 of the Revised Code for the purposes stated in that 4549
section. 4550

Sec. 5112.17. (A) As used in this section: 4551

(1) "Federal poverty guideline" means the official poverty 4552
guideline as revised annually by the United States secretary of 4553
health and human services in accordance with section 673 of the 4554
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42 4555
U.S.C.A. 9902, as amended, for a family size equal to the size of 4556
the family of the person whose income is being determined. 4557

(2) "Third-party payer" means any private or public entity or 4558
program that may be liable by law or contract to make payment to 4559
or on behalf of an individual for health care services. 4560
"Third-party payer" does not include a hospital. 4561

(B) Each hospital that receives payments under sections 4562
5112.01 to 5112.21 of the Revised Code shall provide, without 4563

charge to the individual, basic, medically necessary 4564
hospital-level services to individuals who are residents of this 4565
state, are not recipients of the medical assistance program, and 4566
whose income is at or below the federal poverty guideline. 4567
Recipients of disability assistance under Chapter 5115. of the 4568
Revised Code qualify for services under this section. The 4569
department of human services shall adopt rules under section 4570
5112.03 of the Revised Code specifying the hospital services to be 4571
provided under this section. 4572

(C) Hospitals may bill any third-party payer for services 4573
rendered under this section. Hospitals may bill the medical 4574
assistance program, in accordance with Chapter 5111. of the 4575
Revised Code and the rules adopted under that chapter, for 4576
services rendered under this section if the individual becomes a 4577
recipient of the program. Hospitals may bill individuals for 4578
services under this section if all of the following apply: 4579

(1) The hospital has an established post-billing procedure 4580
for determining the individual's income and canceling the charges 4581
if the individual is found to qualify for services under this 4582
section. 4583

(2) The initial bill, and at least the first follow-up bill, 4584
is accompanied by a written statement that does all of the 4585
following: 4586

(a) Explains that individuals with income at or below the 4587
federal poverty guideline are eligible for services without 4588
charge; 4589

(b) Specifies the federal poverty guideline for individuals 4590
and families of various sizes at the time the bill is sent; 4591

(c) Describes the procedure required by division (C)(1) of 4592
this section. 4593

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

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

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

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

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

(A) "Transportation facilities" means all publicly owned modes and means of transporting people and goods, including the physical facilities, garages, district offices, and other related buildings therefor, and including, but not limited to, highways, rights-of-way, roads and bridges, parking facilities, aviation

facilities, port facilities, rail facilities, ~~and~~ public 4624
transportation facilities, rest areas, and roadside parks. 4625

(B) "Public transportation" means publicly owned or operated 4626
transportation by bus, rail, or other conveyance, which provides 4627
to the public transit or paratransit service on a regular and 4628
continuing basis within the state, and may include 4629
demand-responsive transportation, subscription bus service, 4630
shared-ride taxi service, car pools, van pools, or jitney service. 4631
"Public transportation" does not include school bus transportation 4632
or charter or sightseeing services. 4633

(C) "Road" or "highway" includes bridges, viaducts, grade 4634
separations, appurtenances, and approaches on or to such road or 4635
highway. 4636

(D) "Right-of-way" has the same meaning as in division 4637
(UU)(2) of section 4511.01 of the Revised Code. 4638

(E) "Telecommunications service provider" means an entity 4639
that, for a fee, provides telecommunications services, including, 4640
but not limited to, voice, data, interactive or two-way 4641
telecommunications services, without regard to the way such 4642
services are delivered. 4643

(F) "Telecommunications facility" means a facility for the 4644
provision of telecommunications services. The facility may 4645
include, but is not limited to, a tower, monopole, antenna or 4646
other ancillary equipment, or buildings used to deliver 4647
telecommunications services. 4648

Sec. 5501.311. (A) Notwithstanding sections 123.01 and 127.16 4649
of the Revised Code the director of transportation may lease or 4650
lease-purchase all or any part of a transportation facility to or 4651
from one or more persons, one or more governmental agencies, a 4652
transportation improvement district, or any combination thereof, 4653

and, in conjunction therewith, may grant leases, easements, or 4654
licenses for lands under the control of the department of 4655
transportation. The director ~~shall~~ may adopt ~~such~~ rules ~~as are~~ 4656
necessary to give effect to this section. 4657

(B) Plans and specifications for the construction of a 4658
transportation facility under a lease or lease-purchase agreement 4659
are subject to approval of the director and must meet or exceed 4660
all applicable standards of the department. 4661

(C) Any lease or lease-purchase agreement under which the 4662
department is the lessee shall be for a period not exceeding the 4663
then current two-year period for which appropriations have been 4664
made by the general assembly to the department, and such agreement 4665
may contain such other terms as the department and the other 4666
parties thereto agree, notwithstanding any other provision of law, 4667
including provisions that rental payments in amounts sufficient to 4668
pay bond service charges payable during the current two-year lease 4669
term shall be an absolute and unconditional obligation of the 4670
department independent of all other duties under the agreement 4671
without set-off or deduction or any other similar rights or 4672
defenses. Any such agreement may provide for renewal of the 4673
agreement at the end of each term for another term, not exceeding 4674
two years, provided that no renewal shall be effective until the 4675
effective date of an appropriation enacted by the general assembly 4676
from which the department may lawfully pay rentals under such 4677
agreement. Any such agreement may include, without limitation, any 4678
agreement by the department with respect to any costs of 4679
transportation facilities to be included prior to acquisition and 4680
construction of such transportation facilities. Any such agreement 4681
shall not constitute a debt or pledge of the faith and credit of 4682
the state, or of any political subdivision of the state, and the 4683
lessor shall have no right to have taxes or excises levied by the 4684
general assembly, or the taxing authority of any political 4685

subdivision of the state, for the payment of rentals thereunder. 4686
Any such agreement shall contain a statement to that effect. 4687

(D) A municipal corporation, township, or county may use 4688
service payments in lieu of taxes credited to special funds or 4689
accounts pursuant to sections 5709.43, 5709.75, and 5709.80 of the 4690
Revised Code to provide its contribution to the cost of a 4691
transportation facility, provided such facility was among the 4692
purposes for which such service payments were authorized. The 4693
contribution may be in the form of a lump sum or periodic 4694
payments. 4695

(E) Pursuant to 47 U.S.C. 332, "the Telecommunications Act of 4696
1966," the director may grant a lease, easement, or license in a 4697
transportation facility to a telecommunications service provider 4698
for construction, placement, or operation of a telecommunications 4699
facility. An interest granted under this section is subject to all 4700
of the following conditions: 4701

(1) The transportation facility is owned in fee simple or 4702
easement by this state at the time the lease, easement, or license 4703
is granted to the telecommunications provider. 4704

(2) The lease, easement, or license shall be granted on a 4705
competitive basis in accordance with policies and procedures to be 4706
determined by the director. The policies and procedures may 4707
include provisions for master leases for multiple sites. 4708

(3) The telecommunications facility shall be designed to 4709
accommodate the state's multi-agency radio communication system, 4710
the intelligent transportation system, and the department's 4711
communication system as the director may determine is necessary 4712
for highway or other departmental purposes. 4713

(4) The telecommunications facility shall be designed to 4714
accommodate such additional telecommunications equipment as may 4715
feasibly be co-located thereon as determined in the discretion of 4716

the director. 4717

(5) The telecommunications service providers awarded the 4718
lease, easement, or license, agree to permit other 4719
telecommunications service providers to co-locate on the 4720
telecommunications facility, and agree to the terms and conditions 4721
of the co-location as determined in the discretion of the 4722
director. 4723

(6) The director shall require indemnity agreements in favor 4724
of the department as a condition of any lease, easement, or 4725
license granted under this division. Each indemnity agreement 4726
shall secure this state and its agents from liability for damages 4727
arising out of safety hazards, zoning, and any other matter of 4728
public interest the director considers necessary. 4729

(7) The telecommunications service provider fully complies 4730
with any permit issued under section 5515.01 of the Revised Code 4731
pertaining to land that is the subject of the lease, easement, or 4732
license. 4733

(8) All plans and specifications shall meet with the 4734
director's approval. 4735

(9) Any other conditions the director determines necessary. 4736

(F) Money received by the department under division (E) of 4737
this section shall be deposited to the credit of the highway 4738
operating fund. 4739

(G) A lease, easement, or license granted under division (E) 4740
of this section, and any telecommunications facility relating to 4741
such interest in a transportation facility is hereby deemed to 4742
further the essential highway purpose of building and maintaining 4743
a safe, efficient, and accessible transportation system. 4744

Sec. 5501.32. The director of transportation may purchase 4745
property in fee simple in the name of the state by warranty deed, 4746

and all or any part of a tract of land when the acquisition of a 4747
part of the land needed for highway purposes will result in 4748
substantial damages to the residue by severance, controlled 4749
access, or isolation. The warranty deed shall contain a 4750
description of the property suitable for platting on tax maps. 4751

The director, in the name of the state, may sell all the 4752
right, title, and interest of the state in any part of land not 4753
required for highway purposes, provided the director shall have 4754
the parcel of land appraised by a department prequalified 4755
appraiser. 4756

Except as otherwise provided in this section, the director 4757
shall advertise ~~such~~ the sale of land not required for highway 4758
purposes in a newspaper of general circulation in the county in 4759
which the land is situated for at least two consecutive weeks 4760
prior to the date set for ~~such~~ the sale. ~~Such~~ The land shall may 4761
be sold at public auction to the highest bidder for not less than 4762
two-thirds of its appraised value, but the director may reject all 4763
bids that are less than the full appraised value of the land. 4764

If, however, ~~such~~ land not required for highway purposes is 4765
appraised as having a current fair market value of five thousand 4766
dollars or less, the director may sell the land to the sole 4767
abutting owner through a private sale at a price not less than its 4768
appraised value. If there is more than one abutting owner, the 4769
director may invite all of the abutting owners to submit sealed 4770
bids and may sell the land to the highest bidder at not less than 4771
its appraised value. 4772

All expense incurred in the sale of each parcel of land shall 4773
be paid out of the proceeds of the sale and the balance shall be 4774
deposited in the highway fund from which the purchase was made. 4775

The deed to ~~such~~ the purchaser of land under this section 4776
shall be prepared by the auditor of state, executed by the 4777

governor ~~and~~, countersigned by the secretary of state, and shall 4778
bear the great seal of the state. 4779

Sec. 5501.34. In the event that circumstances alter the 4780
highway requirements after the director of transportation has 4781
purchased and acquired property from the administrator of workers' 4782
compensation or retirement board, or otherwise, so that the 4783
property, or part thereof, is no longer required for highway 4784
purposes, the director ~~may sell~~, in the name of the state, may 4785
sell all the right, title, and interest of the state in any of the 4786
real property. As soon as reasonably practical after determining 4787
that any of the real property is no longer required for highway 4788
purposes, the director shall have the parcel of land appraised by 4789
a department prequalified appraiser. 4790

Except as otherwise provided in this section, the director 4791
shall advertise the sale in a newspaper of general circulation in 4792
the county in which the land is situated for at least two 4793
consecutive weeks prior to the date set for the sale. ~~Such~~ The 4794
land ~~shall~~ may be sold at public auction to the highest bidder for 4795
not less than two-thirds of its appraised value, ~~provided that~~ but 4796
the director may reject all bids that are less than the full 4797
appraised value of the land. However, if no sale has been effected 4798
after an effort to sell under this paragraph, the director may set 4799
aside the appraisal, order a new appraisal, and, except as 4800
otherwise provided in this section, readvertise the property for 4801
sale. 4802

If, ~~however, such~~ land not required for highway purposes is 4803
appraised or reappraised as having a current fair market value of 4804
five thousand dollars or less, the director may sell the land to 4805
the sole abutting owner through a private sale at a price not less 4806
than the appraised value. If there is more than one abutting 4807
owner, the director may invite all of the abutting owners to 4808

submit sealed bids and may sell the land to the highest bidder at 4809
not less than its appraised value. 4810

If such land is reappraised as having a fair market value of 4811
one thousand dollars or less, and no sale has been effected after 4812
an effort to sell to the abutting owner or owners, the director 4813
may readvertise and sell the land at public auction to the highest 4814
bidder. 4815

Conveyances of the lands shall be by deed executed by the 4816
governor, bear the great seal of the state of Ohio, and shall be 4817
in the form as prescribed by the attorney general. Section 5301.13 4818
of the Revised Code, relating to the sale of public lands, shall 4819
not apply to conveyances made pursuant to this section. The 4820
director shall keep a record of all such conveyances. 4821

Sec. 5501.37. In the event that circumstances alter the 4822
highway requirements after the director of transportation has 4823
purchased and acquired property from the commissioners of the 4824
sinking fund, or otherwise, so that ~~such~~ the property, or part 4825
thereof, is no longer required for highway or recreation purposes, 4826
the director ~~may sell,~~ in the name of the state, may sell all the 4827
right, title, and interest of the state in ~~any such~~ the real 4828
property. The director may convey property that is no longer 4829
needed for highway purposes and rights-of-way and easements in 4830
such property to the director of natural resources or any 4831
political subdivisions for the use and protection of any public 4832
recreational trail. As soon as reasonably practical after 4833
determining that any such real property is no longer required for 4834
highway or recreation purposes the director shall have the parcel 4835
of land appraised by a department prequalified appraiser. 4836

Except as otherwise provided in this section, the director 4837
shall advertise ~~such~~ the sale in a newspaper of general 4838
circulation in the county in which the land is situated for at 4839

least two consecutive weeks prior to the date set for ~~such~~ the 4840
sale. ~~Such~~ The land ~~shall~~ may be sold at public auction to the 4841
highest bidder for not less than two-thirds of its appraised 4842
value, ~~provided that~~ but the director may reject all bids that are 4843
less than the full appraised value of the land. However, if no 4844
sale has been effected after an effort to sell under this 4845
paragraph, the director may set aside the appraisalment, order a 4846
new appraisalment, and, except as otherwise provided in this 4847
section, readvertise the property for sale. 4848

~~If, however, such~~ land not required for highway or recreation 4849
purposes is appraised or reappraised as having a current fair 4850
market value of five thousand dollars or less, the director may 4851
sell the land to the sole abutting owner through a private sale at 4852
a price not less than the appraised value. If there is more than 4853
one abutting owner, the director may invite all of the abutting 4854
owners to submit sealed bids and may sell the land to the highest 4855
bidder at not less than its appraised value. 4856

If such land is reappraised as having a fair market value of 4857
one thousand dollars or less, and if no sale has been effected 4858
after an effort to sell to the abutting owner or owners, the 4859
director may readvertise and sell the land at public auction to 4860
the highest bidder. 4861

Conveyances of such land shall be by deed executed by the 4862
governor, bear the great seal of the state of Ohio, and shall be 4863
in the form as prescribed by the attorney general. The provisions 4864
of section 5301.13 of the Revised Code, relating to the sale of 4865
public lands, do not apply to conveyances made pursuant to this 4866
section. The director shall keep a record of all such conveyances. 4867

Sec. 5502.01. (A) The department of public safety shall 4869
administer and enforce the laws relating to the registration, 4870

licensing, sale and operation of motor vehicles and the laws 4871
pertaining to the licensing of drivers of motor vehicles. 4872

The department shall compile, analyze, and publish statistics 4873
relative to motor vehicle accidents and the causes thereof, 4874
prepare and conduct educational programs for the purpose of 4875
promoting safety in the operation of motor vehicles on the 4876
highways, assist the state board of education in the formulation 4877
of minimum standards for driver education courses of instruction, 4878
encourage driver instruction in the high schools of the state, and 4879
conduct research and studies for the purpose of promoting safety 4880
on the highways of this state. 4881

(B) The department shall administer the laws and rules 4882
applicable to the division of state emergency medical services. 4883

(C) The department shall administer and enforce the laws 4884
contained in Chapters 4301. and 4303. of the Revised Code and 4885
enforce the rules and orders of the liquor control commission 4886
pertaining to retail liquor permit holders. 4887

(D) The department shall administer the laws governing the 4888
state emergency management agency and shall enforce all additional 4889
duties and responsibilities as prescribed in the Revised Code 4890
related to emergency management services. 4891

(E) The department shall conduct investigations pursuant to 4892
Chapter 5101. of the Revised Code in support of the duty of the 4893
department of human services to administer food stamp programs 4894
throughout this state. The department of public safety shall 4895
conduct investigations necessary to protect the state's property 4896
rights and interests in the food stamp program. 4897

(F) The department of public safety shall enforce compliance 4898
with orders and rules of the public utilities commission and 4899
applicable laws in accordance with Chapters 4919., 4921., and 4900

4923. of the Revised Code regarding commercial motor vehicle 4901
transportation safety, economic, and hazardous materials 4902
requirements. 4903

(G) Notwithstanding Chapter 4117. of the Revised Code, the 4904
department of public safety may establish requirements for its 4905
enforcement personnel that include standards of conduct, work 4906
rules and procedures, and criteria for eligibility as law 4907
enforcement personnel. 4908

(H) The department shall administer, maintain, and operate 4909
the Ohio criminal justice network. The Ohio criminal justice 4910
network shall be a computer network that supports state and local 4911
criminal justice activities. The network shall be an electronic 4912
repository for various data, which may include arrest warrants, 4913
notices of persons wanted by law enforcement agencies, criminal 4914
records, prison inmate records, stolen vehicle records, vehicle 4915
operator's licenses, and vehicle registrations and titles. 4916

Sec. 5502.12. The accident reports submitted pursuant to 4917
section 5502.11 of the Revised Code shall be for the use of the 4918
director of public safety for purposes of statistical, safety, and 4919
other studies. The director of public safety shall search and 4920
furnish a copy of such report to any person claiming an interest 4921
arising out of a motor vehicle accident, or to ~~his~~ the person's 4922
attorney, upon the payment of a nonrefundable fee of ~~two~~ three 4923
dollars. With respect to accidents investigated by the state 4924
highway patrol, the director of public safety shall furnish to 4925
such person all related reports and statements upon the payment of 4926
a nonrefundable fee of ~~three~~ four dollars. The cost of photographs 4927
shall be in addition to the nonrefundable ~~three-dollar~~ four-dollar 4928
fee. 4929

Such state highway patrol reports, statements, and 4930
photographs ~~may~~, in the discretion of the director of public 4931

safety, may be withheld until all criminal prosecution has been 4932
concluded; ~~and~~ the director of public safety may require proof, 4933
satisfactory to ~~him~~ the director, of the right of any applicant to 4934
be furnished such documents. 4935

Sec. 5502.22. (A) There is hereby established within the 4936
department of public safety an emergency management agency which 4937
shall be governed under rules adopted by the director of public 4938
safety under section 5502.25 of the Revised Code. The director, 4939
with the concurrence of the governor, shall appoint a deputy 4940
director, who shall be head of the emergency management agency. 4941
The deputy director may appoint a chief executive assistant, 4942
executive assistants, and administrative and technical personnel 4943
within that agency as may be necessary to plan, organize, and 4944
maintain emergency management adequate to the needs of the state. 4945
The deputy director shall coordinate all activities of all 4946
agencies for emergency management within the state, shall maintain 4947
liaison with similar agencies of other states and of the federal 4948
government, shall cooperate with those agencies subject to the 4949
approval of the governor, and shall develop a statewide emergency 4950
operations plan that shall meet any applicable federal 4951
requirements for such plans. The deputy director shall have such 4952
additional authority, duties, and responsibilities as are 4953
prescribed by the governor and the director or provided by law in 4954
all matters relating to emergency management that may be reflected 4955
in other sections of the Revised Code. The deputy director shall 4956
advise the governor and director on matters pertaining to 4957
emergency management on a regular basis. 4958

Whenever the disaster services agency or director is referred 4959
to or designated in any statute, rule, contract, or other 4960
document, the reference or designation shall be deemed to refer to 4961
the emergency management agency or deputy director, as the case 4962
may be. 4963

(B) For the purposes of emergency management, the deputy director, with the approval of the director, may participate in federal programs, accept grants from, and enter into cooperative agreements or contractual arrangements with any federal, state, or local department, agency, or subdivision thereof, or any other person or body politic. Whenever the duties of the emergency management agency overlap with rights or duties of other federal, state, or local departments, agencies, subdivisions, or officials, or private agencies, the deputy director shall cooperate with, and not infringe upon the rights and duties of, the other public or private entities.

Funds made available by the United States for the use of the emergency management agency shall be expended by that agency only for the purposes for which the funds were appropriated. In accepting federal funds, the emergency management agency shall abide by the terms and conditions of the grant, cooperative agreement, or contractual arrangement and shall expend the funds in accordance with the laws and regulations of the United States.

Sec. 5512.01. The director of transportation shall develop the strategic initiatives of the department of transportation. Not more than six months after the effective date of this section, the director shall submit the strategic initiatives of the department to the transportation review advisory council.

Sec. 5512.02. (A) The director of transportation shall develop a written project selection process for the prioritization of new transportation capacity projects. The director shall include the following in the process:

(1) A description of how strategic initiatives submitted by the director are advanced by the process;

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

(3) Criteria that are used to rank proposed projects by how effectively a project contributes to the advancement of the strategic initiatives; 4995
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(4) Data that is necessary to apply the ranking criteria; 4998

(5) Any other provisions the director considers appropriate. 4999

(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. 5000
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Sec. 5512.03. Upon completing the written project selection process for the prioritization of new transportation capacity projects, the director of transportation shall submit it to the transportation review advisory council. The council shall review the process, and approve it or make revisions. 5004
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Sec. 5512.04. At least once every two years, the director of transportation shall prepare a fiscal forecast predicting or indicating the amount of funding expected to be available for construction of new transportation capacity projects during the period of the forecast. The forecast shall be consistent with the biennial budget approved by the general assembly. 5009
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The transportation review advisory council shall develop and approve a list of projects that will not cause spending to significantly exceed the funding predicted to be available by the fiscal forecast. 5015
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Sec. 5512.05. In performing its duty to develop the project selection process, and list of projects, the transportation review advisory council shall conduct no more than six public hearings per year at various locations around the state. At the hearings, the council shall accept public comment related to the project selection process, and on the merits of major new transportation 5019
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projects. Members of the council shall attend the hearings in person. 5025
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Sec. 5512.06. The director of transportation, with the approval of the transportation review advisory council, shall submit biennial reports to the governor and the general assembly on the conduct of the project selection process for prioritizing transportation capacity projects, and on the progress of those projects undertaken. 5027
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Sec. 5512.07. (A) There is hereby created the transportation review advisory council. no member of the general assembly shall be a member of the council. The council shall consist of seven members, one of whom is the director of transportation. Four members shall be appointed by the governor with the advice and consent of the senate. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the president of the senate. In making their appointments, the Governor, the Speaker of the House of Representatives, and the President of the Senate shall consult with each other so that of the total number of six appointed members, at least two are affiliated with the major political party not represented by the Governor. Within ninety days after the effective date of this section, the governor, speaker, and president shall make the initial appointments to the council. 5033
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Appointed members shall have no conflict of interest with the position and shall be capable of performing the duties of the council with impartiality. For purposes of this section, conflicts of interest may include, but are not limited to, employment by or on behalf of, affiliation with, or public advocacy of a new highway capacity project under consideration for possible approval by the council. 5048
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The members the governor appoints shall have the following qualifications: 5055
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(1) Two members shall have at least five years' experience in an executive or decision-making role in the transportation sector. 5057
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(2) One member shall have at least five years' experience in a leadership and fiduciary role with either a business or an economic development organization. 5060
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(3) One member shall be selected from a list of five names provided by the Ohio public expenditure council. 5063
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(B) Of the governor's initial appointments made to the council, one shall be for a term ending one year after the effective date of this section, one shall be for a term ending two years after the effective date of this section, one shall be for a term ending four years after the effective date of this section, and one shall be for a term ending five years after the effective date of this section. The speaker's and president's initial appointments made to the council shall be for a term ending three years after the effective date of this section. Thereafter, all terms of office shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill another member's unexpired term shall hold office for the remainder of that unexpired term. A member shall continue in office subsequent to the expiration of the member's term until the member's successor takes office. 5065
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(C) The director of transportation is the chairperson of the council. 5084
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Sec. 5512.08. Members of the transportation review advisory council, except the director of transportation, shall be 5086
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compensated at the rate of five thousand dollars per year, plus 5088
two hundred dollars per day worked, plus the necessary travel and 5089
other expenses involved with their duties. However, the combined 5090
amount of compensation and expenses paid to a member under this 5091
section shall not exceed fifteen thousand dollars per fiscal year. 5092

Sec. 5512.09. At the request of the transportation review 5093
advisory council, the department of transportation shall provide 5094
staff assistance and office space for the council. 5095

Sec. 5513.01. (A) All purchases of machinery, materials, 5096
supplies, or other articles that the director of transportation 5097
makes shall be in the manner provided in this section. In all 5098
cases except those in which the director ~~authorizes~~ provides 5099
written authorization for purchases by district deputy directors 5100
of transportation, all such purchases shall be made at the central 5101
office of the department of transportation in Columbus. Before 5102
making any purchase at that office, the director, as provided in 5103
this section, shall give notice to bidders of the intention to 5104
purchase. Where the expenditure ~~is~~ does not more than five hundred 5105
dollars exceed the amount applicable to the purchase of supplies 5106
specified in division (B) of section 125.05 Of the Revised Code, 5107
as adjusted pursuant to division (D) of that section, the director 5108
shall give such notice as the director considers proper, or the 5109
director may make the purchase without notice. Where the 5110
expenditure ~~is more than five hundred dollars~~ exceeds the amount 5111
applicable to the purchase of supplies specified in division (B) 5112
of section 125.05 Of the Revised Code, as adjusted pursuant to 5113
division (D) of that section, the director shall give notice by 5114
posting for not less than ten days a written, typed, or printed 5115
invitation to bidders on a bulletin board, which shall be located 5116
in a place in the offices assigned to the department and open to 5117
the public during business hours. Producers or distributors of any 5118
product may notify the director, in writing, of the class of 5119

articles for the furnishing of which they desire to bid and their 5120
post-office addresses, in which case copies of all invitations to 5121
bidders relating to the purchase of such articles shall be mailed 5122
to such persons by the director by regular first class mail at 5123
least ten days prior to the time fixed for taking bids. The 5124
director also may mail copies of all invitations to bidders to 5125
news agencies or other agencies or organizations distributing 5126
information of this character. Requests for invitations shall not 5127
be valid ~~or~~ nor require action by the director unless renewed, 5128
either annually or after such shorter period as the director may 5129
prescribe by a general ~~regulation~~ rule. The invitation to bidders 5130
shall contain a brief statement of the general character of the 5131
article that it is intended to purchase, the approximate quantity 5132
desired, and a statement of the time and place where bids will be 5133
received, and may relate to and describe as many different 5134
articles as the director thinks proper, it being the intent and 5135
purpose of this section to authorize the inclusion in a single 5136
invitation of as many different articles as the director desires 5137
to invite bids upon at any given time. Invitations issued during 5138
each calendar year shall be given consecutive numbers, and the 5139
number assigned to each invitation shall appear on all copies 5140
thereof. In all cases where notice is required by this section, 5141
sealed bids shall be taken, on forms prescribed and furnished by 5142
the director, and modification of bids after they have been opened 5143
shall not be permitted. 5144

(B) The director may permit any political subdivision and any 5146
state university or college to participate in contracts into which 5147
the director has entered for the purchase of machinery, materials, 5148
supplies, or other articles. Any political subdivision or state 5149
university or college desiring to participate in such purchase 5150
contracts shall file with the director a certified copy of the 5151

ordinance or resolution of its legislative authority, board of trustees, or other governing board requesting authorization to participate in such contracts and agreeing to be bound by such terms and conditions as the director prescribes. Purchases made by political subdivisions or state universities or colleges under this division are exempt from any competitive bidding required by law for the purchase of machinery, materials, supplies, or other articles.

(C) As used in this section:

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

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

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

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

this chapter, and pay the balance of the cost of such new item 5182
from any funds appropriated to the department. The director also 5183
may accept a credit voucher in an amount mutually agreed upon 5184
between a vendor and the department. The amount of the credit 5185
voucher shall be applied to future purchases from that vendor. 5186

(B) Notwithstanding sections 125.12, 125.13, and 125.14 of 5187
the Revised Code, the director, after notice as provided in this 5188
chapter with respect to purchase, may sell any passenger vehicle, 5189
van, truck, trailer, or other heavy equipment unfit for use or not 5190
required by the department. Prior to such sale, the director shall 5191
notify each county, municipal corporation, township, and school 5192
district of the sale. The director shall similarly notify the 5193
board of trustees of any regional water and sewer district 5194
established under Chapter 6119. of the Revised Code, when the 5195
board has forwarded to the director the district's name and 5196
current business address. For the purposes of this division, the 5197
name and current business address of a regional water and sewer 5198
district shall be forwarded to the director once each year during 5199
any year in which the board wishes the notification to be given. 5200
The notice required by this division may be given by the most 5201
economical means considered to be effective, including, but not 5202
limited to, regular mail, electronic mail, electronic bulletin 5203
board, and publication in a periodical or newspaper. If after 5204
fourteen ~~seven~~ days following mailing or other issuance of the 5205
director's notice, no county, municipal corporation, township, 5206
regional water and sewer district, educational service center, or 5207
school district has notified the director that it wishes to 5208
purchase any such ~~machinery, tools, equipment, parts, material,~~ 5209
vehicle or ~~supplies~~ other heavy equipment, the director may 5210
proceed with the sale under division (D) of this section. The 5211
director may exchange such ~~machinery, tools,~~ vehicles and other 5212
heavy equipment, ~~and parts~~ for new ~~machinery, tools,~~ vehicles or 5213

~~other heavy~~ equipment, ~~or parts,~~ in the manner provided for in 5214
sections 5513.01 to 5513.04 of the Revised Code, and pay the 5215
balance of the cost of such new ~~items~~ vehicles or other heavy 5216
equipment from the ~~highway operating fund of funds appropriated to~~ 5217
the department. The director also may elect to accept a credit 5218
voucher from a vendor in an amount mutually agreed to by the 5219
department and the vendor. The director shall apply the credit 5220
voucher to future purchases from that vendor. 5221

~~The~~ In an emergency situation as determined by the director, 5222
the director may transfer any ~~machinery, tools, equipment, parts,~~ 5223
~~materials,~~ vehicles or supplies other heavy equipment that is 5224
unfit for use or not ~~required~~ needed by the department to 5225
~~counties, municipal corporations,~~ any agency of the state or other 5226
~~governmental subdivisions~~ political subdivision of the state 5227
without advertising for bids and upon ~~such~~ mutually agreed to 5228
~~terms as the director may agree with the public authorities~~ 5229
~~empowered to arrange for the transfer.~~ 5230

~~(B)(C)~~ The director may sell or otherwise dispose of any 5231
structure or structural materials salvaged on the state highway 5232
system that in the director's judgment are no longer ~~required~~ 5233
needed by the department, or that, through wear or obsolescence, 5234
have become unfit for use. The director may ~~authorize the sale of~~ 5235
~~the structure or materials by the district deputy directors of~~ 5236
~~transportation, and proceedings of such sale shall be conducted in~~ 5237
~~the same manner as provided for sales by the director.~~ 5238

~~Sale of such structure or materials shall be made to the~~ 5239
~~highest responsible bidder and, before making any sale, the~~ 5240
~~director shall give notice of such sale by posting, for not less~~ 5241
~~than ten days, a written, typed, or printed invitation to bidders~~ 5242
~~on a bulletin board in the offices of the department. The bulletin~~ 5243
~~board shall be located in a place open to the public during~~ 5244
~~business hours. If, in the opinion of the director, the structure~~ 5245

~~or materials to be sold have a fair market value of two hundred 5246
dollars or less, the director need not advertise the proposed sale 5247
except by notice posted on the bulletin board in the offices of 5248
the department. If the structure or materials to be sold have a 5249
fair market value in excess of two hundred dollars, then the 5250
director shall publish one notice of the sale in a newspaper of 5251
general circulation in the county in which such structure or 5252
materials are located, and notice shall be published at least ten 5253
days before bids are to be received. The invitation to bidders 5254
shall contain a brief description of the materials to be sold and 5255
a statement of the time and place where bids will be received. In 5256
the same invitation, the director may receive bids on the 5257
structure as a whole with alternate bids on each of the separate 5258
parts or classes of materials making up the whole, and may make 5259
such sale on whichever basis the director determines is most 5260
advantageous to the department. If, after invitations are issued, 5261
it develops that any public authority has use for the structure or 5262
materials, the director may reject all bids and dispose of the 5263
structure or materials as set out in this section. 5264~~

~~The director may transfer the structure or materials to 5265
counties, municipal corporations, or other governmental 5266
subdivisions without advertising for bids and upon such mutually 5267
agreed to terms as the director may agree with the public 5268
authorities empowered to arrange for the transfer. The director 5269
may transfer the structure or structures to a nonprofit 5270
corporation upon being furnished a copy of a contract between the 5271
nonprofit corporation and a county, municipal corporation, or 5272
other governmental subdivision to which the structure is to be 5273
moved pursuant to which the nonprofit corporation must make the 5274
structure or structures available for rent or sale within a period 5275
of three months after becoming available for occupancy to an 5276
individual or family which has been displaced by governmental 5277~~

action or which occupies substandard housing as certified by such 5278
governmental subdivision, without advertising for bids. Any such 5279
transfers shall be for such consideration as shall be determined 5280
by the director to be fair and reasonable, and shall be upon such 5281
terms and specifications with respect to performance and indemnity 5282
as shall be determined necessary by the director. 5283

~~(C)~~ When, in carrying out an improvement that replaces any 5284
structure or materials, it is advantageous to dispose of the 5285
structure or materials by providing in the contract for the 5286
improvement that the structure or materials, or any part thereof, 5287
shall become the property of the contractor, the director may so 5288
proceed. 5289

(D)(1) Any item specified in division (A), (B), or (C) of 5290
this section that has an estimated market value greater than one 5291
thousand dollars and that has not been sold or transferred as 5292
provided in those divisions may be sold at public sale. The 5293
Director may authorize such sale by the district deputy directors 5294
of transportation, and the proceedings of such sale shall be 5295
conducted in the same manner as provided for sales by the 5296
director. 5297

Before making any sale under division (D)(1) of this section, 5298
the director shall give notice of the sale by posting, for not 5299
less than ten days, a written, typed, or printed invitation to 5300
bidders on a traditional or electronic bulletin board in the 5301
offices of the department. The bulletin board shall be located in 5302
a place open to the public during normal business hours. At least 5303
ten days before bids are to be received, the Director also shall 5304
publish one notice of the sale in a periodical or newspaper of 5305
general circulation in the region in which the items are located. 5306
The invitation to bidders and the published notice of the sale 5307
shall contain a brief description of the items to be sold and a 5308
statement of the time and place where bids will be received. The 5309

Director may receive bids and make such sale on any basis the 5310
director determines is most advantageous to the Department. A sale 5311
under division (D)(1) of this section shall be made to the highest 5312
responsible bidder. If, after invitations are issued, it develops 5313
that any public authority has use for any of the items, the 5314
Director may reject all bids and dispose of the items as set out 5315
in this section. 5316

(2) If, in the opinion of the Director, any item specified in 5317
division (A), (B), or (C) of this section has an estimated fair 5318
market value of one thousand dollars or less, the Director is not 5319
required to advertise the proposed sale except by notice posted on 5320
a traditional or electronic bulletin board in one or more offices 5321
of the Department. The bulletin board shall be located in a place 5322
open to the public during normal business hours. The notice shall 5323
be posted for at least five working days and shall contain a brief 5324
description of the items to be sold and a statement of the time 5325
and place where bids will be received. The Director may receive 5326
bids and make such sale on any basis the director determines is 5327
most advantageous to the Department. Sale of any item using this 5328
method of advertising shall be made to the highest responsible 5329
bidder. If it develops that any public authority has use for any 5330
of the items, the Director may reject all bids and dispose of the 5331
items as set out in this section. 5332

(E) Proceeds of any sale described in this section shall be 5333
paid into the state treasury to the credit of the state highway 5334
operating fund or any other fund of the department as determined 5335
by the director. 5336

~~(E)~~(F) As used in this section, "school district" means any 5337
city school district, local school district, exempted village 5338
school district, cooperative education school district, and joint 5339
vocational school district, as defined in Chapter 3311. of the 5340
Revised Code. Once each year, the state board of education shall 5341

provide the director with a current list of the addresses of all 5342
school districts and educational service centers in the state. 5343

Sec. 5513.06. (A) The director of transportation may debar a 5344
vendor from consideration for contract awards upon a finding based 5345
upon a reasonable belief that the vendor has done any of the 5346
following: 5347

(1) Abused the solicitation process by repeatedly withdrawing 5348
bids before purchase orders or contracts are issued or failing to 5349
accept orders based upon firm bids; 5350

(2) Failed to substantially perform a contract according to 5351
its terms, conditions, and specifications within specified time 5352
limits; 5353

(3) Failed to cooperate in monitoring contract performance by 5354
refusing to provide information or documents required in a 5355
contract, failed to respond and correct matters related to 5356
complaints to the vendor, or accumulated repeated justified 5357
complaints regarding performance of a contract; 5358

(4) Attempted to influence a public employee to breach 5359
ethical conduct standards; 5360

(5) Colluded with other bidders to restrain competition by 5361
any means; 5362

(6) Been convicted of a criminal offense related to the 5363
application for or performance of any public or private contract, 5364
including, but not limited to, embezzlement, theft, forgery, 5365
bribery, falsification or destruction of records, receiving stolen 5366
property, and any other offense that directly reflects on the 5367
vendor's business integrity; 5368

(7) Been convicted under state or federal antitrust laws; 5369

(8) Deliberately or willfully submitted false or misleading 5370
information in connection with the application for or performance 5371

of a public contract; 5372

(9) Has been debarred by another state or by any agency or 5373
department of the federal government; 5374

(10) Violated any other responsible business practice or 5375
performed in an unsatisfactory manner as determined by the 5376
director. 5377

(B) When the director reasonably believes that grounds for 5378
debarment exist, the director shall send the vendor a notice of 5379
proposed debarment. If the vendor is a partnership, association, 5380
or corporation, the director also may debar from consideration for 5381
contract awards any partner of the partnership, or the officers 5382
and directors of the association or corporation, being debarred. 5383
When the director reasonably believes that grounds for debarment 5384
exist, the director shall send the individual involved a notice of 5385
proposed debarment. A notice of proposed debarment shall indicate 5386
the grounds for the debarment of the vendor or individual and the 5387
procedure for requesting a hearing. The notice and hearing shall 5388
be in accordance with Chapter 119. of the Revised Code. If the 5389
vendor or individual does not respond with a request for a hearing 5390
in the manner specified in Chapter 119. of the Revised Code, the 5391
director shall issue the debarment decision without a hearing and 5392
shall notify the vendor or individual of the decision by certified 5393
mail, return receipt requested. The debarment period may be of any 5394
length determined by the director and the director may modify or 5395
rescind the debarment at any time. During the period of debarment, 5396
the director shall not include on a bidder list or consider for a 5397
contract award any partnership, association, or corporation 5398
affiliated with a debarred individual. After the debarment period 5399
expires, the vendor or individual, and any partnership, 5400
association, or corporation affiliated with the individual, may 5401
reapply for inclusion on bidder lists through the regular 5402
application process. 5403

Sec. 5515.01. The director of transportation may upon formal 5404
application being made to ~~him~~ the director, grant a permit to any 5405
individual, firm, or corporation to use or occupy such portion of 5406
a road or highway on the state highway system as will not 5407
incommode the traveling public. Such permits, when granted, shall 5408
be upon the following conditions: 5409

(A) The occupancy of such roads or highways shall be in the 5410
location as prescribed by the director. 5411

(B) Such location shall be changed as prescribed by the 5412
director when ~~he~~ the director deems such change necessary for the 5413
convenience of the traveling public, or in connection with or 5414
contemplation of the construction, reconstruction, improvement, 5415
relocating, maintenance, or repair of such road or highway. 5416

(C) The placing of objects or things shall be at a grade and 5417
in accordance with such plans, specifications, or both, as shall 5418
be first approved by the director. 5419

(D) The road or highway in all respects shall be fully 5420
restored to its former condition of usefulness and at the expense 5421
of such individual, firm, or corporation. 5422

(E) Such individual, firm, or corporation shall maintain all 5423
objects and things in a proper manner, promptly repair all damages 5424
resulting to such road or highway on account thereof, and in event 5425
of failure to so repair such road or highway to pay to the state 5426
all costs and expenses which may be expended by the director in 5427
repairing any damage. 5428

(F) Such other conditions as may seem reasonable to the 5429
director, but no condition shall be prescribed which imposes the 5430
payment of a money consideration for the privilege granted. 5431
Nothing in this division prohibits the director from requiring 5432
payment of money consideration for a lease, easement, license, or 5433

other interest in a transportation facility under control of the 5434
department. 5435

(G) Permits may be revoked by the director at any time for a 5436
noncompliance with the conditions imposed. 5437

(H) As a condition precedent to the issuance of a permit to a 5438
telecommunications service provider, the director shall require 5439
the applicant to provide proof it is party to a lease, easement, 5440
or license for the construction, placement, or operation of a 5441
telecommunications facility in or on a transportation facility. 5442

~~Chapters~~ Except as otherwise provided in this section and 5443
section 5501.311 Of the Revised Code, Chapters 5501., 5503., 5444
5511., ~~5512.~~, 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5445
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 5446
Code do not prohibit telegraph, telephone, and electric light and 5447
power companies ~~to construct~~ from constructing, maintain 5448
maintaining, and use using telegraph, telephone, or electric light 5449
and power lines along and upon such roads or highways under 5450
sections 4931.01, 4931.03, 4931.19, 4933.14, or other sections of 5451
the Revised Code, or to affect existing rights of any such 5452
companies, or to require such companies to obtain a permit from 5453
the director, except with respect to the location of poles, wires, 5454
conduits, and other equipment comprising lines on or beneath the 5455
surface of such road or highways. 5456

This section does not prohibit steam or electric railroad 5457
companies from constructing tracks across such roads or highways, 5458
nor authorize the director to grant permission to any company 5459
owning, operating, controlling, or managing a steam railroad or 5460
interurban railway in this state to build a new line of railroad, 5461
or to change or alter the location of existing tracks across any 5462
road or highway on the state highway system at grade. No such 5463
company shall change the elevation of any of its tracks across 5464
such road or highway except in accordance with plans and 5465

specifications first approved by the director.

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This section does not relieve any individual, firm, or corporation from the obligation of satisfying any claim or demand of an owner of lands abutting on such road or highway on the state highway system on account of placing in such road or highway a burden in addition to public travel.

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

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

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

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

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

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(E) "Maintain" means to preserve, keep in repair, continue,

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allow to exist, or restore if ~~destroyed by an act of God or~~ 5496
vandalism. 5497

(F) "National policy" means the provisions ~~relating to~~ 5498
~~control of advertising, signs, displays, and devices adjacent to~~ 5499
~~the interstate system and primary system contained in the~~ 5500
~~"National Highway Beautification Act of 1965," 79 Stat. 1028, of~~ 5501
23 U.S.C.A. 131 and the national standards, criteria, and rules 5502
promulgated pursuant to such provisions. 5503

(G) "Primary system" means that portion of the state highway 5504
system or national highway system located within this state as 5505
~~designated or as may hereafter be designated~~ by the state as part 5506
~~of the federal aid primary system of highways, which designation~~ 5507
~~has been~~ director and approved by the secretary of transportation 5508
of the United States, pursuant to ~~70 Stat. 374 (1956),~~ 23 U.S.C.A. 5509
103**(b)**. 5510

(H) "Zoned commercial or industrial areas" means those 5511
nonagricultural areas which are reserved for business, commerce, 5512
or trade, pursuant to local zoning laws, regulations, or state 5513
laws. 5514

(I) "Unzoned commercial or industrial ~~areas~~ area" means ~~those~~ 5515
~~areas~~ an area not zoned by state or local law, regulation, or 5516
ordinance, ~~upon in~~ which there is conducted located one or more 5517
commercial or industrial activities, ~~and~~. Such area may also 5518
include the lands along the highway for a distance of eight 5519
hundred fifty feet immediately adjacent to such activities. ~~All~~ 5520
~~measurements~~ This distance shall be measured from the buildings, 5521
parking lots, storage or processing areas of the activities, and 5522
~~shall be measured~~ along or parallel to the near edge of the main 5523
traveled way of the highway. ~~Unzoned commercial or industrial~~ 5524
~~areas~~ This distance shall not include land on the opposite side of 5525
the highway from such activities, nor land predominantly used for 5526

residential purposes. An area shall be considered predominately residential if fifty per cent or more of the eight hundred feet immediately adjacent to the activities contains land used as residential property. Each side of the highway will be considered separately in applying this definition. ~~As used in this section "commercial"~~

(J) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities of this state, ~~except that none of the.~~ The following activities shall not be considered commercial or industrial:

(1) ~~Outdoor~~ Activities relating to advertising structures;

(2) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, activities relating to wayside fresh produce stands;

(3) Transient or temporary activities;

(4) Activities not visible from the main traveled way;

(5) Activities located more than six hundred sixty feet from the nearest edge of the right-of-way;

(6) Activities conducted in a building principally used as a residence;

(7) ~~Railroad~~ Activities relating to railroad tracks and minor sidings;

(8) ~~Highways~~ Activities relating to highways, roads, and streets.

(K) "Directional and official signs and notices" means those signs and notices that are required or authorized by law and conform to the rules for such signs and notices as adopted by the director in accordance with 23 C.F.R. 750.151 to 750.155.

(L) "Nonconforming advertising device" means an advertising

<u>device that was:</u>	5557
(1) <u>Lawfully in existence prior to December 7, 1971;</u>	5558
(2) <u>Lawfully on any highway made a part of the interstate system or primary highway system on or after December 7, 1971;</u>	5559 5560
(3) <u>Lawfully erected prior to any revision in the law effective December 7, 1971; or</u>	5561 5562
(4) <u>Lawfully erected but:</u>	5563
(a) <u>No longer in compliance with the provisions of state law enacted or rules adopted at a later date; or</u>	5564 5565
(b) <u>No longer in compliance with state laws or rules due to changed conditions, including, but not limited to, zoning changes, highway relocation, highway reclassification, or changes in restrictions on sizing, lighting, spacing, or distance of advertising devices.</u>	5566 5567 5568 5569 5570
<u>Illegally erected or maintained advertising devices are not nonconforming signs.</u>	5571 5572
(M) <u>"Scenic byway" means any linear transportation corridor as designated or as may hereafter be so designated by the director under the Ohio scenic byways program as having outstanding scenic qualities.</u>	5573 5574 5575 5576
(N) <u>"Director" means the director of the Ohio department of transportation.</u>	5577 5578
(O) <u>"Commercial or industrial zone" means those areas established by any state, county, municipal, or other local zoning authority as being most appropriate for business, commerce, industry, or trade. Any action taken by a state, county, municipal, or other local zoning authority that is not part of comprehensive zoning and is created primarily to permit outdoor advertising devices shall not be considered a commercial or industrial zone for purposes of this chapter.</u>	5579 5580 5581 5582 5583 5584 5585 5586

Sec. 5516.02. No advertising device shall be erected or 5587
maintained within six hundred sixty feet of the edge of the 5588
right_of_way of a highway on the interstate system except the 5589
following: 5590

(A) Directional ~~or other~~ and official signs ~~or~~ and notices 5591
that ~~are required or authorized by law~~ conform to rules adopted by 5592
the director of transportation; 5593

(B) Signs advertising the sale or lease of the property upon 5594
which they are located; 5595

(C) Advertising devices indicating the name of the business 5596
or profession conducted on such property or ~~which~~ that identify 5597
the goods produced, sold, or services rendered on such property, 5598
and that conform to rules adopted by the director; 5599

(D) Advertising devices ~~which~~ that are located in commercial 5600
or industrial zones traversed by segments of the interstate system 5601
within the boundaries of ~~incorporated municipalities~~ a municipal 5602
corporation as such boundaries existed on September 21, 1959, 5603
~~which and that~~ conform to regulations promulgated rules adopted by 5604
the director ~~of transportation, provided that no such sign or~~ 5605
~~notice shall be erected or maintained until a permit is obtained~~ 5606
~~as provided in section 5516.10 of the Revised Code.~~ 5607

Sec. 5516.03. The director of transportation shall ~~promulgate~~ 5608
~~adopt, amend,~~ and enforce ~~regulations~~ rules, consistent with the 5609
customary use of outdoor advertising, the safety of the traveling 5610
public, ~~and consistent with the national policy, governing any or~~ 5611
~~all aspects of the advertising devices erected or maintained~~ 5612
~~within six hundred sixty feet of the edge of the right of way of a~~ 5613
~~highway on the interstate system and coming within the exceptions~~ 5614
~~contained in section 5516.02 of the Revised Code~~ as are necessary 5615
to carry out the provisions of this chapter. Such rules may 5616

include, but shall not be limited to, sizing, lighting, spacing, 5617
and such other conditions as may be necessary to promote the 5618
safety of the traveling public and effect the national policy. The 5619
rules shall be in addition to the provisions of municipal 5620
ordinances regulating advertising devices and shall not invalidate 5621
the provisions of any municipal ordinance that are equivalent to 5622
and consistent with the rules adopted by the director under this 5623
section. The director shall furnish a copy of such ~~regulations~~ 5624
rules, without charge, to any person making a request therefor. 5625

~~The director may adopt such amendments to such regulations as~~ 5627
~~are necessary and consistent with public safety and which are~~ 5628
~~consistent with the national policy.~~ 5629

~~Whoever violates such regulations is in violation of section~~ 5630
~~5516.02 of the Revised Code.~~ 5631

Sec. 5516.04. (A) Any advertising device ~~which violates~~ 5632
~~sections 5516.02 and 5516.03 of the Revised Code,~~ that violates 5633
section 5516.02, 5516.06, or 5516.061 Of the Revised Code or the 5634
rules adopted thereunder, or that is being maintained without a 5635
validly issued permit, is a public and private nuisance, and shall 5636
be removed. Immediately upon discovering the existence of such a 5637
nuisance, the director of transportation shall ~~give thirty days~~ 5638
~~notice, by registered or certified mail,~~ issue an order to the 5639
owner or lessee of the land on which such advertising device is 5640
located, and to the owner of such advertising device, if known, to 5641
remove ~~such advertising~~ the device or to initiate any remedial 5642
action specified in the order, within thirty days of the issuance 5643
of the order. The order shall be in writing and shall be sent by 5644
certified mail. If the owner of the advertising device is unknown, 5645
the director shall make a reasonable attempt to ascertain the 5646
identity of such owner. 5647

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

~~(A) Remove, obliterate, or abate the advertising device. The If such owner cannot be determined or the certified mail is not claimed, the director may post a copy of the order in a conspicuous place on the advertising device.~~

~~If removal or remediation is not completed within thirty days of the date of the order, the director immediately may remove the sign without further notice or may file for an injunction or other appropriate relief in a civil action for abatement in the court of common pleas of the county in which the advertising device is located. A copy of the complaint shall be served upon the owner or lessee of the land and the owner of the device, if known, in accordance with the Rules of Civil Procedure. If certified mail service, personal service, or residence service of the complaint is refused, or certified mail service is not claimed and the director has made a request for ordinary mail service of the complaint, or has used publication service in accordance with the Rules of Civil Procedure, then a copy of the complaint shall be posted in a conspicuous place on the advertising device.~~

~~The court in a civil action for abatement shall conduct a hearing at least twenty-eight days after service of the complaint on the owner of the advertising device and the owner or lessee of the land. If the court finds at the hearing that a violation of sections 5516.02 to 5516.04 of the Revised Code exists as alleged in the complaint and also finds that the owner of the advertising device or the owner or lessee of the land has been afforded an opportunity to abate the nuisance but has refused or failed to do so, the court may issue an injunction requiring the owner of the~~

advertising device or the owner or lessee of the land to abate the 5680
nuisance or may issue any other order that it considers necessary 5681
or appropriate to cause the abatement of the public nuisance. If 5682
an injunction is issued pursuant to this section, the owner of the 5683
advertising device or the owner or lessee of the land shall be 5684
given no more than thirty days from the date of the entry of the 5685
court's order to comply with the injunction, unless the court, for 5686
good cause shown, extends the time for compliance. The judge in 5687
any civil action described in this section, or the judge's 5688
successor in office, has continuing jurisdiction to review the 5689
condition of any advertising device that was determined to be a 5690
public nuisance pursuant to this section. 5691

(B) If the department removes an advertising device pursuant 5692
to an order of the director, the cost of or expense of such 5693
removal, obliteration, or abatement, shall be paid by the director 5694
out of any appropriation of the department of transportation 5695
available for the establishment, using, maintaining, or repairing 5696
use, maintenance, or repair of highways, and the amount thereof 5697
shall be certified to the attorney general for collection by civil 5698
action against the person maintaining or erecting device owner or 5699
the owner or lessee of the land on which such advertising device 5700
is located. Such owners and lessees shall be jointly liable for 5701
such costs or expenses. 5702

~~(B) File a complaint by petition in the court of common pleas~~ 5703
~~of the county in which such advertising device is located, and,~~ 5704
~~upon a finding by the court that a violation of sections 5516.02~~ 5705
~~to 5516.04 of the Revised Code, exists as alleged in the petition,~~ 5706
~~the court shall enter an order of abatement against the person or~~ 5707
~~persons erecting or maintaining such advertising device, or~~ 5708
~~against the owner or owners of the land upon which such~~ 5709
~~advertising device is situated, as the case may be.~~ 5710

(C) Employees, agents, or independent contractors of the 5711

department of transportation may enter upon private property for 5712
the purpose of removing advertising devices in accordance with 5713
this section, without incurring any liability for so entering. 5714

Sec. 5516.06. No advertising device shall be erected or 5715
maintained within six hundred sixty feet of the edge of the 5716
right-of-way of a highway on the primary system except the 5717
following: 5718

(A) Directional and other official signs and notices ~~required~~ 5719
~~or authorized by law; which signs and notices shall include signs~~ 5720
~~and notices pertaining to natural wonders, scenic and historical~~ 5721
~~attractions, which shall~~ that conform to ~~regulations promulgated~~ 5722
rules adopted by the director of transportation ~~consistent with~~ 5723
~~the national policy, provided that no such sign or notice shall be~~ 5724
~~erected until a permit is obtained as provided for in section~~ 5725
~~5516.10 of the Revised Code;~~ 5726

(B) Signs advertising the sale or lease of the property upon 5727
which they are located; 5728

(C) Advertising devices indicating the name of the business, 5729
activities, or profession conducted on such property or ~~which~~ that 5730
identify the goods produced, sold, or services rendered on such 5731
property and that conform to rules adopted by the director; 5732

(D) Precautionary signs relating to the premises; 5733

(E) Signs, displays, or devices which locate, identify, mark, 5734
or warn of the presence of pipe lines, utility lines, or rail 5735
lines, and appurtenances thereof, including, but not limited to, 5736
markers used in the maintenance, operation, observation, and 5737
safety of said lines; 5738

(F) Advertising devices located in zoned or unzoned 5739
industrial or commercial areas adjacent to highways on the primary 5740
system. ~~No such advertising device in such areas shall be erected~~ 5741

~~until a permit is obtained as provided in section 5516.10 of the~~ 5742
~~Revised Code that conform to rules adopted by the director;~~ 5743

(G) Signs lawfully in existence on October 22, 1965, that the 5744
director, subject to the approval of the secretary of the United 5745
States department of transportation, has determined to be landmark 5746
signs, including signs on farm structures or natural surfaces, 5747
which are of historic or artistic significance, ~~provided that no~~ 5748
~~such sign shall be maintained without a permit as provided for in~~ 5749
~~section 5516.10 of the Revised Code.~~ 5750

Sec. 5516.061. No advertising device shall be erected outside 5751
of urban areas between six hundred sixty feet and three thousand 5752
feet of the right-of-way of the main traveled way of a highway on 5753
the interstate or primary system ~~for the purpose of a message~~ 5754
~~being read if such device would be visible~~ from such main traveled 5755
way, except the following: 5756

(A) Directional and ~~other~~ official signs and notices ~~required~~ 5757
~~or authorized by law, which include signs and notices pertaining~~ 5758
~~to natural wonders and scenic and historical attractions, which~~ 5759
~~shall that conform to rules ~~promulgated~~ adopted by the director of~~ 5760
transportation ~~consistent with the national policy, provided that~~ 5761
~~no such sign or notice shall be erected until a permit is obtained~~ 5762
~~as provided for in section 5516.10 of the Revised Code;~~ 5763

(B) Signs advertising the sale or lease of the property upon 5765
which they are located; 5766

(C) Advertising devices indicating the name of the business, 5767
activities, or profession conducted on such property or ~~which~~ that 5768
identify the goods produced, sold, or services rendered on such 5769
property and that conform to rules adopted by the director; 5770

(D) Signs lawfully in existence on October 22, 1965, that the 5771

director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance, ~~provided that no such sign shall be maintained without a permit as provided for in section 5516.10 of the Revised Code.~~

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

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

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

Sec. 5516.07. ~~Any advertising device lawfully in existenece prior to December 7, 1971, or lawfully on any highway made a part of the interstate or primary system on or after December 7, 1971, the erection of which would be illegal under division (D) of section 5516.02 and section 5516.06 of the Revised Code, is nonconforming. Any such nonconforming advertising device located~~

~~within zoned or unzoned commercial or industrial areas may be~~ 5803
~~maintained and shall not be ordered removed by the director of~~ 5804
~~transportation or, except upon the payment of compensation as~~ 5805
~~provided in division (A) of section 5516.08 of the Revised Code,~~ 5806
~~by a state, county, or local zoning authority, but such~~ 5807
~~advertising devices are subject to the permit provisions of~~ 5808
~~section 5516.10 of the Revised Code. All other nonconforming~~ 5809
advertising devices ~~may~~ shall be maintained, subject to the ~~permit~~ 5810
provisions of ~~section~~ sections 5516.10 and 5516.12 of the Revised 5811
Code, ~~until ordered removed under section 5516.08 of the Revised~~ 5812
Code. 5813

~~The director shall not require the removal of any advertising~~ 5814
~~device for which federal reimbursement is contemplated pursuant to~~ 5815
~~subsection (g), 89 Stat. 2700 (1978), 23 U.S.C.A. 131, nor approve~~ 5816
~~any application for reimbursement made under division (C) of~~ 5817
~~section 5516.08 of the Revised Code, unless, until, and to the~~ 5818
~~extent that federal funds for the federal share of compensation~~ 5819
~~therefor have been appropriated by the federal government and made~~ 5820
~~available to the director for such purposes. A nonconforming~~ 5821
advertising device found to be in violation of any of the 5822
provisions of this Chapter or the rules adopted thereunder may be 5823
subject to removal without compensation. A nonconforming 5824
advertising device may be sold, leased, or otherwise transferred 5825
without affecting its status, but its location may not be changed. 5826
The director may adopt rules regarding the repair or maintenance 5827
of, or changes to, nonconforming advertising devices, including 5828
the size, lighting, replacement, rebuilding, or re-erection of the 5829
structure, and damage or depreciation of the nonconforming 5830
advertising device. 5831

Sec. 5516.08. (A) The director of transportation, or a state, 5832
county, municipal, or other local zoning authority, may order the 5833

removal of nonconforming advertising devices that are 5834
~~nonconforming in accordance with~~ lawfully maintained pursuant to 5835
section 5516.07 of the Revised Code, or ~~with~~ under a zoning 5836
ordinance or regulation, ~~and each.~~ Each such removal ~~of an~~ 5837
~~advertising device~~ ordered by the director or zoning authority 5838
shall be deemed to constitute a taking of all right, title, and 5839
interest in such advertising device, including any leasehold 5840
interest, of the owner of the advertising device and of the right 5841
of the owner of the real property on which the advertising device 5842
is located to erect and maintain such advertising device thereon. 5843
The director or zoning authority shall pay just compensation for 5844
all such interests in any such taking, in the same manner as other 5845
property is acquired pursuant to Chapter 163. of the Revised Code, 5846
notwithstanding the right or obligation of the owner of such 5847
advertising device, as against the owner of the real property on 5848
which the advertising device is located, to remove such device at 5849
any time. The director, or a state, county, municipal, or other 5850
local zoning authority is authorized to acquire by gift, purchase, 5851
or appropriation, devices ordered removed under this section. 5852

If the director or zoning authority and any such owner of a 5853
compensable right or interest under this section do not reach 5854
agreement as to the amount of compensation to be paid for the 5855
taking of such right or interest, the director or zoning authority 5856
shall institute an action to appropriate the interest of such 5857
person in accordance with Chapter 163. of the Revised Code. In any 5858
such action, loss of business shall not be considered an item of 5859
compensable damages. 5860

Neither the director nor a state, county, municipal, or other 5861
local zoning authority shall enter upon any property ~~pursuant to a~~ 5862
~~removal order~~ to cause the physical removal of any nonconforming 5863
advertising device, for which an owner is entitled to just 5864
compensation, until the owner and the director or zoning authority 5865

have reached agreement as to the compensation to be paid or until 5866
the compensation proposed to be paid by the director or zoning 5867
authority has been deposited pursuant to section 163.06 of the 5868
Revised Code. 5869

(B) The director shall not order the removal of any 5870
advertising device for which federal reimbursement is contemplated 5871
pursuant to 23 U.S.C.A. 131(g), nor approve any application for 5872
reimbursement made under division (C) of this section, unless and 5873
until federal funds for the federal share of compensation therefor 5874
have been appropriated by the federal government and made 5875
available to the director for such purposes. The director shall 5876
provide by ~~regulation~~ rule for the making of reimbursements to 5877
state, county, municipal, and other local zoning authorities for 5878
the removal of nonconforming advertising devices for which federal 5879
reimbursement is contemplated ~~pursuant to subsection (g), 89 Stat.~~ 5880
~~2700 (1978), 23 U.S.C.A. 131.~~ 5881

(C) No state, county, municipal, or other local zoning 5882
authority shall be reimbursed by the director for the removal of 5883
any nonconforming advertising device as provided in this section 5884
unless the zoning authority, prior to such removal, makes 5885
application for reimbursement to the director and the director 5886
approves the application. The application shall include such 5887
information as the director requires by ~~regulation~~ rule. 5888

Sec. 5516.09. Unless otherwise provided by law, both of the 5889
following are prohibited: 5890

(A) The use of the right-of-way of a limited access highway 5891
for construction, maintenance, or copy change of a lawful 5892
advertising device; 5893

(B) The use of the right-of-way of any highway other than a 5894
limited access highway to construct, maintain, or service a lawful 5895
advertising device without the written permission of the 5896

appropriate district office of the department of transportation. 5897

~~Sec. 5516.10. (A) No private off premise advertising device 5898
shall be erected or a conforming advertising device maintained 5899
within the areas covered by divisions (A) and (D) of section 5900
5516.02 and divisions (A) and (F) of section 5516.06 of the 5901
Revised Code without a permit. No nonconforming advertising device 5902
may be maintained without a permit, except that permits shall be 5903
issued to maintain nonconforming advertising devices subject to 5904
the limitations set forth in section 5516.07 of the Revised Code. 5905
If such a permit has been previously issued by a municipal 5906
authority, a copy thereof may be furnished to the director of 5907
transportation in lieu of securing a new permit as required by 5908
this section person shall do either of the following without first 5909
obtaining a permit and permit plates from the director of 5910
transportation: 5911~~

~~(1) Erect, use, maintain, operate, construct, or cause or 5912
permit to be erected, used, maintained, operated, or constructed, 5913
any advertising device located in: 5914~~

~~(a) Commercial or industrial zones traversed by segments of 5915
the interstate system within the boundaries of a municipal 5916
corporation as such boundaries existed on September 21, 1959; or 5917~~

~~(b) Located in zoned or unzoned industrial or commercial 5918
areas adjacent to highways on the primary system; or 5919~~

~~(2) Maintain any nonconforming advertising device. 5920~~

~~(B) Applications for such ~~permits~~ a permit shall be made ~~to 5921
the director or, within a municipal corporation, to the municipal 5922
authority designated by its legislative authority, and permits 5923
authorized herein shall not unreasonably be withheld, provided 5924
that no permit for the erection of an advertising device under 5925
division (A) of section 5516.02 or division (A) of section 5516.06 5926~~~~

~~of the Revised Code shall be issued by a municipal authority 5927~~
~~without the prior approval of the director. The applications and 5928~~
~~permits shall be on forms designated by the director, and a copy 5929~~
~~of any such permits issued by a municipal corporation shall be 5930~~
~~furnished to the director prior to its effective date. The 5931~~
~~director or municipal authority may make a charge for any 5932~~
~~advertising device permit issued under authority of this section, 5933~~
~~such charge to be based on the reasonable cost of administering 5934~~
~~and processing such permits. However, the director may not make a 5935~~
~~charge for any advertising device permit for an advertising device 5936~~
~~maintained or erected within the areas covered by division (A) of 5937~~
~~section 5516.02 or division (A) of section 5516.06 of the Revised 5938~~
~~Code on forms prescribed by the director, and a separate 5939~~
~~application must be submitted for each sign face. The director 5940~~
~~shall adopt rules setting forth the requirements for completion of 5941~~
~~the application process and the issuance of permits consistent 5942~~
~~with the provisions of this section. 5943~~

(1) As part of the application process, the director may 5944
require an acknowledgment to be signed by the owner or person in 5945
lawful possession or control of the proposed location of the 5946
advertising device. Such acknowledgment may include, but shall not 5947
be limited to, a statement that the applicant has the right to 5948
occupy the land at the subject location, that if at any time 5949
removal is required, the owner or person in lawful possession or 5950
control of the location may be jointly liable, and that the 5951
applicant may only occupy the land for a specified time period. If 5952
legal use of the location is terminated at any time during the 5953
permit period, the permit is subject to cancellation pursuant to 5954
section 5516.12 Of the Revised Code. 5955

(2) As part of the application process, the director may 5956
require an applicant or the applicant's authorized representative 5957
to certify in a notarized signed statement that the applicant has 5958

not knowingly provided materially false, misleading, or inaccurate information. 5959
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(3) Each application shall be accompanied by the appropriate application fee as set forth in the fee schedule established by the director. Such fee schedule shall be based on the reasonable cost of administering and processing such permits. Application fees shall be nonrefundable. 5961
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(4) Applications for permits will be disapproved and permits will not be issued under any of the following conditions: 5966
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(a) The proposed location for an advertising device is not visible from the main traveled portion of the highway due to existing landscaping on the right-of-way of any highway; 5968
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(b) The advertising device can be erected or maintained only from the right-of-way of an interstate or primary highway system; 5971
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(c) The proposed location for the advertising device is on land that is used principally as a residence; 5973
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(d) The advertising device is erected or maintained on trees, or painted or drawn upon rocks or other natural features; 5975
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(e) The advertising device would be a traffic hazard or a danger to the safety of the traveling public; 5977
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(f) The advertising device would prevent the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic; 5979
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(g) The advertising device is illuminated so as to interfere with the effectiveness of an official sign, signal, or other traffic control device; 5982
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(h) The advertising device attempts, or appears to attempt, to direct the movement of traffic, or interferes with, imitates, or resembles an official sign, signal, or other traffic control device. 5985
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(C) The issuance of a permit under this section shall not be construed to invalidate municipal ordinances requiring a permit or license or providing for an inspection fee for advertising devices, or regulating such advertising devices. The cost of the application fee for such permits or licenses issued, or the cost of initial inspection fees charged under municipal ordinances shall be credited against and shall reduce the cost of the permit issued by the director under this section. If a permit is issued by a zoning authority pursuant to its ordinances, rules, or regulations controlling outdoor advertising devices, a copy thereof shall be furnished to the director with any application for a new permit required by this section or within thirty days of its issuance by a zoning authority.

(D) Where an application is submitted for the erection, use, maintenance, operation, or construction of an advertising device, the director may conditionally approve such application as to location only, and final approval will remain pending until the advertising device is erected, used, maintained, constructed, or becomes operational. Upon notification by the permit applicant that the erection, use, maintenance, construction, or operation of the advertising device is completed, the director shall verify that the advertising device complies with the terms and conditions of the conditional permit. Upon verification of compliance with the terms and conditions of the conditional permit, the director may approve and issue a permit and permit plates which shall be securely and permanently attached in the corner of the face of the advertising device nearest to the highway in such a manner as to be visible from the main traveled way of the interstate or primary highway system. Replacement plates may be issued upon request and upon the payment of a replacement fee to be determined by the director.

(E) All permits issued pursuant to this section shall be in

effect for a period of one year. Permits may be renewed upon 6021
application made on forms designated by the director and upon the 6022
payment of a nonrefundable renewal fee in an amount to be 6023
determined by the director based on the reasonable cost of 6024
administering and processing such renewal permits. Any permits 6025
that are not renewed, and any permit plates issued in connection 6026
with such permits, shall be returned to the director for 6027
cancellation by the expiration date. The director may adopt rules 6028
for the reinstatement of permits canceled as a result of 6029
nonpayment of renewal fees, and shall develop a fee schedule for 6030
late renewals. 6031

(F) Where the director conditionally approves the issuance of 6032
a permit as to location only and the permit applicant fails to 6033
exercise the privilege of constructing, erecting, using, 6034
operating, or maintaining an advertising device within the period 6035
for which the permit was issued, such permit shall not be renewed 6036
unless a renewal fee is paid to extend the privilege for one 6037
additional permit period. No conditional permit shall be renewed 6038
and no extensions shall be granted after the second renewal 6039
period. 6040

(G) Permits for advertising devices erected and maintained 6041
with a valid permit issued before July 1, 1997, may be renewed 6042
unless the director finds that the permit application contains 6043
materially false, misleading, or inaccurate information or the 6044
sign has been erected or maintained contrary to the provisions of 6045
this chapter or the rules adopted thereunder, and in such event 6046
the director may take appropriate action pursuant to section 6047
5516.12 Of the Revised Code. An applicant who has a conditional 6048
permit issued by the director before the effective date of this 6049
amendment and who has not yet exercised the privilege of 6050
constructing, using, operating, erecting, or maintaining an 6051
advertising device at the proposed location as of that effective 6052

date, shall have until December 31, 1997, to comply with the terms 6053
and conditions of the conditional permit or such permit shall be 6054
canceled. However, the applicant may request that the conditional 6055
permit be renewed by submitting a renewal application and paying a 6056
nonrefundable renewal fee to extend the privilege for one 6057
additional permit period. 6058

(H) Permits may be transferred from one sign owner to another 6059
upon written acknowledgment from the current permittee and the 6060
payment of a transfer fee in an amount to be determined by the 6061
director for each permit to be transferred. The new permit holder 6062
is subject to all the terms and conditions of the prior permit 6063
holder and shall be subject to all provisions of this chapter and 6064
the rules adopted thereunder. 6065

Sec. 5516.11. This chapter does not affect the authority of a 6066
state, county, municipal, or other local zoning authority to zone 6067
areas for commercial or industrial purposes under its respective 6068
zoning laws. Whenever a state, county, municipal, or other local 6069
zoning authority has adopted comprehensive zoning and established 6070
rules and regulations that control controlling the size, lighting, 6071
and spacing of outdoor advertising devices, that are equivalent to 6072
and consistent with the intent of this act, and are part of a bona 6073
fade commercial and industrial zoning plan chapter, such rules and 6074
regulations will be accepted in lieu of the controls provided in 6075
division (D) of section 5516.02 and in sections 5516.06 and 6076
5516.09 section 5516.061 of the Revised Code in the zoned 6077
commercial and industrial areas zones within the geographical 6078
jurisdiction of such authority. 6079

Whenever a zoning authority establishes ~~such~~ new 6080
comprehensive zoning rules or regulations, a copy thereof shall be 6081
furnished to the director of transportation within thirty days 6082
after its passage. 6083

Chapter 5516. of the Revised Code shall not be construed to 6084
allow the erection of an advertising device in an area zoned by 6085
state, county, municipal, or other local authorities to exclude 6086
such devices. 6087

~~Sec. 5516.12. Any advertising device that violates sections~~ 6088
~~5516.06 to 5516.13 of the Revised Code is a public and private~~ 6089
~~nuisance and the~~ The director of transportation may disapprove, 6090
cancel, or revoke any permit requested or issued under this 6091
chapter if the director determines any of the following: 6092

(A) That the application for the permit contains materially 6093
false, misleading, or inaccurate information; 6094

(B) An advertising device has been erected or maintained 6095
contrary to the terms and conditions of the permit; 6096

(C) The required fee has not been paid; 6097

(D) That the location does not conform to the laws and rules 6098
of the state; 6099

(E) That any other provisions of this chapter or the rules 6100
adopted thereunder have been violated. 6101

The director shall give thirty days' notice, by certified 6102
mail, to the owner or lessee of the land on which such advertising 6103
device is located and to the owner of such advertising device, if 6104
known, ~~to remove such advertising device, or to cause it to~~ 6105
~~conform to the requirements of this chapter.~~ If the owner of such 6106
advertising device is unknown, the director shall make a 6107
reasonable attempt to ascertain the identity of such owner. 6108

~~If any such advertising device has not been removed or caused~~ 6109
~~to be conformed on or before the expiration of thirty days~~ 6110
~~following the receipt of said notice by the owner or lessee of the~~ 6111
~~land upon which the advertising device is located and the owner of~~ 6112
~~the advertising device, if known, the director, or any of his duly~~ 6113

~~authorized agents, may, at his discretion, either:~~

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

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~~(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 5516.06 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 6145
for an adjudication hearing has been filed with the director, the 6146
director may declare the advertising device to be a public and 6147
private nuisance and order its removal. Removal of the advertising 6148
device shall proceed in accordance with divisions (B) and (C) of 6149
section 5516.04 Of the Revised Code. 6150

Sec. 5516.13. The director of transportation shall exercise 6151
the powers and perform the duties delegated to ~~him~~ the director by 6152
sections ~~5516.06~~ 5516.02 to ~~5516.13~~ 5516.14 of the Revised Code, 6153
in accordance with ~~sections 119.01 to 119.04~~ rules the director 6154
shall adopt under Chapter 119. of the Revised Code. 6155

~~Any person adversely affected by such an exercise of powers~~ 6156
~~or the performance of duties so delegated to the director has the~~ 6157
~~right of appeal provided in section 119.11 of the Revised Code.~~ 6158

Sec. 5516.14. The director may issue a permit to any sign 6159
owner who has a lawful permit issued pursuant to section 5516.10 6160
Of the Revised Code to remove, cut, and trim vegetation located on 6161
the right-of-way of any highway of the interstate or primary 6162
system adjacent to the permitted advertising device and replace 6163
the same as directed, whenever such vegetation prevents clear 6164
visibility from the main traveled way of such highway. The 6165
director shall adopt rules for the enforcement of this section. 6166
The rules may include requirements for appropriate vehicle 6167
identification signage, appropriate bond or insurance, distance 6168
limits, and any other conditions as may be required by the 6169
director. 6170

An application for a vegetation permit shall be made on forms 6171
designated by the director and a separate application must be 6172
submitted for each sign face. Each application shall be 6173
accompanied by a nonrefundable application fee in an amount to be 6174
determined by the director. Permits issued hereunder shall run for 6175

a period of one year and may be renewed upon application made upon forms prescribed by the director and upon the payment of a nonrefundable renewal fee in an amount to be determined by the director. Any permits that are not renewed shall be returned to the director for cancellation by the expiration date.

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

Sec. 5516.99. Whoever erects or maintains an advertising device in violation of sections 5516.01 to ~~5516.13, inclusive,~~ 5516.14 of the Revised Code, or rules adopted thereunder, shall be fined not less than one hundred nor more than ~~one~~ five thousand dollars.

Sec. 5525.03. All prospective bidders other than environmental remediators and specialty contractors for which there are no classes of work provided for in the rules adopted by the director of transportation shall apply for qualification on forms prescribed and furnished by the director. The application shall be accompanied by a certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days prior to the date fixed for the opening of bids for a particular project. The director shall act upon an application for qualification within thirty days after it is presented to the director. Upon the receipt of any application for qualification, the director shall examine the application to determine whether the applicant is competent and responsible and possesses the financial resources required by section 5525.04 of the Revised

Code. If the applicant is found to possess the qualifications 6206
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 6207
by rules adopted by the director, including a certificate of 6208
compliance with affirmative action programs, a certificate of 6209
qualification shall be issued to the applicant, which shall be 6210
valid for the period of one year or such shorter period of time as 6211
the director prescribes, unless revoked by the director for cause 6212
as defined by rules adopted by the director under section 5525.05 6213
of the Revised Code. The certificate of qualification shall 6214
contain a statement fixing the aggregate amount of work, for any 6215
or all owners, that the applicant may have under construction and 6216
uncompleted at any one time and may contain a statement limiting 6217
such bidder to the submission of bids upon a certain class of 6218
work. Subject to any restriction as to amount or class of work 6219
therein contained, the certificate of qualification shall 6220
authorize its holder to bid on all work on which bids are taken by 6221
the department of transportation during the period of time therein 6222
specified. An applicant who has received a certificate of 6223
qualification and desires to amend the certificate by the dollar 6224
amount or by the classes of work may submit to the director such 6225
documentation as the director considers appropriate. The director 6226
shall review the documentation submitted by the applicant and, 6227
within fifteen days, shall either amend the certificate of 6228
qualification or deny the request. If the director denies the 6229
request to amend the certificate, the applicant may appeal that 6230
decision to the director's prequalification review board in 6231
accordance with section 5525.07 of the Revised Code. Two or more 6232
persons, partnerships, or corporations may bid jointly on any one 6233
project, but only on condition that prior to the time bids are 6234
taken on the project the bidders make a joint application for 6235
qualification and obtain a joint certificate qualification. 6236

~~A certificate of qualification may be revoked by the director~~ 6237

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

The director may debar from participating in future contracts
with the department any bidding company as well as any partner of
a partnership, or the officers and directors of an association or
corporation if the certificate of qualification of the company,
partnership, association, or corporation is revoked or not renewed
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, 6270
or corporation affiliated with the individual may make an 6271
application for qualification. 6272

Sec. 5525.07. All applicants for qualification shall be 6273
promptly notified by the director of transportation of the 6274
director's final action on their applications. Any applicant, 6275
other than one who has been debarred, aggrieved by the decision of 6276
the director may file a new application at any time for 6277
qualification or, within ten days after receiving notification of 6278
such decision, the applicant may request, in writing, a 6279
reconsideration of the application by a prequalification review 6280
board, which the director shall create within the department of 6281
transportation with the request for reconsideration, the applicant 6282
shall submit additional evidence bearing on the applicant's 6283
qualifications. The review board shall consider the matter and 6284
either may adhere to or modify the director's previous decision. 6285
The review board shall act upon any request for reconsideration 6286
within fifteen days after the hearing and shall notify the 6287
applicant of the action taken. Upon being notified of the final 6288
action of the review board upon reconsideration, any applicant 6289
that is still aggrieved by the decision, within ten days after 6290
receiving notification of the decision, may take an appeal 6291
therefrom to the court of common pleas of Franklin county. The 6292
appeal shall be perfected by the filing of a bond with the clerk 6293
of the court of common pleas in an amount determined by the clerk, 6294
conditioned for payment by the appellant of the costs of the 6295
appeal in case the decision of the review board is sustained, and 6296
by causing a summons to be served upon the review board as in 6297
other civil actions involving the department. The grounds of 6298
appeal shall be fraud or abuse of discretion by the review board. 6299
The court shall hear the evidence offered by the appellant and by 6300
the review board, and if it finds there was neither fraud nor 6301

abuse of discretion, it shall dismiss the appeal; otherwise it may 6302
make the order with respect to qualification which it finds should 6303
have been made by the review board. 6304

Sec. 5529.03. The director of transportation may acquire by 6305
gift, purchase, or appropriation, any interest, estate, or right 6306
in and to real property adjacent to highways of this state as 6307
necessary for the restoration, preservation, and enhancement of 6308
scenic beauty adjacent to said highways, or for the establishment 6309
of publicly owned and controlled rest and recreation areas and 6310
sanitary and other facilities within or adjacent to the 6311
right-of-way of said highways to accommodate the traveling public. 6312
Nothing in this section authorizes the director to appropriate fee 6313
simple title to real property further than three hundred feet from 6314
the nearest edge of the highway right-of-way. 6315

The director may convey or lease any such property adjacent 6316
to the highway right-of-way ~~back to its original owner or to~~ 6317
~~another~~ any person or entity in the manner and subject to such 6318
reservations, conditions, covenants, or other contractual 6319
arrangements as the director determines will ~~preserve not~~ 6320
substantially interfere with the scenic character or beauty of the 6321
area traversed by the highway. 6322

The director may employ consulting engineers and enter into 6323
contracts for consulting engineering services with any qualified 6324
person, firm, partnership, corporation, or association to prepare 6325
plans and estimates and generally supervise the construction and 6326
landscaping for scenic enhancement and roadside beautification 6327
projects, and in the awarding of such contracts compliance with 6328
sections 5501.17 and 5525.01 of the Revised Code is not required. 6329

Sec. 5531.09. (A) The state infrastructure bank shall consist 6330
of the highway and transit infrastructure bank fund, the aviation 6331

infrastructure bank fund, the rail infrastructure bank fund, and 6332
the infrastructure bank obligations fund, which are hereby created 6333
as funds of the state treasury, to be administered by the director 6334
of transportation and used for the purposes described in division 6335
(B) of this section. The highway and transit infrastructure bank 6336
fund, the aviation infrastructure bank fund, and the rail 6337
infrastructure bank fund shall consist of federal grants and 6338
awards or other assistance received by the state and eligible for 6339
deposit therein under applicable federal law, payments received by 6340
the department in connection with providing financial assistance 6341
for qualifying projects under division (B) of this section, and 6342
such other amounts as may be provided by law, ~~the.~~ The 6343
infrastructure bank obligations fund shall consist of such amounts 6344
of the proceeds of obligations issued under section 5531.10 of the 6345
Revised Code as the director of transportation determines with the 6346
advice of the director of budget and management; and such other 6347
amounts as may be provided by law. The director of budget and 6348
management ~~may~~, upon the request of the director of 6349
transportation, may transfer amounts between the funds created in 6350
this division, except the infrastructure bank obligations fund. 6351
The investment earnings of each fund created by this division 6352
shall be credited to such fund. 6353

(B) The director of transportation shall use the state 6354
infrastructure bank to encourage public and private investment in 6355
transportation facilities that contribute to the multi-modal and 6356
intermodal transportation capabilities of the state, develop a 6357
variety of financing techniques designed to expand the 6358
availability of funding resources and to reduce direct state 6359
costs, maximize private and local participation in financing 6360
projects, and improve the efficiency of the state transportation 6361
system by using and developing the particular advantages of each 6362
transportation mode to the fullest extent. In furtherance of these 6363

purposes, the director shall use the state infrastructure bank to 6364
provide financial assistance to public or private entities for 6365
qualified projects. Such assistance shall be in the form of loans, 6366
loan guarantees, letters of credit, leases, lease-purchase 6367
agreements, interest rate subsidies, debt service reserves, and 6368
such other forms as the director determines to be appropriate. All 6369
fees, charges, rates of interest, payment schedules, security for, 6370
and other terms and conditions relating to such assistance shall 6371
be determined by the director. The highway and transit 6372
infrastructure bank fund, the aviation infrastructure bank fund, 6373
and the rail infrastructure bank fund may be used to pay debt 6374
service on obligations whose proceeds have been deposited into the 6375
infrastructure bank obligations fund. 6376

(C) The director shall adopt rules establishing guidelines 6377
necessary for the implementation and exercise of the authority 6378
granted by this section, including rules for receiving, reviewing, 6379
evaluating, and selecting projects for which financial assistance 6380
may be approved. 6381

(D) As used in this section and in section 5531.10 of the 6382
Revised Code, "qualified project" means any public or private 6383
transportation project as determined by the director of 6384
transportation, including, without limitation, planning, 6385
environmental impact studies, engineering, construction, 6386
reconstruction, resurfacing, restoring, rehabilitation, or 6387
replacement of public or private transportation facilities within 6388
the state, studying the feasibility thereof, and the acquisition 6389
of real or personal property or interests therein; any highway, 6390
public transit, aviation, rail, or other transportation project 6391
eligible for financing or aid under any federal or state program; 6392
and any project involving the maintaining, repairing, improving, 6393
or construction of any public or private highway, road, street, 6394
parkway, public transit, aviation, or rail project, and any 6395

related rights-of-way, bridges, tunnels, railroad-highway 6396
crossings, drainage structures, signs, guardrails, or protective 6397
structures. 6398

(E) The general assembly finds that state infrastructure 6399
projects, as defined in division (A)(8) of section 5531.10 of the 6400
Revised Code, and the state infrastructure bank, will materially 6401
contribute to the economic revitalization of areas of the state 6402
and result in improving the economic welfare of all the people of 6403
the state. Accordingly, it is declared to be the public purpose of 6404
the state, through operations under sections 5531.09 and 5531.10 6405
of the Revised Code, and other applicable laws adopted pursuant to 6406
Section 13 of Article VIII, Ohio Constitution, and other authority 6407
vested in the general assembly, to assist in and facilitate the 6408
purposes set forth in division (B) of section 5531.10 of the 6409
Revised Code, and to assist and cooperate with any governmental 6410
agency in achieving such purpose. 6411

Sec. 5531.10. (A) As used in this chapter: 6412

(1) "Bond proceedings" means the resolution, order, trust 6413
agreement, indenture, lease, lease-purchase agreements, and other 6414
agreements, amendments and supplements to the foregoing, or any 6415
one or more or combination thereof, authorizing or providing for 6416
the terms and conditions applicable to, or providing for the 6417
security or liquidity of, obligations issued pursuant to this 6418
section, and the provisions contained in such obligations. 6419

(2) "Bond service charges" means principal, including 6420
mandatory sinking fund requirements for retirement of obligations, 6421
and interest, and redemption premium, if any, required to be paid 6422
by the state on obligations. 6423

(3) "Bond service fund" means the applicable fund and 6424
accounts therein created for and pledged to the payment of bond 6425

service charges, which may be, or may be part of, the state 6426
infrastructure bank revenue bond service fund created by division 6427
(S) of this section including all moneys and investments, and 6428
earnings from investments, credited and to be credited thereto. 6429

(4) "Issuing authority" means the treasurer of state, or the 6430
officer who by law performs the functions of the treasurer of 6431
state. 6432

(5) "Obligations" means bonds, notes, or other evidence of 6433
obligation including interest coupons pertaining thereto, issued 6434
pursuant to this section. 6435

(6) "Pledged receipts" means moneys accruing to the state 6436
from the lease, lease-purchase, sale, or other disposition, or 6437
use, of qualified projects, and from the repayment, including 6438
interest, of loans made from proceeds received from the sale of 6439
obligations; accrued interest received from the sale of 6440
obligations; income from the investment of the special funds; any 6441
gifts, grants, donations, and pledges, and receipts therefrom, 6442
available for the payment of bond service charges; and any amounts 6443
in the state infrastructure bank pledged to the payment of such 6444
charges. 6445

(7) "Special funds" or "funds" means, except where the 6446
context does not permit, the bond service fund, and any other 6447
funds, including reserve funds, created under the bond 6448
proceedings, and the state infrastructure bank revenue bond 6449
service fund created by division ~~(S)~~(R) of this section to the 6450
extent provided in the bond proceedings, including all moneys and 6451
investments, and earnings from investment, credited and to be 6452
credited thereto. 6453

(8) "State infrastructure project" means any public 6454
transportation project undertaken by the state, including, but not 6455
limited to, all components of any such project, as described in 6456

division (D) of section 5531.09 Of the Revised Code. 6457

(B) The issuing authority, ~~with the advice of~~ after giving 6458
written notice to the director of budget and management and upon 6459
the certification by the director of transportation to the issuing 6460
authority of the amount of moneys or additional moneys needed 6461
either for state infrastructure projects or to provide financial 6462
assistance for any of the purposes for which the state 6463
infrastructure bank may be used under section 5531.09 of the 6464
Revised Code, or needed for capitalized interest, funding 6465
reserves, and paying costs and expenses incurred in connection 6466
with the issuance, carrying, securing, paying, redeeming, or 6467
retirement of the obligations or any obligations refunded thereby, 6468
including payment of costs and expenses relating to letters of 6469
credit, lines of credit, insurance, put agreements, standby 6470
purchase agreements, indexing, marketing, remarketing and 6471
administrative arrangements, interest swap or hedging agreements, 6472
and any other credit enhancement, liquidity, remarketing, renewal, 6473
or refunding arrangements, all of which are authorized by this 6474
section, shall issue obligations of the state under this section 6475
in the required amount. The proceeds of such obligations, except 6476
for the portion to be deposited in special funds, including 6477
reserve funds, as may be provided in the bond proceedings, shall 6478
as provided in the bond proceedings be credited to the 6479
infrastructure bank obligations fund of the state infrastructure 6480
bank created by section 5531.09 of the Revised Code. The issuing 6481
authority may appoint trustees, paying agents, transfer agents, 6482
and authenticating agents, and may retain the services of 6483
financial advisors, accounting experts, and attorneys, and retain 6484
or contract for the services of marketing, remarketing, indexing, 6485
and administrative agents, other consultants, and independent 6486
contractors, including printing services, as are necessary in the 6487
issuing authority's judgment to carry out this section. The costs 6488
of such services are payable from funds of the state 6489

infrastructure bank. 6490

(C) The holders or owners of such obligations shall have no 6491
right to have moneys raised by taxation by the state of Ohio 6492
obligated or pledged, and moneys so raised shall not be obligated 6493
or pledged, for the payment of bond service charges. The right of 6494
such holders and owners to payment of bond service charges is 6495
limited to all or that portion of the pledged receipts and those 6496
special funds pledged thereto pursuant to the bond proceedings for 6497
such obligations in accordance with this section, and each such 6498
obligation shall bear on its face a statement to that effect. 6499

(D) Obligations shall be authorized by order of the issuing 6500
authority and the bond proceedings shall provide for the purpose 6501
thereof and the principal amount or amounts, and shall provide for 6502
or authorize the manner or agency for determining the principal 6503
maturity or maturities, not exceeding twenty-five years from the 6504
date of issuance, the interest rate or rates or the maximum 6505
interest rate, the date of the obligations and the dates of 6506
payment of interest thereon, their denomination, and the 6507
establishment within or without the state of a place or places of 6508
payment of bond service charges. Sections 9.98 to 9.983 of the 6509
Revised Code are applicable to obligations issued under this 6510
section. The purpose of such obligations may be stated in the bond 6511
proceedings in terms describing the general purpose or purposes to 6512
be served. The bond proceedings also shall provide, subject to the 6513
provisions of any other applicable bond proceedings, for the 6514
pledge of all, or such part as the issuing authority, ~~with the~~ 6515
~~advice of the director of budget and management and the director~~ 6516
~~of transportation,~~ may determine, of the pledged receipts and the 6517
applicable special fund or funds to the payment of bond service 6518
charges, which pledges may be made either prior or subordinate to 6519
other expenses, claims, or payments, and may be made to secure the 6520
obligations on a parity with obligations theretofore or thereafter 6521

issued, if and to the extent provided in the bond proceedings. The 6522
pledged receipts and special funds so pledged and thereafter 6523
received by the state are immediately subject to the lien of such 6524
pledge without any physical delivery thereof or further act, and 6525
the lien of any such pledges is valid and binding against all 6526
parties having claims of any kind against the state or any 6527
governmental agency of the state, irrespective of whether such 6528
parties have notice thereof, and shall create a perfected security 6529
interest for all purposes of Chapter 1309. of the Revised Code, 6530
without the necessity for separation or delivery of funds or for 6531
the filing or recording of the bond proceedings by which such 6532
pledge is created or any certificate, statement or other document 6533
with respect thereto; and the pledge of such pledged receipts and 6534
special funds is effective and the money therefrom and thereof may 6535
be applied to the purposes for which pledged without necessity for 6536
any act of appropriation. Every pledge, and every covenant and 6537
agreement made with respect thereto, made in the bond proceedings 6538
may therein be extended to the benefit of the owners and holders 6539
of obligations authorized by this section, and to any trustee 6540
therefor, for the further security of the payment of the bond 6541
service charges. 6542

(E) The bond proceedings may contain additional provisions as 6543
to: 6544

(1) The redemption of obligations prior to maturity at the 6545
option of the issuing authority at such price or prices and under 6546
such terms and conditions as are provided in the bond proceedings; 6547

(2) Other terms of the obligations; 6548

(3) Limitations on the issuance of additional obligations; 6549

(4) The terms of any trust agreement or indenture securing 6550
the obligations or under which the same may be issued; 6551

(5) The deposit, investment and application of special funds, 6552

and the safeguarding of moneys on hand or on deposit, without
regard to Chapter 131. or 135. of the Revised Code, but subject to
any special provisions of this ~~chapter~~ section with respect to
particular funds or moneys, provided that any bank or trust
company which acts as depository of any moneys in the special
funds may furnish such indemnifying bonds or may pledge such
securities as required by the issuing authority;

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

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

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

(F) The obligations may have the great seal of the state or a
facsimile thereof affixed thereto or printed thereon. The
obligations and any coupons pertaining to obligations shall be
signed or bear the facsimile signature of the issuing authority.
Any obligations or coupons may be executed by the person who,
on the date of execution, is the proper issuing authority although on
the date of such bonds or coupons such person was not the issuing
authority. In case the issuing authority whose signature or a
facsimile of whose signature appears on any such obligation or
coupon ceases to be the issuing authority before delivery thereof,
such signature or facsimile is nevertheless valid and sufficient
for all purposes as if the former issuing authority had remained

the issuing authority until such delivery; and in case the seal to 6584
be affixed to obligations has been changed after a facsimile of 6585
the seal has been imprinted on such obligations, such facsimile 6586
seal shall continue to be sufficient as to such obligations and 6587
obligations issued in substitution or exchange therefor. 6588

(G) All obligations are negotiable instruments and securities 6589
under Chapter 1308. of the Revised Code, subject to the provisions 6590
of the bond proceedings as to registration. The obligations may be 6591
issued in coupon or in registered form, or both, as the issuing 6592
authority determines. Provision may be made for the registration 6593
of any obligations with coupons attached thereto as to principal 6594
alone or as to both principal and interest, their exchange for 6595
obligations so registered, and for the conversion or reconversion 6596
into obligations with coupons attached thereto of any obligations 6597
registered as to both principal and interest, and for reasonable 6598
charges for such registration, exchange, conversion, and 6599
reconversion. 6600

(H) Obligations may be sold at public sale or at private 6601
sale, as determined in the bond proceedings. 6602

(I) Pending preparation of definitive obligations, the 6603
issuing authority may issue interim receipts or certificates which 6604
shall be exchanged for such definitive obligations. 6605

(J) In the discretion of the issuing authority, obligations 6606
may be secured additionally by a trust agreement or indenture 6607
between the issuing authority and a corporate trustee which may be 6608
any trust company or bank having its principal place of business 6609
within the state. Any such agreement or indenture may contain the 6610
order authorizing the issuance of the obligations, any provisions 6611
that may be contained in any bond proceedings, and other 6612
provisions which are customary or appropriate in an agreement or 6613
indenture of such type, including, but not limited to: 6614

(1) Maintenance of each pledge, trust agreement, indenture, 6615
or other instrument comprising part of the bond proceedings until 6616
the state has fully paid the bond service charges on the 6617
obligations secured thereby, or provision therefor has been made; 6618

(2) In the event of default in any payments required to be 6619
made by the bond proceedings, or any other agreement of the 6620
issuing authority made as a part of the contract under which the 6621
obligations were issued, enforcement of such payments or agreement 6622
by mandamus, the appointment of a receiver, suit in equity, action 6623
at law, or any combination of the foregoing; 6624

(3) The rights and remedies of the holders of obligations and 6625
of the trustee, and provisions for protecting and enforcing them, 6626
including limitations on rights of individual holders of 6627
obligations; 6628

(4) The replacement of any obligations that become mutilated 6629
or are destroyed, lost, or stolen; 6630

(5) Such other provisions as the trustee and the issuing 6631
authority agree upon, including limitations, conditions, or 6632
qualifications relating to any of the foregoing. 6633

(K) Any holder of obligations or a trustee under the bond 6634
proceedings, except to the extent that the holder's or trustee's 6635
rights are restricted by the bond proceedings, may by any suitable 6636
form of legal proceedings, protect and enforce any rights under 6637
the laws of this state or granted by such bond proceedings. Such 6638
rights include the right to compel the performance of all duties 6639
of the issuing authority and the director of transportation 6640
required by the bond proceedings or sections 5531.09 and 5531.10 6641
of the Revised Code; to enjoin unlawful activities; and in the 6642
event of default with respect to the payment of any bond service 6643
charges on any obligations or in the performance of any covenant 6644
or agreement on the part of the issuing authority or the director 6645

of transportation in the bond proceedings, to apply to a court 6646
having jurisdiction of the cause to appoint a receiver to receive 6647
and administer the pledged receipts and special funds, other than 6648
those in the custody of the treasurer of state, which are pledged 6649
to the payment of the bond service charges on such obligations or 6650
which are the subject of the covenant or agreement, with full 6651
power to pay, and to provide for payment of bond service charges 6652
on, such obligations, and with such powers, subject to the 6653
direction of the court, as are accorded receivers in general 6654
equity cases, excluding any power to pledge additional revenues or 6655
receipts or other income or moneys of the state or local 6656
governmental entities, or agencies thereof, to the payment of such 6657
principal and interest and excluding the power to take possession 6658
of, mortgage, or cause the sale or otherwise dispose of any 6659
project facilities. 6660

Each duty of the issuing authority and the issuing 6661
authority's officers and employees, and of each state or local 6662
governmental agency and its officers, members, or employees, 6663
undertaken pursuant to the bond proceedings or any loan, loan 6664
guarantee, lease, lease-purchase agreement, or other agreement 6665
made under authority of section 5531.09 of the Revised Code, and 6666
in every agreement by or with the issuing authority, is hereby 6667
established as a duty of the issuing authority, and of each such 6668
officer, member, or employee having authority to perform such 6669
duty, specifically enjoined by the law resulting from an office, 6670
trust, or station within the meaning of section 2731.01 of the 6671
Revised Code. 6672

The person who is at the time the issuing authority, or the 6673
issuing authority's officers or employees, are not liable in their 6674
personal capacities on any obligations issued by the issuing 6675
authority or any agreements of or with the issuing authority. 6676

(L) The issuing authority may authorize and issue obligations 6677

for the refunding, including funding and retirement, and advance 6678
refunding with or without payment or redemption prior to maturity, 6679
of any obligations previously issued by the issuing authority. 6680
Such obligations may be issued in amounts sufficient for payment 6681
of the principal amount of the prior obligations, any redemption 6682
premiums thereon, principal maturities of any such obligations 6683
maturing prior to the redemption of the remaining obligations on a 6684
parity therewith, interest accrued or to accrue to the maturity 6685
dates or dates of redemption of such obligations, and any 6686
~~allowable costs including~~ expenses incurred or to be incurred in 6687
connection with such issuance and such refunding, funding, and 6688
retirement. Subject to the bond proceedings therefor, the portion 6689
of proceeds of the sale of obligations issued under this division 6690
to be applied to bond service charges on the prior obligations 6691
shall be credited to an appropriate account held by the trustee 6692
for such prior or new obligations or to the appropriate account in 6693
the bond service fund for such obligations. Obligations authorized 6694
under this division shall be deemed to be issued for those 6695
purposes for which such prior obligations were issued and are 6696
subject to the provisions of this section pertaining to other 6697
obligations, except as otherwise provided in this section. The 6698
last maturity of obligations authorized under this division shall 6699
not be later than twenty-five years from the date of issuance of 6700
the original securities issued for the original purpose. 6701
6702

(M) The authority to issue obligations under this section 6703
includes authority to issue obligations in the form of bond 6704
anticipation notes and to renew the same from time to time by the 6705
issuance of new notes. The holders of such notes or interest 6706
coupons pertaining thereto shall have a right to be paid solely 6707
from the pledged receipts and special funds that may be pledged to 6708
the payment of the bonds anticipated, or from the proceeds of such 6709
bonds or renewal notes, or both, as the issuing authority provides 6710

in the order authorizing such notes. Such notes may be 6711
additionally secured by covenants of the issuing authority to the 6712
effect that the issuing authority and the state will do such or 6713
all things necessary for the issuance of such bonds or renewal 6714
notes in appropriate amount, and apply the proceeds thereof to the 6715
extent necessary, to make full payment of the principal of and 6716
interest on such notes at the time or times contemplated, as 6717
provided in such order. For such purpose, the issuing authority 6718
may issue bonds or renewal notes in such principal amount and upon 6719
such terms as may be necessary to provide funds to pay when 6720
required the principal of and interest on such notes, 6721
notwithstanding any limitations prescribed by or for purposes of 6722
this section. Subject to this division, all provisions for and 6723
references to obligations in this section are applicable to notes 6724
authorized under this division. 6725

The issuing authority in the bond proceedings authorizing the 6726
issuance of bond anticipation notes shall set forth for such bonds 6727
an estimated interest rate and a schedule of principal payments 6728
for such bonds and the annual maturity dates thereof. 6729

(N) Obligations issued under this section are lawful 6730
investments for banks, societies for savings, savings and loan 6731
associations, deposit guarantee associations, trust companies, 6732
trustees, fiduciaries, insurance companies, including domestic for 6733
life and domestic not for life, trustees or other officers having 6734
charge of sinking and bond retirement or other special funds of 6735
political subdivisions and taxing districts of this state, the 6736
commissioners of the sinking fund of the state, the administrator 6737
of workers' compensation in accordance with the investment policy 6738
established by the workers' compensation oversight commission 6739
pursuant to section 4121.12 Of the Revised Code, the state 6740
teachers retirement system, the public employees retirement 6741
system, the school employees retirement system, and the police and 6742

firemen's disability and pension fund, notwithstanding any other 6743
provisions of the Revised Code or rules adopted pursuant thereto 6744
by any agency of the state with respect to investments by them, 6745
and are also acceptable as security for the deposit of public 6746
moneys. 6747

(O) Unless otherwise provided in any applicable bond 6748
proceedings, moneys to the credit of or in the special funds 6749
established by or pursuant to this section may be invested by or 6750
on behalf of the issuing authority only in notes, bonds, or other 6751
obligations of the United States, or of any agency or 6752
instrumentality of the United States, obligations guaranteed as to 6753
principal and interest by the United States, obligations of this 6754
state or any political subdivision of this state, and certificates 6755
of deposit of any national bank located in this state and any 6756
bank, as defined in section 1101.01 of the Revised Code, subject 6757
to inspection by the superintendent of financial institutions. If 6758
the law or the instrument creating a trust pursuant to division 6759
(J) of this section expressly permits investment in direct 6760
obligations of the United States or an agency of the United 6761
States, unless expressly prohibited by the instrument, such moneys 6762
also may be invested in no-front-end-load money market mutual 6763
funds consisting exclusively of obligations of the United States 6764
or an agency of the United States and in repurchase agreements, 6765
including those issued by the fiduciary itself, secured by 6766
obligations of the United States or an agency of the United 6767
States; and in ~~common trust funds established in accordance with~~ 6768
collective investment funds as defined in division (A) of section 6769
~~1109.20 1111.01~~ 1111.01 of the Revised Code and consisting exclusively of 6770
any such securities, ~~notwithstanding division (A)(4) of that~~ 6771
~~section~~. The income from such investments shall be credited to 6772
such funds as the issuing authority determines, and such 6773
investments may be sold at such times as the issuing authority 6774
determines or authorizes. 6775

(P) Provision may be made in the applicable bond proceedings 6776
for the establishment of separate accounts in the bond service 6777
fund and for the application of such accounts only to the 6778
specified bond service charges on obligations pertinent to such 6779
accounts and bond service fund and for other accounts therein 6780
within the general purposes of such fund. Unless otherwise 6781
provided in any applicable bond proceedings, moneys to the credit 6782
of or in the several special funds established pursuant to this 6783
section shall be disbursed on the order of the treasurer of state, 6784
provided that no such order is required for the payment from the 6785
bond service fund when due of bond service charges on obligations. 6786

(Q) The issuing authority may, ~~with the advice of the~~ 6787
~~director of transportation and the director of budget and~~ 6788
~~management,~~ pledge all, or such portion as the issuing authority 6789
determines, of the pledged receipts to the payment of bond service 6790
charges on obligations issued under this section, and for the 6791
establishment and maintenance of any reserves, as provided in the 6792
bond proceedings, and make other provisions therein with respect 6793
to pledged receipts as authorized by this chapter, which 6794
provisions are controlling notwithstanding any other provisions of 6795
law pertaining thereto. 6796

(R) There is hereby created the state infrastructure bank 6797
revenue bond service fund, which shall be in the custody of the 6798
treasurer of state but shall not be a part of the state treasury. 6799
All moneys received by or on account of the issuing authority or 6800
state agencies and required by the applicable bond proceedings, 6801
consistent with this section, to be deposited, transferred, or 6802
credited to the bond service fund, and all other moneys 6803
transferred or allocated to or received for the purposes of the 6804
fund, shall be deposited and credited to such fund and to any 6805
separate accounts therein, subject to applicable provisions of the 6806
bond proceedings, but without necessity for any act of 6807

appropriation. The state infrastructure bank revenue bond service 6808
fund is a trust fund and is hereby pledged to the payment of bond 6809
service charges to the extent provided in the applicable bond 6810
proceedings, and payment thereof from such fund shall be made or 6811
provided for by the treasurer of state in accordance with such 6812
bond proceedings without necessity for any act of appropriation. 6813

(S) The obligations issued pursuant to this section, the 6814
transfer thereof, and the income therefrom, including any profit 6815
made on the sale thereof, shall at all times be free from taxation 6816
within this state. 6817

Sec. 5540.01. As used in this chapter: 6818

(A) "Transportation improvement district" or "district" means 6819
a transportation improvement district designated pursuant to 6820
section 5540.02 of the Revised Code. 6821

(B) "Governmental agency" means a department, division, or 6822
other unit of state government; a county, township, or municipal 6823
corporation or other political subdivision; a regional transit 6824
authority or regional transit commission created pursuant to 6825
Chapter 306. of the Revised Code; a port authority created 6826
pursuant to Chapter 4582. of the Revised Code; and the United 6827
States or any agency thereof. 6828

(C) "Project" means a street ~~or~~, highway, or other 6829
transportation project constructed or improved under this chapter 6830
and includes all bridges, tunnels, overpasses, underpasses, 6831
interchanges, approaches, those portions of connecting streets or 6832
highways that serve interchanges and are determined by the 6833
district to be necessary for the safe merging of traffic between 6834
the project and those streets or highways, service facilities, and 6835
administration, storage, and other buildings, property, and 6836
facilities, that the district considers necessary for the 6837

operation of the project, together with all property and rights 6838
that must be acquired by the district for the construction, 6839
maintenance, or operation of the project. 6840

(D) "Cost," as applied to the construction of a project, 6841
includes the cost of construction, including bridges over or under 6842
existing highways and railroads, acquisition of all property 6843
acquired by the district for such construction, demolishing or 6844
removing any buildings or structures on land so acquired, 6845
including the cost of acquiring any lands to which such buildings 6846
or structures may be moved, site clearance, improvement, and 6847
preparation, diverting streets or highways, interchanges with 6848
streets or highways, access roads to private property, including 6849
the cost of land or easements therefor, all machinery, 6850
furnishings, and equipment, communications facilities, financing 6851
expenses, interest prior to and during construction and for one 6852
year after completion of construction, traffic estimates, 6853
indemnity and surety bonds and premiums on insurance, and 6854
guarantees, engineering, feasibility studies, and legal expenses, 6855
plans, specifications, surveys, estimates of cost and revenues, 6856
other expenses necessary or incidental to determining the 6857
feasibility or practicability of constructing a project, and such 6858
other expense as may be necessary or incident to the construction 6859
of the project and the financing of such construction. Any 6860
obligation or expense incurred by any governmental agency or 6861
person for surveys, borings, preparation of plans and 6862
specifications, and other engineering services, or any other cost 6863
described above, in connection with the construction of a project 6864
may be regarded as part of the cost of the project and reimbursed 6865
from revenues, taxes, or the proceeds of bonds as authorized by 6866
this chapter. 6867

(E) "Owner" includes any person having any title or interest 6868
in any property authorized to be acquired by a district under this 6869

chapter.	6870
(F) "Revenues" means all moneys received by a district with respect to the lease, sublease, or sale, including installment sale, conditional sale, or sale under a lease-purchase agreement, of a project, any gift or grant received with respect to a project, tolls, proceeds of bonds to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the district, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of a project, and income and profit from the investment of the proceeds of bonds or of any revenues.	6871 6872 6873 6874 6875 6876 6877 6878 6879 6880 6881
(G) "Street or highway" has the same meaning as in section 4511.01 of the Revised Code.	6882 6883
(H) "Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities.	6884 6885 6886 6887 6888 6889 6890 6891 6892 6893 6894 6895 6896 6897 6898 6899
(I) "Bond proceedings" means the resolutions, trust	6900

agreements, certifications, notices, sale proceedings, leases, 6901
lease-purchase agreements, assignments, credit enhancement 6902
facility agreements, and other agreements, instruments, and 6903
documents, as amended and supplemented, or any one or more of 6904
combination thereof, authorizing, or authorizing or providing for 6905
the terms and conditions applicable to, or providing for the 6906
security or sale or award or liquidity of, bonds, and includes the 6907
provisions set forth or incorporated in those bonds and bond 6908
proceedings. 6909

(J) "Bond service charges" means principal, including any 6910
mandatory sinking fund or mandatory redemption requirements for 6911
retirement of bonds, and interest and any redemption premium 6912
payable on bonds, as those payments come due and are payable to 6913
the bondholder or to a person making payment under a credit 6914
enhancement facility of those bond service charges to a 6915
bondholder. 6916

(K) "Bond service fund" means the applicable fund created by 6917
the bond proceedings for and pledged to the payment of bond 6918
service charges on bonds provided for by those proceedings, 6919
including all moneys and investments, and earnings from 6920
investments, credited and to be credited to that fund as provided 6921
in the bond proceedings. 6922

(L) "Bonds" means bonds, notes, including notes anticipating 6923
bonds or other notes, commercial paper, certificates of 6924
participation, or other evidences of obligation, including any 6925
interest coupons pertaining thereto, issued pursuant to this 6926
chapter. 6927

(M) "Net revenues" means revenues lawfully available to pay 6928
both current operating expenses of a district and bond service 6929
charges in any fiscal year or other specified period, less current 6930
operating expenses of the district and any amount necessary to 6931

maintain a working capital reserve for that period. 6932

(N) "Pledged revenues" means net revenues, moneys and 6933
investments, and earnings on those investments, in the applicable 6934
bond service fund and any other special funds, and the proceeds of 6935
any bonds issued for the purpose of refunding prior bonds, all as 6936
lawfully available and by resolution of the district committed for 6937
application as pledged revenues to the payment of bond service 6938
charges on particular issues of bonds. 6939

(O) "Special funds" means the applicable bond service fund 6940
and any accounts and subaccounts in that fund, any other funds or 6941
accounts permitted by and established under, and identified as a 6942
special fund or special account in, the bond proceedings, 6943
including any special fund or account established for purposes of 6944
rebate or other requirements under federal income tax laws. 6945

(P) "Credit enhancement facilities" means letters of credit, 6946
lines of credit, standby, contingent, or firm securities purchase 6947
agreements, insurance, or surety arrangements, guarantees, and 6948
other arrangements that provide for direct or contingent payment 6949
of bond service charges, for security or additional security in 6950
the event of nonpayment or default in respect of bonds, or for 6951
making payment of bond service charges and at the option and on 6952
demand of bondholders or at the option of the district or upon 6953
certain conditions occurring under put or similar arrangements, or 6954
for otherwise supporting the credit or liquidity of the bonds, and 6955
includes credit, reimbursement, marketing, remarketing, indexing, 6956
carrying, interest rate hedge as defined in section 133.01 of the 6957
Revised Code, and subrogation agreements, and other agreements and 6958
arrangements for payment and reimbursement of the person providing 6959
the credit enhancement facility and the security for that payment 6960
and reimbursement. 6961

(Q) "Refund" means to fund and retire outstanding bonds, 6962

including advance refunding with or without payment or redemption	6963
prior to stated maturity.	6964
(R) "Property" includes interests in property.	6965
(S) "Administrative agent," "agent," "commercial paper,"	6966
"floating rate interest structure," "indexing agent," "interest	6967
rate period," "put arrangement," and "remarketing agent" have the	6968
same meanings as in section 9.98 of the Revised Code.	6969
(T) "Outstanding" as applied to bonds means outstanding in	6970
accordance with the terms of the bonds and the applicable bond	6971
proceedings.	6972
(U) "Interstate system" has the same meaning as in section	6973
5516.01 of the Revised Code.	6974
Sec. 5540.03. (A) A transportation improvement district may:	6975
	6976
(1) Adopt bylaws for the regulation of its affairs and the	6977
conduct of its business;	6978
(2) Adopt an official seal;	6979
(3) Sue and be sued in its own name, plead and be impleaded,	6980
provided any actions against the district shall be brought in the	6981
court of common pleas of the county in which the principal office	6982
of the district is located, or in the court of common pleas of the	6983
county in which the cause of action arose, and all summonses,	6984
exceptions, and notices of every kind shall be served on the	6985
district by leaving a copy thereof at its principal office with	6986
the secretary-treasurer;	6987
(4) Purchase, construct, maintain, repair, sell, exchange,	6988
police, operate, or lease projects;	6989
(5) Issue either or both of the following for the purpose of	6990
providing funds to pay the costs of any project or part thereof:	6991

(a) Transportation improvement district revenue bonds;	6992
(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;	6993 6994
(6) Maintain such funds as it considers necessary;	6995
(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;	6996 6997 6998 6999 7000 7001
(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;	7002 7003 7004
(9) Employ or retain or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;	7005 7006 7007 7008 7009 7010 7011 7012
(10) Receive and accept from <u>any the federal or any state or local government, including, but not limited to, any agency and from, entity, or instrumentality of any other governmental agency of the foregoing, loans and</u> grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such <u>loans, grants, and contributions are made</u> . <u>Nothing in division (A)(10) of this section shall be construed as imposing any liability on</u>	7013 7014 7015 7016 7017 7018 7019 7020 7021 7022

this state for any loan received by a transportation improvement 7023
district from a third party unless this state has entered into an 7024
agreement to accept such liability. 7025

(11) Acquire, hold, and dispose of property in the exercise 7026
of its powers and the performance of its duties under this 7027
chapter; 7028

(12) Establish and collect tolls or user charges for its 7029
projects; 7030

(13) Do all acts necessary and proper to carry out the powers 7031
expressly granted in this chapter. 7032

(B) Chapters 123., 124., 125., 153., and 4115., and sections 7033
9.331, 9.332, ~~and 9.333,~~ and 307.86 of the Revised Code do not 7034
apply to contracts or projects of a transportation improvement 7035
district. 7036

Sec. 5735.05. (A) To provide revenue for maintaining the 7037
state highway system; to widen existing surfaces on such highways; 7038
to resurface such highways; to pay that portion of the 7039
construction cost of a highway project which a county, township, 7040
or municipal corporation normally would be required to pay, but 7041
which the director of transportation, pursuant to division (B) of 7042
section 5531.08 of the Revised Code, determines instead will be 7043
paid from moneys in the highway operating fund; to enable the 7044
counties of the state properly to plan, maintain, and repair their 7045
roads and to pay principal, interest, and charges on bonds and 7046
other obligations issued pursuant to Chapter 133. of the Revised 7047
Code for highway improvements; to enable the municipal 7048
corporations to plan, construct, reconstruct, repave, widen, 7049
maintain, repair, clear, and clean public highways, roads, and 7050
streets, and to pay the principal, interest, and charges on bonds 7051
and other obligations issued pursuant to Chapter 133. of the 7052
Revised Code for highway improvements; to enable the Ohio turnpike 7053

commission to construct, reconstruct, maintain, and repair 7054
turnpike projects; to maintain and repair bridges and viaducts; to 7055
purchase, erect, and maintain street and traffic signs and 7056
markers; to purchase, erect, and maintain traffic lights and 7057
signals; to pay the costs apportioned to the public under sections 7058
4907.47 and 4907.471 of the Revised Code and to supplement revenue 7059
already available for such purposes; to pay the costs incurred by 7060
the public utilities commission in administering sections 4907.47 7061
to 4907.476 of the Revised Code; to distribute equitably among 7062
those persons using the privilege of driving motor vehicles upon 7063
such highways and streets the cost of maintaining and repairing 7064
them; to pay the interest, principal, and charges on highway 7065
capital improvements bonds and other obligations issued pursuant 7066
to Section ~~2g~~ 2m of Article VIII, Ohio Constitution, and sections 7067
~~5528.10 and 5528.11~~ 5528.51 to 5528.56 of the Revised Code; to pay 7068
the interest, principal, and charges on highway obligations issued 7069
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7070
sections 5528.30 and 5528.31 of the Revised Code; and to provide 7071
revenue for the purposes of sections 1547.71 to 1547.78 of the 7072
Revised Code, a motor fuel excise tax is hereby imposed on all 7073
motor fuel dealers upon receipt of motor fuel within this state at 7074
the rate of two cents plus the cents per gallon rate on each 7075
gallon so received, to be computed in the manner set forth in 7076
section 5735.06 of the Revised Code; provided that no tax is 7077
hereby imposed upon the following transactions: 7078

(1) The sale of dyed diesel fuel by a licensed motor fuel 7079
dealer from a location other than a retail service station 7080
provided the licensed motor fuel dealer places on the face of the 7081
delivery document or invoice, or both if both are used, a 7082
conspicuous notice stating that the fuel is dyed and is not for 7083
taxable use, and that taxable use of that fuel is subject to a 7084
penalty. The tax commissioner, by rule, may provide that any 7085

notice conforming to rules or regulations issued by the United States department of the treasury or the Internal Revenue Service is sufficient notice for the purposes of division (A)(1) of this section;

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

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

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

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

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

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

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type A; 7117
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(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type B, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer. 7119
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Division (A)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel. 7123
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(B) The two cent motor fuel tax levied by this section is also for the purpose of paying the expenses of administering and enforcing the state law relating to the registration and operation of motor vehicles. 7129
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After the tax provided for by this section on the receipt of any motor fuel has been paid by the motor fuel dealer, the motor fuel may thereafter be used, sold, or resold by any person having lawful title to it, without incurring liability for such tax. 7133
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If a licensed motor fuel dealer sells motor fuel received by the licensed motor fuel dealer to another licensed motor fuel dealer, the seller may deduct on the report required by section 5735.06 of the Revised Code the number of gallons so sold for the month within which the motor fuel was sold or delivered. In this event the number of gallons is deemed to have been received by the purchaser, who shall report and pay the tax imposed thereon. 7137
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Sec. 5735.12. (A) Any motor fuel dealer or qualified interstate bus operator required by this chapter to file reports and pay the tax levied by this chapter who fails to file the 7144
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report within the time prescribed, shall be liable for an 7147
additional charge equal to the greater of ten per cent of the 7148
motor fuel dealer's or qualified interstate bus operator's tax 7149
liability for that month or fifty dollars. The tax commissioner 7150
may remit all or a portion of the additional charge and may adopt 7151
rules relating to the remission of all or a portion of the charge. 7152

If any person required by this chapter to file reports and 7153
pay the taxes, interest, or additional charge levied by this 7154
chapter fails to file the report, files an incomplete or incorrect 7155
report, or fails to remit the full amount of the tax, interest, or 7156
additional charge due for the period covered by the report, the 7157
commissioner may make an assessment against the person based upon 7158
any information in the commissioner's possession. 7159

No assessment shall be made against any motor fuel dealer or 7160
interstate bus operator for taxes imposed by this chapter more 7161
than four years after the date on which the report on which the 7162
assessment was based was due or was filed, whichever is later. 7163
This section does not bar an assessment against any motor fuel 7164
dealer or qualified interstate bus operator who fails to file a 7165
report required by either section 5735.06 or 5735.32 of the 7166
Revised Code, or who files a fraudulent motor fuel tax report. 7167

A penalty of fifteen per cent shall be added to the amount of 7168
every assessment made under this section. The commissioner may 7169
adopt rules providing for the remission of penalties added to 7170
assessments made under this section. 7171

The commissioner shall give the party assessed written notice 7172
of the assessment by personal service or certified mail. Any tax 7173
or equalization payment assessed shall continue to accrue interest 7174
as prescribed in division (A) of section 5735.11 of the Revised 7175
Code. 7176

(B) Unless the party to whom the notice of assessment is 7177

directed files with the commissioner within thirty days after 71178
service of the notice of assessment, either personally or by 71179
certified mail, a petition for reassessment in writing, signed by 71180
the party assessed, or by the authorized agent of the party 71181
assessed having knowledge of the facts, the assessment shall 71182
become conclusive and the amount of the assessment shall be due 71183
and payable from the party assessed to the treasurer of state. The 71184
petition shall indicate the objections of the party assessed, but 71185
additional objections may be raised in writing if received prior 71186
to the date shown on the final determination by the commissioner. 71187
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Unless the petitioner waives a hearing, the commissioner 71189
shall assign a time and place for the hearing on the petition and 71190
notify the petitioner of the time and place of the hearing by 71191
personal service or certified mail, but the commissioner may 71192
continue the hearing from time to time if necessary. 71193

The commissioner may make such correction to the 71194
commissioner's assessment as the commissioner finds proper. The 71195
commissioner shall serve a copy of the commissioner's final 71196
determination on the petitioner by personal service or certified 71197
mail, and the commissioner's decision in the matter shall be 71198
final, subject to appeal as provided in section 5717.02 of the 71199
Revised Code. 7200

(C) After an assessment becomes final, if any portion of the 7201
assessment remains unpaid, a certified copy of the commissioner's 7202
entry making the assessment final may be filed in the office of 7203
the clerk of the court of common pleas in the county in which the 7204
party assessed resides or in which the business of the party 7205
assessed is conducted. If the party assessed maintains no place of 7206
business in this state and is not a resident of this state, the 7207
certified copy of the entry may be filed in the office of the 7208
clerk of the court of common pleas of Franklin county. 7209

The clerk, immediately upon the filing of the entry, shall 7210
enter a judgment for the state against the party assessed in the 7211
amount shown on the entry. The judgment may be filed by the clerk 7212
in a loose-leaf book entitled "special judgments for state motor 7213
fuel tax." 7214

From the date of the filing of the entry in the clerk's 7215
office, the unpaid portion of the assessment shall bear interest 7216
at the rate per annum prescribed by section 5703.47 of the Revised 7217
Code and shall have the same effect as other judgments. Execution 7218
shall issue upon the judgment upon request of the commissioner, 7219
and all laws applicable to sales on execution shall be applicable 7220
to sales made under the judgment. 7221

(D) All money collected by the commissioner under this 7222
section shall be paid to the treasurer of state, and when paid 7223
shall be considered as revenue arising from the tax imposed by 7224
this chapter. 7225

(E) If the tax commissioner determines that the commissioner 7226
has erroneously refunded motor fuel tax to any person, the 7227
commissioner may make an assessment against the person for 7228
recovery of the erroneously refunded tax. Interest begins to 7229
accrue thirty days after the receipt of the assessment. 7230

~~(F) Any person required to file reports pursuant to section 7231
5735.146 of the Revised Code who fails to file the report within 7232
the time prescribed shall be liable for a late filing charge equal 7233
to one hundred dollars per day for each day the report is late, or 7234
one thousand dollars, whichever is greater. The late filing charge 7235
may be collected by assessment as provided in this section. 7236~~

Sec. 5735.145. (A) As used in this section and sections 7237
5735.13, 5735.14, 5735.141, 5735.142, ~~5735.146~~, and 5735.17 of the 7238
Revised Code: 7239

(1) "Qualified fuel" means ethanol that is to be combined 7240
with gasoline to create a blend of not more than ten per cent by 7241
volume of ethanol and that when so blended is used, sold, or 7242
distributed as a motor fuel. 7243

(2) "Ethanol" means: 7244

(a) Ethanol produced in a manufacturing facility with an 7245
annual production capacity of less than two million gallons from 7246
wood or the grain of a cereal grass and denatured in accordance 7247
with United States bureau of alcohol and tax regulations; or 7248

(b) Ethanol produced through a coal-fired process from wood 7249
or the grain of a cereal grass and denatured in accordance with 7250
United States bureau of alcohol and tax regulations. 7251

(B) Any motor fuel dealer shall receive a qualified fuel 7252
credit on each gallon of qualified fuel used, sold, or distributed 7253
by the dealer and on which the dealer is liable for the taxes 7254
imposed by this chapter of the Revised Code. To receive a credit, 7255
the dealer shall certify on the monthly report required by section 7256
5735.06 of the Revised Code the number of gallons of qualified 7257
fuel used, sold, or distributed during the month to which the 7258
report applies and upon which such taxes are imposed. After 7259
computation of the amount of the tax in accordance with division 7260
(B) of section 5735.06 of the Revised Code, the number of gallons 7261
of qualified fuel used, sold, or distributed during the month to 7262
which the report applies and included in the gallons of motor fuel 7263
upon which the tax is imposed shall be multiplied by ten cents per 7264
gallon. The resulting product shall be subtracted from the tax 7265
computed under division (B) of section 5735.06 of the Revised Code 7266
and shall constitute the qualified fuel credit provided by this 7267
section. 7268

(C) The aggregate amount of credits permitted under this 7269
section shall be subject to the limitations prescribed in this 7270

division.

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

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

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

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(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.

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(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.

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If in any month the credit, including any amount carried

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forward from a preceding month, exceeds the limit for that month 7302
by five per cent or more, the tax commissioner shall collect the 7303
excess from each motor fuel dealer, apportioning the amount 7304
collected among motor fuel dealers in proportion to the amount of 7305
credit claimed by each motor fuel dealer for that month. 7306

(4) Any credit in excess of the amounts prescribed in this 7307
section and subject to collection by the tax commissioner pursuant 7308
to division (C)(2) or (3) of this section shall be paid to the 7309
treasurer of state as revenue arising from taxes imposed under 7310
this chapter and is subject to assessment as provided in sections 7311
5735.12 and 5735.121 of the Revised Code. 7312

Sec. 5735.19. The tax commissioner may examine, during the 7313
usual business hours of the day, the records, books, and papers of 7314
any motor fuel dealer, retail dealer, exporter, terminal operator, 7315
purchaser, or common carrier, ~~or person selling alcohol and~~ 7316
~~registered under section 5735.146 of the Revised Code,~~ pertaining 7317
to motor fuel received, sold, shipped, or delivered, to verify the 7318
truth and accuracy of any statement, report, or return. The 7319
commissioner may, in the enforcement of the motor fuel laws of 7320
this state, hold hearings, take the testimony of any person, issue 7321
subpoenas and compel the attendance of witnesses, and conduct such 7322
investigations as the commissioner deems necessary, but no person 7323
shall disclose the information acquired by the commissioner under 7324
this section, except when required to do so in court. Such 7325
information or evidence is not privileged when used by the state 7326
or any officer thereof in any proceeding for the collection of the 7327
tax, or any prosecution for violation of the motor fuel laws. 7328

The commissioner may prescribe all forms upon which reports 7329
shall be made to the commissioner, forms for claims for refund 7330
presented to the commissioner, or forms of records to be used by 7331
motor fuel dealers. 7332

Sec. 5735.23. (A) Out of receipts from the tax levied by 7333
section 5735.05 of the Revised Code, the treasurer of state shall 7334
place to the credit of the tax refund fund established by section 7335
5703.052 of the Revised Code amounts equal to the refunds 7336
certified by the tax commissioner pursuant to sections 5735.13, 7337
5735.14, 5735.141, 5735.142, 5735.16, and 5735.17 of the Revised 7338
Code. The treasurer of state shall then transfer the amount 7339
required by section 5735.051 of the Revised Code to the waterways 7340
safety fund and the amount required by section 4907.472 of the 7341
Revised Code to the grade crossing protection fund. 7342

(B) ~~Each~~ Except as provided in division (D) of this section, 7343
each month the balance of the receipts from the tax levied by 7344
section 5735.05 of the Revised Code shall be credited, after 7345
receipt by the treasurer of state of ~~certifications~~ certification 7346
from the commissioners of the sinking fund ~~certifying~~, as required 7347
by ~~sections 5528.15 and section~~ 5528.35 of the Revised Code, ~~that~~ 7348
~~there are sufficient moneys to the credit of the highway~~ 7349
~~improvement bond retirement fund to meet in full all payments of~~ 7350
~~interest, principal, and charges for the retirement of bonds and~~ 7351
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 7352
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 7353
~~Code due and payable during the current calendar year, and that~~ 7354
there are sufficient moneys to the credit of the highway 7355
obligations bond retirement fund to meet in full all payments of 7356
interest, principal, and charges for the retirement of highway 7357
obligations issued pursuant to Section 2i of Article VIII, Ohio 7358
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 7359
due and payable during the current calendar year, as follows: 7360

(1) To the state and local government highway distribution 7361
fund, which is hereby created in the state treasury, an amount 7362
that is the same percentage of the balance to be credited as that 7363

portion of the tax per gallon determined under division (B)(2)(a) 7364
of section 5735.06 of the Revised Code is of the total tax per 7365
gallon determined under divisions (B)(2)(a) and (b) of that 7366
section. 7367

(2) After making the distribution to the state and local 7368
government highway distribution fund, the remainder shall be 7369
credited as follows: 7370

(a) Thirty per cent to the gasoline excise tax fund for 7371
distribution pursuant to division (A)(1) of section 5735.27 of the 7372
Revised Code; 7373

(b) Twenty-five per cent to the gasoline excise tax fund for 7374
distribution pursuant to division (A)(3) of section 5735.27 of the 7375
Revised Code; 7376

(c) ~~Forty-five~~ Except as provided in division (D) of this 7377
section, forty-five per cent to the highway operating fund for 7378
distribution pursuant to division (B)(1) of section 5735.27 of the 7379
Revised Code. 7380

(C) From the balance in the state and local government 7381
highway distribution fund on the last day of each month there 7382
shall be paid the following amounts: 7383

(1) To the local transportation improvement program fund 7384
created by section 164.14 of the Revised Code, an amount equal to 7385
a fraction of the balance in the state and local government 7386
highway distribution fund, the numerator of which fraction is one 7387
and the denominator of which fraction is that portion of the tax 7388
per gallon determined under division (B)(2)(a) of section 5735.06 7389
of the Revised Code; 7390

(2) An amount equal to five cents multiplied by the number of 7391
gallons of motor fuel sold at stations operated by the Ohio 7392
turnpike commission, such gallonage to be certified by the 7393

commission to the treasurer of state not later than the last day 7394
of the month following. The funds paid to the commission pursuant 7395
to this section shall be expended for the construction, 7396
reconstruction, maintenance, and repair of turnpike projects, 7397
except that the funds may not be expended for the construction of 7398
new interchanges. The funds also may be expended for the 7399
construction, reconstruction, maintenance, and repair of those 7400
portions of connecting public roads that serve existing 7401
interchanges and are determined by the commission and the director 7402
of transportation to be necessary for the safe merging of traffic 7403
between the turnpike and those public roads. 7404

The remainder of the balance shall be distributed as follows 7405
on the fifteenth day of the following month: 7406

(a) Ten and seven-tenths per cent shall be paid to municipal 7407
corporations for distribution pursuant to division (A)(1) of 7408
section 5735.27 of the Revised Code and may be used for any 7409
purpose for which payments received under that division may be 7410
used. 7411

(b) Five per cent shall be paid to townships for distribution 7412
pursuant to division (A)(5) of section 5735.27 of the Revised Code 7413
and may be used for any purpose for which payments received under 7414
that division may be used. 7415

(c) Nine and three-tenths per cent shall be paid to counties 7416
for distribution pursuant to division (A)(3) of section 5735.27 of 7417
the Revised Code and may be used for any purpose for which 7418
payments received under that division may be used. 7419

(d) The Except as provided in division (D) of this section, 7420
the balance shall be transferred to the highway operating fund and 7421
used for the purposes set forth in division (B)(1) of section 7422
5735.27 of the Revised Code. 7423

(D) Beginning on the first day of September each year and 7424

continuing until such time as the office of budget and management 7425
receives certification from the commissioners of the sinking fund 7426
pursuant to division (B) of section 5528.56 Of the Revised Code, 7427
any amounts required to be credited or transferred to the highway 7428
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 7429
section shall be credited or transferred to the highway capital 7430
improvements bond service fund created in section 5528.55 Of the 7431
Revised Code. 7432

Sec. 5735.29. To provide revenue for supplying the state's 7433
share of the cost of constructing, widening, maintaining, and 7434
reconstructing the state highways; to maintain and repair bridges 7435
and viaducts; to purchase, erect, and maintain street and traffic 7436
signs and markers; to purchase, erect, and maintain traffic lights 7437
and signals; to pay the expense of administering and enforcing the 7438
state law relative to the registration and operation of motor 7439
vehicles; ~~to pay the expense of administering and enforcing the~~ 7440
~~state law providing reimbursement to hospitals for expenses~~ 7441
~~incurred for the care of indigent persons injured in motor vehicle~~ 7442
~~accidents;~~ to make road improvements associated with retaining or 7443
attracting business for this state, to pay that portion of the 7444
construction cost of a highway project which a county, township, 7445
or municipal corporation normally would be required to pay, but 7446
which the director of transportation, pursuant to division (B) of 7447
section 5531.08 of the Revised Code, determines instead will be 7448
paid from moneys in the highway operating fund; to provide revenue 7449
for the purposes of sections 1547.71 to 1547.78 of the Revised 7450
Code; and to supplement revenue already available for such 7451
purposes, to pay the expenses of the department of taxation 7452
incident to the administration of the motor fuel laws, to 7453
supplement revenue already available for such purposes; and to pay 7454
the interest, principal, and charges on highway obligations issued 7455
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7456

sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 7457
excise tax is hereby imposed on all motor fuel dealers upon their 7458
receipt of motor fuel within the state at the rate of two cents on 7459
each gallon so received. This tax is subject to the specific 7460
exemptions set forth in this chapter of the Revised Code. It shall 7461
be reported, computed, paid, collected, administered, enforced, 7462
and refunded, and the failure properly and correctly to report and 7463
pay the tax shall be penalized, in exactly the same manner as is 7464
provided in this chapter. Such sections relating to motor fuel 7465
excise taxes are reenacted and incorporated as if specifically set 7466
forth in this section. The tax levied by this section is in 7467
addition to any other taxes imposed under this chapter. 7468
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Sec. 5739.02. For the purpose of providing revenue with which 7470
to meet the needs of the state, for the use of the general revenue 7471
fund of the state, for the purpose of securing a thorough and 7472
efficient system of common schools throughout the state, and for 7473
the purpose of affording revenues, in addition to those from 7474
general property taxes, permitted under constitutional 7475
limitations, and from other sources, for the support of local 7476
governmental functions, and for the purpose of reimbursing the 7477
state for the expense of administering this chapter, an excise tax 7478
is hereby levied on each retail sale made in this state. 7479

(A) The tax shall be collected pursuant to the schedules in 7480
section 5739.025 of the Revised Code. 7481

The tax applies and is collectible when the sale is made, 7482
regardless of the time when the price is paid or delivered. 7483

In the case of a sale, the price of which consists in whole 7484
or in part of rentals for the use of the thing transferred, the 7485
tax ~~shall~~, as regards such rentals, shall be measured by the 7486

installments thereof. 7487

In the case of a sale of a service defined under division 7488
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 7489
which consists in whole or in part of a membership for the receipt 7490
of the benefit of the service, the tax applicable to the sale 7491
shall be measured by the installments thereof. 7492

(B) The tax does not apply to the following: 7493

(1) Sales to the state or any of its political subdivisions, 7494
or to any other state or its political subdivisions if the laws of 7495
that state exempt from taxation sales made to this state and its 7496
political subdivisions; 7497

(2) Sales of food for human consumption off the premises 7498
where sold; 7499

(3) Sales of food sold to students only in a cafeteria, 7500
dormitory, fraternity, or sorority maintained in a private, 7501
public, or parochial school, college, or university; 7502

(4) Sales of newspapers, and of magazine subscriptions 7503
shipped by second class mail, and sales or transfers of magazines 7504
distributed as controlled circulation publications; 7505

(5) The furnishing, preparing, or serving of meals without 7506
charge by an employer to an employee provided the employer records 7507
the meals as part compensation for services performed or work 7508
done; 7509

(6) Sales of motor ~~vehiele~~ fuel upon receipt, use, 7510
distribution, or sale of which in this state a tax is imposed by 7511
the law of this state, but this exemption shall not apply to the 7512
sale of motor ~~vehiele~~ fuel on which a refund of the tax is 7513
allowable under section 5735.14 of the Revised Code; and the tax 7514
commissioner may deduct the amount of tax levied by this section 7515
applicable to the price of motor ~~vehiele~~ fuel when granting a 7516

refund of motor ~~vehicle~~ fuel tax pursuant to section 5735.14 of 7517
the Revised Code and shall cause the amount deducted to be paid 7518
into the general revenue fund of this state; 7519

(7) Sales of natural gas by a natural gas company, of 7520
electricity by an electric company, of water by a water-works 7521
company, or of steam by a heating company, if in each case the 7522
thing sold is delivered to consumers through wires, pipes, or 7523
conduits, and all sales of communications services by a telephone 7524
or telegraph company, all terms as defined in section 5727.01 of 7525
the Revised Code; 7526

(8) Casual sales by a person, or auctioneer employed directly 7527
by the person to conduct such sales, except as to such sales of 7528
motor vehicles, watercraft or outboard motors required to be 7529
titled under section 1548.06 of the Revised Code, watercraft 7530
documented with the United States coast guard, snowmobiles, 7531
all-purpose vehicles as defined in section 4519.01 of the Revised 7532
Code, and manufactured homes; 7533

(9) Sales of services or tangible personal property, other 7534
than motor vehicles and manufactured homes, by churches or by 7535
nonprofit organizations operated exclusively for charitable 7536
purposes as defined in division (B)(12) of this section, provided 7537
that the number of days on which such tangible personal property 7538
or services, other than items never subject to the tax, are sold 7539
does not exceed six in any calendar year. If the number of days on 7540
which such sales are made exceeds six in any calendar year, the 7541
church or organization shall be considered to be engaged in 7542
business and all subsequent sales by it shall be subject to the 7543
tax. In counting the number of days, all sales by groups within a 7544
church or within an organization shall be considered to be sales 7545
of that church or organization, except that sales made by separate 7546
student clubs and other groups of students of a primary or 7547
secondary school, and sales made by a parent-teacher association, 7548

booster group, or similar organization that raises money to 7549
support or fund curricular or extracurricular activities of a 7550
primary or secondary school, shall not be considered to be sales 7551
of such school and sales by each such club, group, association, or 7552
organization shall be counted separately for purposes of the 7553
six-day limitation. This division does not apply to sales by a 7554
noncommercial educational radio or television broadcasting 7555
station. 7556

(10) Sales not within the taxing power of this state under 7557
the ~~constitution~~ Constitution of the United States; 7558

(11) The transportation of persons or property, unless the 7559
transportation is by a private investigation and security service; 7560

(12) Sales of tangible personal property or services to 7561
churches, to organizations exempt from taxation under section 7562
501(c)(3) of the Internal Revenue Code of 1986, and to any other 7563
nonprofit organizations operated exclusively for charitable 7564
purposes in this state, no part of the net income of which inures 7565
to the benefit of any private shareholder or individual, and no 7566
substantial part of the activities of which consists of carrying 7567
on propaganda or otherwise attempting to influence legislation; 7568
sales to offices administering one or more homes for the aged or 7569
one or more hospital facilities exempt under section 140.08 of the 7570
Revised Code; and sales to organizations described in division (D) 7571
of section 5709.12 of the Revised Code. 7572

"Charitable purposes" means the relief of poverty, the 7573
improvement of health through the alleviation of illness, disease, 7574
or injury, the operation of an organization exclusively for the 7575
provision of professional, laundry, printing, and purchasing 7576
services to hospitals or charitable institutions, the operation of 7577
a home for the aged, as defined in section 5701.13 of the Revised 7578
Code, the operation of a radio or television broadcasting station 7579

that is licensed by the federal communications commission as a 7580
noncommercial educational radio or television station, the 7581
operation of a nonprofit animal adoption service or a county 7582
humane society, the promotion of education by an institution of 7583
learning ~~which~~ that maintains a faculty of qualified instructors, 7584
teaches regular continuous courses of study, and confers a 7585
recognized diploma upon completion of a specific curriculum, the 7586
operation of a parent teacher association, booster group, or 7587
similar organization primarily engaged in the promotion and 7588
support of the curricular or extracurricular activities of a 7589
primary or secondary school, the operation of a community or area 7590
center in which presentations in music, dramatics, the arts, and 7591
related fields are made in order to foster public interest and 7592
education therein, the production of performances in music, 7593
dramatics, and the arts, or the promotion of education by an 7594
organization engaged in carrying on research in, or the 7595
dissemination of scientific and technological knowledge and 7596
information primarily for the public. 7597

Nothing in this division shall be deemed to exempt sales to 7598
any organization for use in the operation or carrying on of a 7599
trade or business, or sales to a home for the aged for use in the 7600
operation of independent living facilities as defined in division 7601
(A) of section 5709.12 of the Revised Code. 7602

(13) Building and construction materials and services sold to 7603
construction contractors for incorporation into a structure or 7604
improvement to real property under a construction contract with 7605
this state or a political subdivision thereof, or with the United 7606
States government or any of its agencies; building and 7607
construction materials and services sold to construction 7608
contractors for incorporation into a structure or improvement to 7609
real property ~~which~~ that are accepted for ownership by this state 7610
or any of its political subdivisions, or by the United States 7611

government or any of its agencies at the time of completion of 7612
such structures or improvements; building and construction 7613
materials sold to construction contractors for incorporation into 7614
a horticulture structure or livestock structure for a person 7615
engaged in the business of horticulture or producing livestock; 7616
building materials and services sold to a construction contractor 7617
for incorporation into a house of public worship or religious 7618
education, or a building used exclusively for charitable purposes 7619
under a construction contract with an organization whose purpose 7620
is as described in division (B)(12) of this section; building and 7621
construction materials sold for incorporation into the original 7622
construction of a sports facility under section 307.696 of the 7623
Revised Code; and building and construction materials and services 7624
sold to a construction contractor for incorporation into real 7625
property outside this state if such materials and services, when 7626
sold to a construction contractor in the state in which the real 7627
property is located for incorporation into real property in that 7628
state, would be exempt from a tax on sales levied by that state; 7629

(14) Sales of ships or vessels or rail rolling stock used or 7630
to be used principally in interstate or foreign commerce, and 7631
repairs, alterations, fuel, and lubricants for such ships or 7632
vessels or rail rolling stock; 7633

(15) Sales to persons engaged in any of the activities 7634
mentioned in division (E)(2) or (9) of section 5739.01 of the 7635
Revised Code, to persons engaged in making retail sales, or to 7636
persons who purchase for sale from a manufacturer tangible 7637
personal property that was produced by the manufacturer in 7638
accordance with specific designs provided by the purchaser, of 7639
packages, including material and parts for packages, and of 7640
machinery, equipment, and material for use primarily in packaging 7641
tangible personal property produced for sale by or on the order of 7642
the person doing the packaging, or sold at retail. "Packages" 7643

includes bags, baskets, cartons, crates, boxes, cans, bottles,
bindings, wrappings, and other similar devices and containers, and
"packaging" means placing therein.

(16) Sales of food to persons using food stamp coupons to
purchase the food. As used in division (B)(16) of this section,
"food" has the same meaning as in the "Food Stamp Act of 1977," 91
Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations
adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture,
horticulture, or floriculture, of tangible personal property for
use or consumption directly in the production by farming,
agriculture, horticulture, or floriculture of other tangible
personal property for use or consumption directly in the
production of tangible personal property for sale by farming,
agriculture, horticulture, or floriculture; or material and parts
for incorporation into any such tangible personal property for use
or consumption in production; and of tangible personal property
for such use or consumption in the conditioning or holding of
products produced by and for such use, consumption, or sale by
persons engaged in farming, agriculture, horticulture, or
floriculture, except where such property is incorporated into real
property;

(18) Sales of drugs dispensed by a registered pharmacist upon
the order of a practitioner licensed to prescribe, dispense, and
administer drugs to a human being in the course of the
professional practice; insulin as recognized in the official
United States pharmacopoeia; urine and blood testing materials
when used by diabetics or persons with hypoglycemia to test for
glucose or acetone; hypodermic syringes and needles when used by
diabetics for insulin injections; epoetin alfa when purchased for
use in the treatment of persons with end-stage renal disease;
hospital beds when purchased for use by persons with medical

problems for medical purposes; and oxygen and oxygen-dispensing 7676
equipment when purchased for use by persons with medical problems 7677
for medical purposes; 7678

(19) Sales of artificial limbs or portion thereof, breast 7679
prostheses, and other prosthetic devices for humans; braces or 7680
other devices for supporting weakened or nonfunctioning parts of 7681
the human body; wheelchairs; devices used to lift wheelchairs into 7682
motor vehicles and parts and accessories to such devices; crutches 7683
or other devices to aid human perambulation; and items of tangible 7684
personal property used to supplement impaired functions of the 7685
human body such as respiration, hearing, or elimination. No 7686
exemption under this division shall be allowed for nonprescription 7687
drugs, medicines, or remedies; items or devices used to supplement 7688
vision; items or devices whose function is solely or primarily 7689
cosmetic; or physical fitness equipment. This division does not 7690
apply to sales to a physician or medical facility for use in the 7691
treatment of a patient. 7692

(20) Sales of emergency and fire protection vehicles and 7693
equipment to nonprofit organizations for use solely in providing 7694
fire protection and emergency services for political subdivisions 7695
of the state; 7696

(21) Sales of tangible personal property, manufactured in 7697
this state, if sold by the manufacturer in this state to a 7698
retailer for use in the retail business of the retailer outside of 7699
this state and if possession is taken from the manufacturer by the 7700
purchaser within this state for the sole purpose of immediately 7701
removing the same from this state in a vehicle owned by the 7702
purchaser; 7703

(22) Sales of services provided by the state or any of its 7704
political subdivisions, agencies, instrumentalities, institutions, 7705
or authorities, or by governmental entities of the state or any of 7706

its political subdivisions, agencies, instrumentalities,
institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and of machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes

or tubing.	7738
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	7739 7740
(27) Sales of solar, wind, or hydrothermal energy systems that meet the guidelines established under division (B) of section 1551.20 of the Revised Code, components of such systems that are identified under division (B) or (D) of that section, or charges for the installation of such systems or components, made during the period from August 14, 1979, through December 31, 1985;	7741 7742 7743 7744 7745 7746
(28) Sales to persons licensed to conduct a food service operation pursuant to section 3732.03 of the Revised Code + of tangible personal property primarily used directly <u>for the following</u> :	7747 7748 7749 7750
(a) To prepare food for human consumption for sale;	7751
(b) To preserve food which <u>that</u> has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer; and	7752 7753 7754 7755
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	7756 7757
(29) Sales of animals by nonprofit animal adoption services or county humane societies;	7758 7759
(30) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	7760 7761 7762 7763
(31) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	7764 7765 7766
(32) Sales and erection or installation of portable grain	7767

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; 7768
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(33) The sale, lease, repair, and maintenance of; parts for; or items attached to or incorporated in motor vehicles that are primarily used for transporting tangible personal property by a person engaged in highway transportation for hire; 7770
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(34) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters; 7774
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(35) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(35) of this section shall be in lieu of all other exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service. 7779
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(36) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal ~~which~~ that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal ~~which~~ that has 7792
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been processed or manufactured for one or more specific and 7799
customary industrial, professional, or artistic uses. "Investment 7800
coins" means numismatic coins or other forms of money and legal 7801
tender manufactured of gold, silver, platinum, palladium, or other 7802
metal under the laws of the United States or any foreign nation 7803
with a fair market value greater than any statutory or nominal 7804
value of such coins. 7805

(37)(a) Sales where the purpose of the consumer is to use or 7806
consume the things transferred in making retail sales and 7807
consisting of newspaper inserts, catalogues, coupons, flyers, gift 7808
certificates, or other advertising material ~~which~~ that prices and 7809
describes tangible personal property offered for retail sale. 7810

(b) Sales to direct marketing vendors of preliminary 7811
materials such as photographs, artwork, and typesetting that will 7812
be used in printing advertising material; of printed matter that 7813
offers free merchandise or chances to win sweepstake prizes and 7814
that is mailed to potential customers with advertising material 7815
described in division (B)(37)(a) of this section; and of equipment 7816
such as telephones, computers, facsimile machines, and similar 7817
tangible personal property primarily used to accept orders for 7818
direct marketing retail sales. 7819

(c) Sales of automatic food vending machines that preserve 7820
food with a shelf life of forty-five days or less by refrigeration 7821
and dispense it to the consumer. 7822

For purposes of division (B)(37) of this section, "direct 7823
marketing" means the method of selling where consumers order 7824
tangible personal property by United States mail, delivery 7825
service, or telecommunication and the vendor delivers or ships the 7826
tangible personal property sold to the consumer from a warehouse, 7827
catalogue distribution center, or similar fulfillment facility by 7828
means of the United States mail, delivery service, or common 7829
carrier. 7830

(38) Sales to a person engaged in the business of 7831
horticulture or producing livestock of materials to be 7832
incorporated into a horticulture structure or livestock structure; 7833

(39) The sale of a motor vehicle that is used exclusively for 7834
a vanpool ridesharing arrangement to persons participating in the 7835
vanpool ridesharing arrangement when the vendor is selling the 7836
vehicle pursuant to a contract between the vendor and the 7837
department of transportation. 7838

For the purpose of the proper administration of this chapter, 7839
and to prevent the evasion of the tax, it is presumed that all 7840
sales made in this state are subject to the tax until the contrary 7841
is established. 7842

As used in this section, except in division (B)(16) of this 7843
section, "food" includes cereals and cereal products, milk and 7844
milk products including ice cream, meat and meat products, fish 7845
and fish products, eggs and egg products, vegetables and vegetable 7846
products, fruits, fruit products, and pure fruit juices, 7847
condiments, sugar and sugar products, coffee and coffee 7848
substitutes, tea, and cocoa and cocoa products. It does not 7849
include: spirituous or malt liquors; soft drinks; sodas and 7850
beverages ~~which~~ that are ordinarily dispensed at bars and soda 7851
fountains or in connection therewith other than coffee, tea, and 7852
cocoa; root beer and root beer extracts; malt and malt extracts; 7853
mineral oils, cod liver oils, and halibut liver oil; medicines, 7854
including tonics, vitamin preparations, and other products sold 7855
primarily for their medicinal properties; and water, including 7856
mineral, bottled, and carbonated waters and ice. 7857

(C) The levy of an excise tax on transactions by which 7858
lodging by a hotel is or is to be furnished to transient guests 7859
pursuant to this section and division (B) of section 5739.01 of 7860
the Revised Code does not prevent any of the following: 7861

(1) A municipal corporation or township from levying an 7862
excise tax for any lawful purpose not to exceed three per cent on 7863
transactions by which lodging by a hotel is or is to be furnished 7864
to transient guests in addition to the tax levied by this section. 7865
If a municipal corporation or township repeals a tax imposed under 7866
division (C)(1) of this section and a county in which the 7867
municipal corporation or township has territory has a tax imposed 7868
under division (C) of section 5739.024 of the Revised Code in 7869
effect, the municipal corporation or township may not reimpose its 7870
tax as long as that county tax remains in effect. A municipal 7871
corporation or township in which a tax is levied under division 7872
(B)(2) of section 351.021 of the Revised Code may not increase the 7873
rate of its tax levied under division (C)(1) of this section to 7874
any rate that would cause the total taxes levied under both of 7875
those divisions to exceed three per cent on any lodging 7876
transaction within the municipal corporation or township. 7877

(2) A municipal corporation or a township from levying an 7878
additional excise tax not to exceed three per cent on such 7879
transactions pursuant to division (B) of section 5739.024 of the 7880
Revised Code. Such tax is in addition to any tax imposed under 7881
division (C)(1) of this section. 7882

(3) A county from levying an excise tax not to exceed three 7883
per cent of such transactions pursuant to division (A) of section 7884
5739.024 of the Revised Code. 7885

(4) A county from levying an excise tax not to exceed three 7886
per cent of such transactions pursuant to division (C) of section 7887
5739.024 of the Revised Code. Such a tax is in addition to any tax 7888
imposed under division (C)(3) of this section. 7889

(5) A convention facilities authority, as defined in division 7890
(A) of section 351.01 of the Revised Code, from levying the excise 7891
taxes provided for in division (B) of section 351.021 of the 7892

Revised Code. 7893

(6) A county from levying an excise tax not to exceed one and 7894
one-half per cent of such transactions pursuant to division (D) of 7895
section 5739.024 of the Revised Code. Such tax is in addition to 7896
any tax imposed under division (C)(3) or (4) of this section. 7897
7898

(7) A county from levying an excise tax not to exceed one and 7899
one-half per cent of such transactions pursuant to division (E) of 7900
section 5739.024 of the Revised Code. Such a tax is in addition to 7901
any tax imposed under division (C)(3), (4), or (6) of this 7902
section. 7903

(D) The levy of this tax on retail sales of recreation and 7904
sports club service shall not prevent a municipal corporation from 7905
levying any tax on recreation and sports club dues or on any 7906
income generated by recreation and sports club dues. 7907

Sec. 6101.16. When it is determined to let the work relating 7908
to the improvements for which a conservancy district was 7909
established by contract, contracts in amounts to exceed ~~ten~~ 7910
fifteen thousand dollars shall be advertised after notice calling 7911
for bids has been published once a week for three consecutive 7912
weeks completed on date of last publication, in at least one 7913
newspaper of general circulation within the conservancy district 7914
where the work is to be done. If the bids are for a contract for 7915
the construction, demolition, alteration, repair, or 7916
reconstruction of an improvement, the board of directors of the 7917
conservancy district may let the contract to the lowest or best 7918
bidder who meets the requirements of section 153.54 of the Revised 7919
Code. If the bids are for a contract for any other work relating 7920
to the improvements for which a conservancy district was 7921
established, the board of directors of the district may let the 7922
contract to the lowest or best bidder who gives a good and 7923

approved bond, with ample security, conditioned on the carrying 7924
out of the contract. The contract shall be in writing and shall be 7925
accompanied by or refer to plans and specifications for the work 7926
to be done prepared by the chief engineer. The plans and 7927
specifications shall at all times be made and considered a part of 7928
the contract. The contract shall be approved by the board and 7929
signed by the president of the board and by the contractor and 7930
shall be executed in duplicate. In case of sudden emergency when 7931
it is necessary in order to protect the district, the advertising 7932
of contracts may be waived upon the consent of the board, with the 7933
approval of the court or a judge of the court of common pleas of 7934
the county in which the office of the district is located. 7935

Section 2. That existing sections 121.05, 121.07, 121.08, 7936
303.211, 308.13, 519.211, 2925.44, 2933.43, 3701.022, 3701.07, 7937
3701.83, 4301.10, 4301.12, 4501.01, 4501.03, 4501.14, 4501.15, 7938
4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 4503.40, 4503.42, 7939
4503.51, 4503.52, 4503.55, 4503.56, 4503.66, 4505.11, 4505.111, 7940
4506.24, 4509.06, 4511.10, 4511.101, 4511.102, 4511.191, 4511.951, 7941
4517.01, 4517.02, 4517.12, 4981.09, 4981.34, 5112.17, 5501.01, 7942
5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5502.22, 7943
5513.01, 5513.04, 5513.06, 5515.01, 5516.01, 5516.02, 5516.03, 7944
5516.04, 5516.06, 5516.061, 5516.07, 5516.08, 5516.10, 5516.11, 7945
5516.12, 5516.13, 5516.99, 5525.03, 5525.07, 5529.03, 5531.09, 7946
5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 7947
5735.23, 5735.29, 5739.02, and 6101.16 and sections 3701.61, 7948
3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 7949
3701.68, 3701.69, 4501.21, 4501.23, 4509.09, 4981.151, 4981.152, 7950
5516.05, 5516.09, and 5735.146 of the Revised Code are hereby 7951
repealed. 7952

Section 3. That section 5513.01 of the Revised Code, as 7953

amended by Sub. H.B. 572 of the 121st General Assembly, be amended 7954
to read as follows: 7955

Sec. 5513.01. (A) All purchases of machinery, materials, 7956
supplies, or other articles that the director of transportation 7957
makes shall be in the manner provided in this section. In all 7958
cases except those in which the director ~~authorizes~~ provides 7959
written authorization for purchases by district deputy directors 7960
of transportation, all such purchases shall be made at the central 7961
office of the department of transportation in Columbus. Before 7962
making any purchase at that office, the director, as provided in 7963
this section, shall give notice to bidders of the director's 7964
intention to purchase. Where the expenditure ~~is~~ does not ~~more than~~ 7965
~~five hundred dollars~~ exceed the amount applicable to the purchase 7966
of supplies specified in division (B) of section 125.05 Of the 7967
Revised Code, as adjusted pursuant to division (D) of that 7968
section, the director shall give such notice as the director 7969
considers proper, or the director may make the purchase without 7970
notice. Where the expenditure ~~is more than five hundred dollars~~ 7971
exceeds the amount applicable to the purchase of supplies 7972
specified in division (B) of section 125.05 Of the Revised Code, 7973
as adjusted pursuant to division (D) of that section, the director 7974
shall give notice by posting for not less than ten days a written, 7975
typed, or printed invitation to bidders on a bulletin board, which 7976
shall be located in a place in the offices assigned to the 7977
department and open to the public during business hours. Producers 7978
or distributors of any product may notify the director, in 7979
writing, of the class of articles for the furnishing of which they 7980
desire to bid and their post-office addresses, in which case 7981
copies of all invitations to bidders relating to the purchase of 7982
such articles shall be mailed to such persons by the director by 7983
regular first class mail at least ten days prior to the time fixed 7984

for taking bids. The director also may mail copies of all 7985
invitations to bidders to news agencies or other agencies or 7986
organizations distributing information of this character. Requests 7987
for invitations shall not be valid ~~or~~ nor require action by the 7988
director unless renewed, either annually or after such shorter 7989
period as the director may prescribe by a general ~~regulation~~ rule. 7990
The invitation to bidders shall contain a brief statement of the 7991
general character of the article that it is intended to purchase, 7992
the approximate quantity desired, and a statement of the time and 7993
place where bids will be received, and may relate to and describe 7994
as many different articles as the director thinks proper, it being 7995
the intent and purpose of this section to authorize the inclusion 7996
in a single invitation of as many different articles as the 7997
director desires to invite bids upon at any given time. 7998
Invitations issued during each calendar year shall be given 7999
consecutive numbers, and the number assigned to each invitation 8000
shall appear on all copies thereof. In all cases where notice is 8001
required by this section, sealed bids shall be taken, on forms 8002
prescribed and furnished by the director, and modification of bids 8003
after they have been opened shall not be permitted. 8004

8005
(B) The director may permit any political subdivision and any 8006
state university or college to participate in contracts into which 8007
the director has entered for the purchase of machinery, materials, 8008
supplies, or other articles. Any political subdivision or state 8009
university or college desiring to participate in such purchase 8010
contracts shall file with the director a certified copy of the 8011
ordinance or resolution of its legislative authority, board of 8012
trustees, or other governing board requesting authorization to 8013
participate in such contracts and agreeing to be bound by such 8014
terms and conditions as the director prescribes. Purchases made by 8015
political subdivisions or state universities or colleges under 8016

this division are exempt from any competitive bidding required by 8017
law for the purchase of machinery, materials, supplies, or other 8018
articles. 8019

(C) As used in this section: 8020

(1) "Political subdivision" means any county, township, 8021
municipal corporation, conservancy district, township park 8022
district, park district created under Chapter 1545. of the Revised 8023
Code, port authority, regional transit authority, regional airport 8024
authority, regional water and sewer district, or county transit 8025
board. 8026

(2) "State university or college" has the same meaning as in 8027
division (A)(1) of section 3345.32 of the Revised Code. 8028

Section 4. That all existing versions of section 5513.01 of 8029
the Revised Code are hereby repealed. 8030

Section 5. Section 5513.01 of the Revised Code, as amended 8031
within the purview of Sections 3 and 4 of this act, is subject to 8032
the referendum. Therefore, under Ohio Constitution, Article II, 8033
Section 1d and section 1.471 of the Revised Code, the section as 8034
amended takes effect on March 4, 1998, or the ninety-first day 8035
after this act is filed with the Secretary of State, whichever is 8036
later. If, however, a referendum petition is filed against the 8037
section as amended, the section as amended, unless rejected at the 8038
referendum, takes effect at the earliest time permitted by law 8039
that is on or after the effective date specified in the preceding 8040
sentence. 8041

Section 6. Except as otherwise provided, all appropriation 8042
line items (ALI) in this act are hereby appropriated out of any 8043
moneys in the state treasury to the credit of the designated fund, 8044
which are not otherwise appropriated. For all appropriations made 8045

in this act, those amounts in the first column are for fiscal year 8046
1998 and those amounts in the second column are for fiscal year 8047
1999. 8048

Section 7. DOT DEPARTMENT OF TRANSPORTATION 8049

<u>FND</u>	<u>ALI</u>	<u>ALI TITLE</u>	<u>FY 1998</u>	<u>FY 1999</u>	
		Transportation Planning and Research			8050
					8051
		Highway Operating Fund Group			8052
002	771-411	Planning and Research	\$ 14,033,200	\$ 12,750,200	8053
		- State			
002	771-412	Planning and Research	\$ 15,607,900	\$ 15,514,200	8054
		- Federal			
		TOTAL HOF Highway Operating			8055
		Fund Group	\$ 29,641,100	\$ 28,264,400	8056
		TOTAL ALL BUDGET FUND GROUPS -			8057
		Transportation Planning			8058
		and Research	\$ 29,641,100	\$ 28,264,400	8059
		Highway Construction			8060
		Highway Operating Fund Group			8061
002	772-421	Highway Construction -	\$ 437,272,875	\$ 446,175,412	8062
		State			
002	772-422	Highway Construction -	\$ 539,992,100	\$ 541,035,800	8063
		Federal			
002	772-424	Highway Construction -	\$ 25,000,000	\$ 25,000,000	8064
		Other			
212	770-005	Infrastructure Debt	\$ 6,500,000	\$ 10,550,000	8065
		Service - Federal			
212	772-423	Infrastructure Lease	\$ 12,900,000	\$ 12,900,000	8066
		Payments - Federal			
212	772-426	Highway Infrastructure	\$ 17,000,000	\$ 27,000,000	8067
		Bank - Federal			
212	772-427	Highway Infrastructure	\$ 5,000,000	\$ 8,000,000	8068

	Bank - State			
212	772-429	Highway Infrastructure	\$ 7,000,000	\$ 3,350,000 8069
	Bank - Other			
	TOTAL HOF Highway Operating			8070
	Fund Group		\$ 1,050,664,975	\$ 1,074,011,212 8071
	Highway Capital Improvement Fund Group			8072
042	772-723	Highway Construction -	\$ 225,000,000	\$ 215,000,000 8073
	Bonds			
	TOTAL 042 Capital Highway			8074
	Improvement			
	Fund Group		\$ 225,000,000	\$ 215,000,000 8075
	Infrastructure Bank Obligations			8076
	Fund Group			
045	772-428	Highway Infrastructure	\$ 50,000,000	\$ 40,000,000 8077
	Bank - Bonds			
	TOTAL 045 Infrastructure Bank			8078
	Obligations Fund Group		\$ 50,000,000	\$ 40,000,000 8079
	TOTAL ALL BUDGET FUND GROUPS -			8080
	Highway Construction		\$ 1,325,664,975	\$ 1,329,011,212 8081
	Highway Maintenance			8082
	Highway Operating Fund Group			8083
002	773-431	Highway Maintenance -	\$ 311,356,900	\$ 313,925,600 8084
	State			
	TOTAL HOF Highway Operating			8085
	Fund Group		\$ 311,356,900	\$ 313,925,600 8086
	TOTAL ALL BUDGET FUND GROUPS -			8087
	Highway Maintenance		\$ 311,356,900	\$ 313,925,600 8088
	Intermodal Transportation			8089
	General Revenue Fund			8090
GRF	774-445	Intermodal Capital	\$ 2,000,000	\$ 0 8091
	Grants			
	TOTAL GRF General Revenue Fund		\$ 2,000,000	\$ 0 8092

State Special Revenue Fund Group				8093
4Y2 774-444 Congestion Mitigation	\$	50,000	\$ 50,000	8094
Revolving Fund				
TOTAL SSR State Special Revenue	\$	50,000	\$ 50,000	8095
Fund Group				
TOTAL ALL BUDGET FUND GROUPS -				8096
Intermodal Transportation	\$	2,050,000	\$ 50,000	8097
Public Transportation				8098
Highway Operating Fund Group				8099
002 775-452 Public Transportation	\$	39,600,000	\$ 39,600,000	8100
- Federal				
002 775-454 Public Transportation	\$	1,250,000	\$ 1,250,000	8101
- Other				
002 775-459 Elderly and Disabled	\$	3,740,000	\$ 3,740,000	8102
Special Equipment -				
Federal				
212 775-406 Transit Infrastructure	\$	6,000,000	\$ 5,000,000	8103
Bank - Federal				
212 775-407 Transit Infrastructure	\$	0	\$ 1,000,000	8104
Bank - State				
212 775-408 Transit Infrastructure	\$	2,000,000	\$ 1,000,000	8105
Bank - Other				
TOTAL HOF Highway Operating				8106
Fund Group	\$	52,590,000	\$ 51,590,000	8107
TOTAL ALL BUDGET FUND GROUPS -				8108
Public Transportation	\$	52,590,000	\$ 51,590,000	8109
Rail Transportation				8110
Highway Operating Fund Group				8111
002 776-462 Grade Crossings -	\$	15,000,000	\$ 15,000,000	8112
Federal				
TOTAL HOF Highway Operating				8113
Fund Group	\$	15,000,000	\$ 15,000,000	8114

State Special Revenue Fund Group				8115
4N4 776-661 Rail Transportation -	\$	5,392,000	\$ 5,388,000	8116
State				
4N4 776-663 Panhandle Lease	\$	758,000	\$ 762,000	8117
Payments				
4N4 776-664 Rail Transportation -	\$	500,000	\$ 500,000	8118
Other				
TOTAL SSR State Special Revenue				8119
Fund Group	\$	6,650,000	\$ 6,650,000	8120
Federal Special Revenue Fund Group				8121
3B9 776-662 Rail Transportation -	\$	1,000,000	\$ 1,000,000	8122
Federal				
TOTAL FED Federal Special Revenue				8123
Fund Group	\$	1,000,000	\$ 1,000,000	8124
TOTAL ALL BUDGET FUND GROUPS -				8125
Rail Transportation	\$	22,650,000	\$ 22,650,000	8126
Aviation				8127
Highway Operating Fund Group				8128
002 777-472 Airport Improvements -	\$	405,000	\$ 405,000	8129
Federal				
002 777-475 Aviation	\$	4,001,984	\$ 4,044,108	8130
Administration				
213 777-477 Aviation	\$	1,000,000	\$ 1,000,000	8131
Infrastructure Bank -				
State				
TOTAL HOF Highway Operating				8132
Fund Group	\$	5,406,984	\$ 5,449,108	8133
TOTAL ALL BUDGET FUND GROUPS -				8134
Aviation	\$	5,406,984	\$ 5,449,108	8135
Administration				8136
Highway Operating Fund Group				8137
002 779-491 Administration - State	\$	111,020,200	\$ 107,292,600	8138

4T5 770-609 ODOT Memorial	\$	20,000	\$	0	8139
TOTAL HOF Highway Operating					8140
Fund Group	\$	111,040,200	\$	107,292,600	8141
TOTAL ALL BUDGET FUND GROUPS -					8142
Administration	\$	111,040,200	\$	107,292,600	8143
Debt Service					8144
Highway Operating Fund Group					8145
002 770-003 Administration - State	\$	16,420,000	\$	19,567,000	8146
- Debt Service					
TOTAL HOF Highway Operating					8147
Fund Group	\$	16,420,000	\$	19,567,000	8148
TOTAL ALL BUDGET FUND GROUPS -					8149
Debt Service	\$	16,420,000	\$	19,567,000	8150
TOTAL Department of Transportation					8151
TOTAL HOF Highway Operating					8152
Fund Group	\$	1,592,120,159	\$	1,615,099,920	8153
TOTAL 042 Highway Capital					8154
Improvement Fund Group	\$	225,000,000	\$	215,000,000	8155
TOTAL 045 Infrastructure Bank					8156
Obligations Fund Group	\$	50,000,000	\$	40,000,000	8157
TOTAL GRF General Revenue Fund	\$	2,000,000	\$	0	8158
TOTAL SSR State Special Revenue					8159
Fund Group	\$	6,700,000	\$	6,700,000	8160
TOTAL FED Federal Special Revenue					8161
Fund Group	\$	1,000,000	\$	1,000,000	8162
TOTAL ALL BUDGET FUND GROUPS	\$	1,876,820,159	\$	1,877,799,920	8163

Section 7.01.

8165

Issuance of Bonds

The Commissioners of the Sinking Fund, upon the request of 8166
the Director of Transportation, are hereby authorized to issue and 8167
sell, in accordance with the provisions of Section 2m of Article 8168

VIII, Ohio Constitution, and sections 5528.51 and 5528.56 of the
Revised Code, obligations, including bonds and notes, of the State
of Ohio in the aggregate amount of \$432,500,000 of original
issuance obligations.

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

Bond Funds Transfer

The Director of Budget and Management may cancel encumbrances
associated with Highway Obligations Construction Fund (Fund 041)
appropriations and reestablish such encumbrances or parts of
encumbrances as needed in fiscal year 1998 in the Highway Capital
Improvement Fund (Fund 042) appropriation item 772-723, Highway
Construction - Bonds, for the same purpose and to the same vendor.
As determined by the Director, the appropriation authority
necessary to reestablish such encumbrances in fiscal year 1998 in
Fund 042 is hereby authorized. The Director shall reduce each
year's appropriation balances by the amount of the encumbrances
cancelled in its respective line item. As determined by the
Director, any cash balance remaining in Fund 041 may be

transferred to Fund 042. 8201

Section 7.02. 8202

Major New Construction

For major new highway construction projects, the Department 8203
of Transportation shall use at least \$314,500,000 in fiscal year 8204
1998 and at least \$156,500,000 in fiscal year 1999 from all 8205
available sources. 8206

Sharon Woods Metro Park 8207

Of the foregoing appropriation item 773-431, Highway 8208
Maintenance - State, \$200,000 in fiscal year 1998 shall be used to 8209
erect a fence between Interstate 270 and the Sharon Woods Metro 8210
Park. 8211

Section 7.03. 8212

Maintenance Interstate Highways

The Director of Transportation may remove snow and ice, and 8213
maintain, repair, improve, or provide lighting upon interstate 8214
highways which are located within the boundaries of municipal 8215
corporations, adequate to meet the requirements of federal law. 8216
When agreed in writing by the director and the legislative 8217
authority of a municipal corporation, and notwithstanding sections 8218
125.01 and 125.11 of the Revised Code, the Department of 8219
Transportation may reimburse the municipal corporation for all or 8220
any part of the costs, as provided by such agreement, incurred by 8221
the municipal corporation maintaining, repairing, lighting, and 8222
removing snow and ice from the interstate system. 8223

Section 7.04. 8224

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

The Director of Budget and Management may approve requests 8226
from the Department of Transportation, for transfer of funds among 8227
the appropriations for highway planning and research (line items 8228
771-411 and 771-412), highway construction (line items 772-421, 8229
772-422, and 772-424), highway maintenance (line item 773-431), 8230
and highway administration (line item 779-491). Transfers between 8231
appropriation items shall be made upon the written request of the 8232
Director of Transportation with the approval of the Director of 8233
Budget and Management. Such transfers shall be reported to the 8234
Controlling Board at the next regularly scheduled meeting of the 8235
board. 8236

This transfer language is intended to provide for emergency 8237
situations and flexibility to meet unforeseen conditions that 8238
could arise during the budget period. This will also allow the 8239
Department to optimize the use of available resources, and adjust 8240
to circumstances affecting the obligation and expenditure of 8241
federal funds. 8242

Transfer of Appropriations - State Infrastructure Bank 8243

The Director of Budget and Management may approve requests 8244
from the Department of Transportation for transfer of funds among 8245
the appropriations of the Infrastructure Bank funds created in 8246
section 5531.09 of the Revised Code, including transfers between 8247
fiscal years 1998 and 1999. Such transfers shall be reported to 8248
the Controlling Board at the next regularly scheduled meeting of 8249
the board. However, the Director may not make transfers out of 8250
debt service and lease payment line items unless the Director 8251
determines that the appropriated amounts exceed the actual and 8252
projected debt, rental, or lease payments. 8253

The Director of Budget and Management may approve requests 8254
from the Department of Transportation for transfer of funds from 8255
appropriations of the Highway Operating Fund (Fund 002) to 8256

appropriations of the Infrastructure Bank funds created in section 8257
5531.09 of the Revised Code. Such transfers shall be reported to 8258
the Controlling Board at the next regularly scheduled meeting of 8259
the board. However, the Director may not make transfers between 8260
modes and transfers between different funding sources. 8261

Transfer of Appropriations - Public Transportation 8262

The Director of Budget and Management may approve requests 8263
from the Department of Transportation for transfer of funds 8264
between appropriation item 775-451, Public Transportation - State, 8265
and 775-456, Public Transportation - Discretionary Capital. 8266

Increase Appropriation Authority - State Funds 8267

In the event that revenues or unexpended balances, credited 8268
to the Highway Operating Fund, exceed the estimates upon which the 8269
appropriations have been made in this act, the Director of 8270
Transportation may submit a request to the Controlling Board for 8271
increased appropriation authority in the same manner as prescribed 8272
in section 131.35 of the Revised Code. Such additional revenues or 8273
unexpended balances are hereby appropriated to the Department of 8274
Transportation when authorized by the Controlling Board. 8275

Increase Appropriation Authority - Federal and Local Funds 8276

In the event that receipts or unexpended balances credited to 8277
the Highway Operating Fund, or apportionments or allocations made 8278
available from the federal and local government exceed the 8279
estimates upon which the appropriations have been made in this 8280
act, such excess is hereby appropriated and may be added to the 8281
appropriate item or items when requested by the Director of 8282
Transportation and approved by the Director of Budget and 8283
Management and the Controlling Board. 8284

Reappropriations 8285

All appropriations of the Highway Operating Fund (Fund 002) 8286

and the Highway Capital Improvement Fund (Fund 042) remaining 8287
unencumbered on June 30, 1997, and the unexpended balance of prior 8288
years' appropriations that subsequently become unencumbered after 8289
June 30, 1997, subject to the availability of revenue as 8290
determined by the Director of Transportation, are hereby 8291
reappropriated for the same purpose in fiscal year 1998 upon the 8292
request of the Director of Transportation with the approval of the 8293
Director of Budget and Management. Such reappropriations shall be 8294
reported to the Controlling Board at the next regularly scheduled 8295
meeting of the board. 8296

All appropriations of the Highway Operating Fund (Fund 002) 8297
and the Highway Capital Improvement Fund (Fund 042) in this act 8298
remaining unencumbered as of June 30, 1998, are reappropriated for 8299
use during fiscal year 1999 for the same purpose. The department 8300
shall report all such reappropriations to the Controlling Board. 8301

Section 7.05. 8302

Public Access Roads for State Facilities

Of the foregoing appropriation item 772-421, Highway 8303
Construction - State, \$2,965,000 is to be used each fiscal year 8304
during the 1997-1999 biennium by the Department of Transportation 8305
for the construction, reconstruction, or maintenance of public 8306
access roads, including support features, to and within state 8307
facilities owned or operated by the Department of Natural 8308
Resources, as requested by the Director of Natural Resources. 8309

Notwithstanding section 5511.06 of the Revised Code, of the 8310
foregoing appropriation item 772-421, Highway Construction - 8311
State, \$2,100,000 in each fiscal year of the 1997-1999 biennium 8312
shall be used by the Department of Transportation for the 8313
construction, reconstruction, or maintenance of park drives or 8314
park roads within the boundaries of metropolitan parks. 8315

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

Liquidation of Unforeseen Liabilities

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

Congestion Mitigation

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

Lease Payments

Within the Rail Development Fund (4N4), the amount of the foregoing appropriation item 776-663, Panhandle Lease Payments, shall be used to meet scheduled payments for the Panhandle Rail Line. The Director of Transportation shall certify to the Director

of Budget and Management any appropriations in line item 776-663, 8347
Panhandle Lease Payments, that are not needed to make lease 8348
payments for the Panhandle Rail Line. Notwithstanding section 8349
127.14 of the Revised Code, the amount certified is hereby 8350
transferred to appropriation item 776-661, Rail Transportation - 8351
State. Such transfers shall be reported by the Director of 8352
Transportation to the Controlling Board at the next regularly 8353
scheduled meeting of the board. 8354

Section 7.06. 8355

Department of Taxation

Of the foregoing appropriation item 779-491, 8356
Administration-State, \$4,300,000 each fiscal year of the 1997-1999 8357
biennium shall be transferred to the General Revenue Fund for 8358
reimbursement of the services provided by the Department of 8359
Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the 8360
Revised Code. The Director of Transportation shall make such 8361
transfer upon the receipt of a written request from the Director 8362
of Budget and Management. 8363

Rental Payments - OBA 8364

The foregoing appropriation item 770-003, Administration - 8365
State - Debt Service, shall be used to pay rent to the Ohio 8366
Building Authority for various capital facilities to be 8367
constructed, reconstructed, or rehabilitated for the use of the 8368
Department of Transportation, including the department's plant and 8369
facilities at its central office, field districts, and county and 8370
outpost locations. The rental payments shall be made from revenues 8371
received from the motor vehicle fuel tax. The amounts of any bonds 8372
and notes to finance such capital facilities shall be at the 8373
request of the Director of Transportation. Notwithstanding section 8374
152.24 of the Revised Code, the Ohio Building Authority may, with 8375
approval of the Office of Budget and Management, lease capital 8376

facilities to the Department of Transportation. 8377

The Director of Transportation shall hold title to any land 8378
purchased and any resulting structures that are attributable to 8379
this appropriation item. Notwithstanding section 152.18 of the 8380
Revised Code, the Director of Transportation shall administer any 8381
purchase of land and any contract for construction, 8382
reconstruction, and rehabilitation of facilities as a result of 8383
this appropriation. 8384

Should the appropriation and any reappropriations from prior 8385
years in item 770-003 exceed the rental payments for fiscal years 8386
1998 or 1999, then prior to June 30, 1999, the balance may be 8387
transferred to either item 772-421, 773-431, or 779-491. Such 8388
transfer shall be requested by the Director of Transportation with 8389
approval by the Director of Budget and Management. Transfers shall 8390
be reported to the Controlling Board at the next regularly 8391
scheduled meeting of the board. 8392

Section 7.07. 8393

Public Transportation Highway Purpose Grants

The Director of Transportation is authorized to use funds 8394
from the state motor vehicle fuel tax to match approved federal 8395
grants awarded to the Department of Transportation, regional 8396
transit authorities, or eligible public transportation systems, 8397
for public transportation highway purposes, or to support local or 8398
state funded projects for public transportation highway purposes. 8399
Public transportation highway purposes include: the construction 8400
or repair of high occupancy vehicle traffic lanes; the acquisition 8401
or construction of park-and-ride facilities; the acquisition or 8402
construction of public transportation vehicle loops; the 8403
construction or repair of bridges used by public transportation 8404
vehicles or which are the responsibility of a regional transit 8405
authority or other public transportation system; or other similar 8406

construction which is designated as an eligible public 8407
transportation highway purpose. These motor vehicle fuel tax 8408
revenues may not be used for operating assistance or for the 8409
purchase of vehicles, equipment, or maintenance facilities. 8410

Section 7.08. 8411

Management Review of the Rest Area Program

The Department of Transportation shall evaluate the rest area 8412
program to reduce costs and maximize the effectiveness of the 8413
program. Any identified operational savings shall be directed to 8414
the investments in the Department's construction program. 8415

The study shall address the location, the type of rest area 8416
structure, safety, and the use of the existing rest areas. The 8417
study shall explore creative solutions to problems that currently 8418
exist in the program. Specific emphasis should also be placed on 8419
overflow and inefficient parking situations created by the trucks 8420
which park in the rest areas. A four-year action plan shall be 8421
completed and submitted to the Governor, the Speaker of the House 8422
of Representatives, and the President of the Senate by September 8423
30, 1997. 8424

The four-year plan shall be developed and implemented to deal 8425
with the problems identified. In the plan the Department shall 8426
review both the capital and operating costs of the existing system 8427
and shall consider whether investments made are meeting the needs 8428
of the motoring public. Where indicated the Department shall 8429
recommend closure and/or consolidate rest areas to achieve maximum 8430
efficiency of the system. 8431

Section 7.09. 8432

Columbiana County Port Authority

The earmark for the Columbiana County Port Authority in Am. 8433
Sub. S.B. 310 of the 121st General Assembly shall be used for the 8434

Wellsville Intermodel Facility.				8435
Section 8. DHS DEPARTMENT OF PUBLIC SAFETY				8436
Highway Safety Information and Education				8437
State Highway Safety Fund Group				8438
036 761-321 Operating Expense -	\$	3,104,533	\$ 3,105,715	8439
Information and Education				
036 761-402 Traffic Safety Match	\$	277,137	\$ 277,137	8440
831 761-610 Information and	\$	473,835	\$ 486,625	8441
Education - Federal				
83N 761-611 Elementary School Seat	\$	343,255	\$ 352,790	8442
Belt Program				
832 761-612 Traffic Safety-Federal	\$	11,600,000	\$ 11,600,000	8443
844 761-613 Seat Belt Education	\$	205,000	\$ 204,050	8444
Program				
846 761-625 Motorcycle Safety	\$	1,344,020	\$ 1,383,438	8445
Education				
847 761-622 Film Production	\$	40,766	\$ 41,906	8446
Reimbursement				
TOTAL HSF State Highway Safety				8447
Fund Group	\$	17,388,546	\$ 17,451,661	8448
TOTAL ALL BUDGET FUND GROUPS -				8449
Highway Safety Information				8450
and Education	\$	17,388,546	\$ 17,451,661	8451
<u>Traffic Safety Grant Program</u>				8452
Of the foregoing appropriation item 761-321, Operating				8453
Expense - Information and Education, up to \$100,000 in fiscal year				8454
1998 and up to \$100,000 in fiscal year 1999 shall be used by the				8455
Department of Public Safety to fund the department's Traffic				8456
Safety Grant Program. The department shall develop necessary				8457
criteria to administer the program. The award of grants resulting				8458

from this program shall be made as subsidy payments to 8459
 participants selected by the Department of Public Safety. 8460

Federal Highway Safety Program Match 8461

The foregoing appropriation item 761-402, Traffic Safety 8462
 Match, shall be used to provide the nonfederal portion of the 8463
 federal Highway Safety Program. Upon request by the Director of 8464
 Public Safety and approval by the Director of Budget and 8465
 Management, appropriation item 761-402 shall be used to transfer 8466
 funds from the Highway Safety Fund to the Traffic Safety - Federal 8467
 Fund (Fund 832), at the beginning of each fiscal year on an 8468
 intrastate transfer voucher. 8469

Film Production Reimbursement 8470

The foregoing appropriation item 761-622, Film Production 8471
 Reimbursement, shall be used by the Division of Administration of 8472
 the Department of Public Safety for the purpose of providing a 8473
 method of collection from other state agencies for services and 8474
 supplies provided for production of public service announcements 8475
 and training materials. These funds shall be expended only for 8476
 supplies and the maintenance of equipment necessary to perform 8477
 such services. 8478

Section 8.01. Bureau of Motor Vehicles 8479

State Special Revenue Fund Group 8480

4U0	762-638	Collegiate License	\$	231,094	\$	237,565	8481
		Plate Program					

4U2	762-641	Pro Football Hall of	\$	240,552	\$	247,287	8482
		Fame License Plate					
		Program					

539	762-614	Motor Vehicle Dealers	\$	210,752	\$	216,615	8483
		Board					

TOTAL SSR	State Special Revenue						8484
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Fund Group		\$	682,398	\$	701,467	8485
State Highway Safety Fund Group						8486
4W4 762-321	Operating Expense-BMV	\$	54,521,811	\$	55,369,485	8487
4W4 762-410	License Supplement	\$	22,637,024	\$	23,261,528	8488
83E 762-632	Central Registration	\$	8,578,095	\$	8,815,058	8489
	Fund					
83L 762-636	Facility Rentals	\$	591,100	\$	607,651	8490
83R 762-639	Law Enforcement	\$	1,200,000	\$	1,233,600	8491
	Reimbursement					
835 762-616	Financial	\$	5,117,883	\$	5,249,359	8492
	Responsibility					
	Compliance					
849 762-627	Automated Title	\$	8,802,254	\$	11,273,129	8493
	Processing Board					
TOTAL HSF State Highway Safety						8494
Fund Group		\$	101,448,167	\$	105,809,810	8495
TOTAL ALL BUDGET FUND GROUPS -						8496
Bureau of Motor Vehicles		\$	102,130,565	\$	106,511,277	8497

Motor Vehicle Registrations 8498

The Registrar of the Bureau of Motor Vehicles may deposit 8499
revenues equal to any estimated deficiency in the State Bureau of 8500
Motor Vehicles Fund (Fund 4W4) established in section 4501.25 of 8501
the Revised Code, obtained pursuant to sections 4503.02 and 8502
4504.02 of the Revised Code to support in part appropriations for 8503
operating expenses and to defray the cost of manufacturing and 8504
distributing license plates and license plate stickers and 8505
enforcing the law relative to the operation and registration of 8506
motor vehicles. Notwithstanding the provisions of section 4501.03 8507
of the Revised Code, the above amount shall be paid into the State 8508
Bureau of Motor Vehicles Fund before any revenues obtained 8509
pursuant to sections 4503.02 and 4504.02 of the Revised Code are 8510
paid into any other fund. The deposit of revenues to meet the 8511

aforementioned deficiency shall be in approximate equal amounts on 8512
a monthly basis or as otherwise determined by the Director of 8513
Budget and Management pursuant to a plan submitted by the 8514
Registrar of the Bureau of Motor Vehicles. 8515

Special Plates Funds 8516

As of December 1, 1997, all revenue and uses previously 8517
ascribed to the Lake Erie License Plate Fund (Fund 4U1), line item 8518
762-640, including all assets and obligations, and the Scenic 8519
Rivers License Plate Fund (Fund 4U3), line item 762-642, including 8520
all assets and obligations, shall be assumed by the State Bureau 8521
of Motor Vehicles Fund (Fund 4W4), line item 762-410, License 8522
Supplement. 8523

Before December 1, 1997, the Registrar of Motor Vehicles 8524
shall certify to the Director of Budget and Management the 8525
revenues and uses, including assets and obligations, of the 8526
Collegiate License Plate Fund (Fund 4U0), line item 762-638, that 8527
are related to the ten-dollar OBMV fee referred to in section 8528
4503.51 of the Revised Code. Such revenue and uses shall be 8529
assumed by Fund 4W4, line item 762-410, License Supplement. 8530

Before December 1, 1997, the Registrar shall certify to the 8531
Director of Budget and Management the revenues and uses, including 8532
assets and obligations, of the Pro Football Hall of Fame License 8533
Plate Fund (Fund 4U2), line item 762-641, that are related to the 8534
ten-dollar OBMV fee referred to in section 4503.51 of the Revised 8535
Code. Such revenue and uses shall be assumed by Fund 4W4, line 8536
item 762-410, License Supplement. 8537

Credit Card Program 8538

Notwithstanding any provisions of law to the contrary, the 8539
Department of Public Safety may request Controlling Board approval 8540
to increase the appropriation authority for Fund 4W4 line item 8541
762-321, Operating Expense-Bureau of Motor Vehicles, should the 8542

Credit Card Payment Program as prescribed in Sub. S.B. 338 of the				8543	
118th General Assembly be reinstated.				8544	
<u>Capital Projects</u>				8545	
The Registrar of Motor Vehicles may transfer revenue from the				8546	
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State				8547	
Highway Safety Fund (Fund 036) to meet its obligations for capital				8548	
projects CIR-047, Department of Public Safety Office Building, and				8549	
CIR-049, Warehouse Facility.				8550	
Section 8.02. Enforcement				8551	
State Highway Safety Fund Group				8552	
036 764-033 Minor Capital Projects	\$	1,580,366	\$	1,626,653	8553
036 764-321 Operating Expense -	\$	146,441,857	\$	151,325,653	8554
Highway Patrol					
83C 764-630 Contraband,	\$	538,872	\$	552,987	8555
Forfeiture, Other					
83F 764-657 Law Enforcement Auto.	\$	4,504,514	\$	4,628,413	8556
Data System					
83G 764-633 OMVI Fines	\$	682,500	\$	682,500	8557
831 764-610 Patrol/Federal	\$	1,842,299	\$	1,889,326	8558
831 764-659 Transportation	\$	2,233,985	\$	2,290,057	8559
Enforcement - Federal					
837 764-602 Turnpike Policing	\$	7,456,845	\$	7,647,183	8560
838 764-606 Patrol Reimbursement	\$	275,000	\$	275,000	8561
840 764-607 State Fair Security	\$	1,195,932	\$	1,220,451	8562
840 764-617 Security and	\$	3,536,100	\$	3,616,597	8563
Investigations					
840 764-626 State Fairgrounds	\$	655,271	\$	671,946	8564
Police Force					
841 764-603 Salvage and Exchange -	\$	1,126,644	\$	1,155,410	8565
Highway Patrol					
TOTAL HSF State Highway Safety				8566	

Fund Group	\$	172,070,205	\$	177,582,176	8567
General Services Fund Group					8568
452 764-660 MARCS Maintenance	\$	193,577	\$	383,369	8569
TOTAL GSF General Services					8570
Fund Group	\$	193,577	\$	383,369	8571
TOTAL ALL BUDGET FUND GROUPS -					8572
Enforcement	\$	172,263,782	\$	177,965,545	8573

Collective Bargaining Increases 8574

Notwithstanding division (D) of section 127.14 and division 8575
 (B) of section 132.35 of the Revised Code, except for the General 8576
 Revenue Fund, the Controlling Board may, upon the request of 8577
 either the Director of Budget and Management, or the Department of 8578
 Public Safety with the approval of the Director of Budget and 8579
 Management, increase appropriations for any fund, as necessary for 8580
 the Department of Public Safety, to assist in paying the costs of 8581
 increases in employee compensation that have occurred that are 8582
 provided pursuant to Collective Bargaining agreements under 8583
 Chapter 4117. of the Revised Code and, for exempt employees, under 8584
 section 124.152 of the Revised Code. 8585

Section 8.03. Emergency Medical Services 8586

State Highway Safety Fund Group					8587
83M 765-624 Emergency Medical	\$	1,300,465	\$	1,334,226	8588
Services					
83P 765-637 EMS Grants	\$	3,000,000	\$	3,000,000	8589
831 765-610 EMS/Federal	\$	250,000	\$	250,000	8590
TOTAL HSF State Highway Safety					8591
Fund Group	\$	4,550,465	\$	4,584,226	8592
TOTAL ALL BUDGET FUND GROUPS -					8593
Emergency Medical Services	\$	4,550,465	\$	4,584,226	8594

Section 8.04. Special Enforcement 8596

State Highway Safety Fund Group				8597
				8598
831 767-610 Liquor Enforcement - Federal	\$	50,000	\$ 50,000	8599
831 769-610 Food Stamp Trafficking Enforcement - Federal	\$	702,871	\$ 721,222	8600
TOTAL HSF State Highway Safety Fund Group				8601
	\$	752,871	\$ 771,222	8602
Liquor Control Fund Group				8603
043 767-321 Liquor Enforcement - Operations	\$	7,582,426	\$ 7,775,467	8604
TOTAL LCF Liquor Control Fund Group				8605
	\$	7,582,426	\$ 7,775,467	8606
State Special Revenue Fund Group				8607
4M3 769-656 Food Stamp Contraband, Forfeiture, and Other	\$	50,000	\$ 50,000	8608
863 767-643 Liquor Enforcement Contraband, Forfeiture, and Other	\$	308,393	\$ 317,018	8609
TOTAL SSR State Special Revenue Fund Group				8610
	\$	358,393	\$ 367,018	8611
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement				8612
	\$	8,693,690	\$ 8,913,707	8613
Section 8.05. Emergency Management				8615
Federal Special Revenue Fund Group				8616
				8617
3N5 763-644 U.S. DOE Agreement	\$	250,843	\$ 255,545	8618
329 763-645 IFG Federal Match/NOAA	\$	750,000	\$ 750,000	8619
337 763-609 Federal Disaster Relief	\$	750,000	\$ 750,000	8620
338 763-646 Direction, Control and	\$	175,000	\$ 175,000	8621

	Warning						
339	763-647	Emergency Management	\$	3,743,176	\$	3,754,639	8622
		Assistance and					
		Training					
347	763-650	Emergency Operating	\$	750,000	\$	750,000	8623
		Centers					
TOTAL FED Federal Special							8624
Revenue Fund Group			\$	6,419,019	\$	6,435,184	8625
General Services Fund Group							8626
4V3	763-662	Storms/NOAA	\$	57,000	\$	57,000	8627
		Maintenance					
4W6	763-663	MARCS Operations	\$	222,000	\$	1,090,000	8628
533	763-601	State Disaster Relief	\$	336,452	\$	345,673	8629
TOTAL GSF General Services							8630
Fund Group			\$	615,452	\$	1,492,673	8631
State Special Revenue Fund Group							8632
							8633
4Y0	763-654	EMA Utility Payment	\$	140,000	\$	140,000	8634
4Y1	763-655	Salvage & Exchange-EMA	\$	25,700	\$	26,420	8635
538	763-651	Radiological Emergency	\$	518,496	\$	532,074	8636
		Response					
657	763-652	Utility Radiological	\$	541,156	\$	555,236	8637
		Safety					
681	763-653	SARA Title III HAZMAT	\$	227,446	\$	227,446	8638
		Planning					
TOTAL SSR State Special Revenue							8639
Fund Group			\$	1,452,798	\$	1,481,176	8640
TOTAL ALL BUDGET FUND GROUPS -							8641
Emergency Management			\$	8,487,269	\$	9,409,033	8642
<u>Federal Grant</u>							8643
As determined by the Director of Budget and Management, any							8644
portion of the Emergency Management State and Local Assistance							8645

federal grant which would otherwise reimburse the General Revenue Fund for expenses incurred by the Emergency Management Agency in fiscal year 1997, may be deposited in Emergency Management's Personnel Administration Subdivisions Fund (Fund 339) so that the fund may avoid cash flow problems in the 1997-1999 biennium.

MARCS Fund Transfer

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

SARA Title III HAZMAT Planning

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

Federal Reimbursement Agreements

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

Section 8.06. Administration				8677
State Highway Safety Fund Group				8678
036 766-321 Operating Expense - Administration	\$	3,320,029	\$ 3,317,217	8679
830 761-603 Salvage and Exchange - Administration	\$	19,563	\$ 20,111	8680
TOTAL HSF State Highway Safety Fund Group	\$	3,339,592	\$ 3,337,328	8681 8682
General Services Fund Group				8683
4S3 766-661 Hilltop Utility Reimbursement	\$	1,000,000	\$ 1,500,000	8684
5C7 762-664 Data Services	\$	4,933,326	\$ 4,787,971	8685
5C8 764-665 Hilltop Security	\$	868,051	\$ 902,304	8686
TOTAL GSF General Services Fund Group	\$	6,801,377	\$ 7,190,275	8687 8688
TOTAL ALL BUDGET FUND GROUPS - Administration	\$	10,140,969	\$ 10,527,603	8689 8690
Section 8.07. Debt Service				8692
State Highway Safety Fund Group				8693
036 761-401 Lease Rental Payments	\$	9,115,000	\$ 13,339,000	8694
TOTAL HSF State Highway Safety Fund Group	\$	9,115,000	\$ 13,339,000	8695 8696
TOTAL ALL BUDGET FUND GROUPS - Debt Service	\$	9,115,000	\$ 13,339,000	8697 8698 8699
<u>OBA Bond Authority/Lease Rental Payments</u>				8700
The foregoing appropriation item 761-401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 1997, to June 30, 1999, pursuant to the primary leases and agreements for those buildings made				8701 8702 8703 8704

under Chapter 152. of the Revised Code which are pledged for bond 8705
 service charges on related obligations issued pursuant to Chapter 8706
 152. of the Revised Code. Notwithstanding section 152.24 of the 8707
 Revised Code, the Ohio Building Authority may, with approval of 8708
 the Office of Budget and Management, lease capital facilities to 8709
 the Department of Public Safety. 8710

Hilltop Transfer 8711

The Director of Public Safety shall determine, per an 8712
 agreement with the Director of Transportation, the share of each 8713
 debt service payment made out of line item 761-401, Lease Rental 8714
 Payments, which relates to the Department of Transportation's 8715
 portion of the Hilltop Building Project, and shall certify to the 8716
 Director of Budget and Management the amounts of this share. The 8717
 Director of Budget and Management shall transfer such shares from 8718
 the Highway Operating Fund (Fund 002) to the Highway Safety Fund 8719
 (Fund 036). 8720

Section 8.08. Revenue Distribution 8721

Holding Account Redistribution Fund Group				8722
R24 762-619 Unidentified Motor	\$	1,600,000	\$ 1,600,000	8723
Vehicle Receipts				
R27 764-608 Patrol Fee Refunds	\$	35,000	\$ 35,000	8724
TOTAL 090 Holding Account				8725
Redistribution Fund Group	\$	1,635,000	\$ 1,635,000	8726
TOTAL ALL BUDGET FUND GROUPS -				8727
Revenue Distribution	\$	1,635,000	\$ 1,635,000	8728
TOTAL Department of Public Safety				8729
TOTAL HSF State Highway Safety				8730
Fund Group	\$	308,664,846	\$ 322,875,423	8731
TOTAL SSR State Special Revenue				8732
Fund Group	\$	2,493,589	\$ 2,549,661	8733
TOTAL LCF Liquor Control				8734

Fund Group	\$	7,582,426	\$	7,775,467	8735
TOTAL GSF General Services					8736
Fund Group	\$	7,610,406	\$	9,066,317	8737
TOTAL FED Federal Revenue Special					8738
Fund Group	\$	6,419,019	\$	6,435,184	8739
TOTAL 090 Holding Account					8740
Redistribution					
Fund Group	\$	1,635,000	\$	1,635,000	8741
TOTAL ALL BUDGET FUND GROUPS	\$	334,405,286	\$	350,337,052	8742

Section 8.09. 8744

Transfer of Funds

The Director of Budget and Management, pursuant to a plan 8745
submitted by the Department of Public Safety or as otherwise 8746
determined by the Director, shall set a monthly transfer schedule 8747
to meet any estimated deficiency in the State Highway Safety Fund 8748
(Fund 036) established in section 4501.06 of the Revised Code. 8749

The Director shall transfer to the Highway Safety Fund from 8750
the Highway Operating Fund (Fund 002) established in section 8751
5735.291 of the Revised Code such amounts at such times as 8752
determined by the transfer schedule. 8753

Relocation to New Building 8754

Notwithstanding sections 127.14 and 131.35 of the Revised 8755
Code, the Department of Public Safety may request Controlling 8756
Board approval to increase the appropriation for line items 8757
761-321, Operating Expense - Information and Education; 761-612, 8758
Traffic Safety - Federal; 761-625, Motorcycle Safety Education; 8759
762-616, Financial Responsibility; 762-627, Automated Title 8760
Processing Board; 762-632, Central Registration; 762-321, 8761
Operating Expense - BMV; 762-410, License Supplement; 764-321, 8762
Operating Expense - Highway Patrol; 765-624, Emergency Medical 8763
Services; and, 766-321, Operating Expense - Administration, during 8764

the biennium by the amount of anticipated expenses to be incurred 8765
due to the relocation to a new physical facility which were not 8766
included in the department's original budget submission. 8767

Data Services Fund 8768

Within five days of the effective date of this act, the 8769
Director of Budget and Management shall transfer not more than 8770
\$669,877 from the Highway Safety Fund (Fund 036) and \$519,086 from 8771
the Bureau of Motor Vehicles Fund (Fund 4W4) to the Data Services 8772
Fund (Fund 5C7) to be used as seed money. 8773

Cash Balance Fund Review 8774

Not later than April 1 in each fiscal year of the biennium, 8775
the Director of Budget and Management shall review the cash 8776
balances for each fund, except the State Highway Safety Fund (Fund 8777
036), in the State Highway Safety Fund Group and with the advice 8778
of the Legislative Budget Officer shall recommend to the 8779
Controlling Board an amount to be transferred to the credit of the 8780
State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, 8781
as appropriate. 8782

Section 8.10. 8783

Ohio Criminal Justice Network

At any time on or after the later of July 1, 1997, or the 8784
first day of the first pay period commencing after the effective 8785
date of this section, the Ohio Criminal Justice Network is 8786
transferred from the Department of Administrative Services to the 8787
Department of Public Safety. The Department of Public Safety 8788
thereupon and thereafter assumes these functions. 8789

Any business commenced but not completed by the Department of 8790
Administrative Services that relates to the operation of the Ohio 8791
Criminal Justice Network on the effective date of this section 8792
shall be completed by the Department of Public Safety. No 8793

validation, cure, right, privilege, remedy, obligation, or 8794
liability is lost or impaired by reason of the transfer required 8795
by this section and shall be administered by the Department of 8796
Public Safety. 8797

Subject to the layoff provisions of sections 124.321 to 8798
124.328 of the Revised Code, all of the employees of the Ohio 8799
Criminal Justice Network, as defined in the Memorandum of 8800
Understanding, are transferred to the Department of Public Safety. 8801

Wherever any contract or other documents related to the Ohio 8802
Criminal Justice Network refers to the Department of 8803
Administrative Services, the references shall be deemed to refer 8804
to the Department of Public Safety. 8805

No action or proceeding pending on the effective date of this 8806
section and relating to the Ohio Criminal Justice Network is 8807
affected by the transfer, and such action or proceeding shall be 8808
prosecuted or defended in the name of the Department of Public 8809
Safety. In all such actions and proceedings the Department of 8810
Public Safety shall be substituted for the Department of 8811
Administrative Services upon application by another party to the 8812
court or other appropriate tribunal. 8813

The Department of Administrative Services and the Department 8814
of Public Safety shall enter into a Memorandum of Understanding to 8815
implement the transfer of the Ohio Criminal Justice Network from 8816
the Department of Administrative Services to the Department of 8817
Public Safety. This agreement shall provide for the transfer of 8818
property and records, the cancellation and issuance of 8819
encumbrances, a final cash reconciliation, including payment of 8820
certain prepaid equipment costs incurred by the Department of 8821
Administrative Services relative to this system, and any other 8822
provision necessary for the transfer and continued administration 8823
of the Ohio Criminal Justice Network. 8824

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 receiving fund. The Director may transfer the estimated amount when needed to make payments. No more than thirty days after certifying the estimated amount the administering agency head shall certify the final amount to the Director. The Director shall transfer the difference between any estimated amount previously transferred and such certified final amount.

The Director of Budget and Management may cancel encumbrances and reestablish such encumbrances or parts of encumbrances as needed in fiscal year 1998 in the appropriate fund and appropriation line item for the same purpose and to the same vendor. As determined by the Director, the appropriation authority necessary to reestablish such encumbrances in fiscal year 1998 in a different fund or appropriation line item within an agency or between agencies is hereby authorized and appropriated. The

Director shall reduce each year's appropriation balances by the amount of the encumbrances canceled in their respective funds and appropriation line items.

Any fiscal year 1998 unencumbered or unallotted appropriation balances may be transferred to the appropriate line item to be used for the same purposes, as determined by the Director of Budget and Management.

Section 9. DEV DEPARTMENT OF DEVELOPMENT

State Special Revenue Fund Group				8865	
4W0 195-629 Roadwork Development	\$	14,270,000	\$	13,000,000	8866
TOTAL SSR State Special Revenue Fund Group					8867
	\$	14,270,000	\$	13,000,000	8868
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,000	\$	13,000,000	8869

Roadwork Development Fund

The Roadwork Development Fund shall be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio. "Road improvements" are improvements to public roadway facilities located on, or serving or capable of serving, a project site.

The Department of Transportation, under the direction of the Department of Development, shall provide these funds in accordance with all guidelines and requirements established for Department of Development item 195-412, Business Development, including Controlling Board review and approval as well as the requirements for usage of gas tax revenue prescribed in Section 5a of Article XII, Ohio Constitution. Should the Department of Development require the assistance of the Department of Transportation to bring a project to completion, the Department of Transportation shall use the authority under Title LV of the Revised Code to provide such assistance and enter into contracts on behalf of the

Department of Development. In addition, these funds may be used in 8887
 conjunction with item 195-412, Business Development, or any other 8888
 state funds appropriated for infrastructure improvements. 8889

The Director of Budget and Management, pursuant to a plan 8890
 submitted by the Department of Development or as otherwise 8891
 determined by the Director, shall set a transfer schedule to meet 8892
 any estimated deficiency in the Department of Development's 8893
 Roadwork Development Fund (Fund 4W0). The Director shall transfer 8894
 to the Roadwork Development Fund from the Highway Operating Fund 8895
 (Fund 002), established in section 5735.291 of the Revised Code, 8896
 such amounts at such times as determined by the transfer schedule. 8897

Transportation Improvement District 8898

Of the foregoing appropriation item 195-629, Roadwork 8899
 Development, \$250,000 each fiscal year of the biennium shall be 8900
 paid by the Director of Development to each of the transportation 8901
 improvement districts of Butler, Stark, and Medina counties, and 8902
 up to two additional transportation improvement districts as 8903
 provided for in section 5540.151 of the Revised Code. The 8904
 appropriation authority shall be used by each transportation 8905
 improvement district to support their administrative activities 8906
 pursuant to section 5540.16 of the Revised Code. These payments 8907
 shall not be subject to the restrictions of appropriation item 8908
 195-629, Roadwork Development. 8909

Section 10. DOH DEPARTMENT OF HEALTH 8910

State Special Revenue Fund Group 8911

5C0 440-615 Alcohol Testing and	\$	708,409	\$	726,664	8912
Permit					

TOTAL SSR State Special Revenue					8913
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Fund Group	\$	708,409	\$	726,664	8914
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TOTAL ALL BUDGET FUND GROUPS	\$	708,409	\$	726,664	8915
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Cash Draws from Liquor Control Fund to Health 8916

The Director of Budget and Management, pursuant to a plan 8917
submitted by the Department of Health or as otherwise determined 8918
by the Director, shall set a transfer schedule to meet any 8919
estimated deficiency in the Alcohol Testing Program Fund (Fund 8920
5C0) established in section 3701.83 of the Revised Code. 8921

The Director shall transfer to the Alcohol Testing Program 8922
Fund from the Liquor Control Fund (Fund 043) established in 8923
section 4301.12 of the Revised Code such amounts at such times as 8924
determined by the transfer schedule. 8925

Transferred Funds 8926

Not later than December 1, 1997, the Department of Health 8927
shall certify the cash balance from the Indigent Persons Care Fund 8928
(Fund 4W7), established in section 3701.66 of the Revised Code, to 8929
the Director of Budget and Management. The Director shall transfer 8930
the certified amount to the Highway Operating Fund (Fund 002), 8931
established in section 5735.291 of the Revised Code. 8932

Indigent Persons Care Study 8933

The Department of Health shall collect data on the number of 8934
indigents involved in motor vehicle accidents, and information 8935
pertaining to the cost of these persons' medical care and how this 8936
care was paid for. The collection period shall be from July 1, 8937
1997, through June 30, 1999. Within six months of the completion 8938
of the collection period, the Department shall submit a report of 8939
its findings to the Governor, the Speaker of the House of 8940
Representatives, the President of the Senate, the ranking minority 8941
member of the House of Representatives, the ranking minority 8942
member of the Senate, the Legislative Budget Office of the 8943
Legislative Service Commission, and the Office of Budget and 8944
Management. 8945

Section 11. PWC PUBLIC WORKS COMMISSION				8946	
Local Transportation Improvements Fund Group				8947	
052 150-402 LTIP - Operating	\$	362,295	\$	387,817	8948
052 150-701 Local Transportation	\$	60,000,000	\$	60,000,000	8949
Improvement Program					
TOTAL 052 Local Transportation				8950	
Improvements Fund Group	\$	60,362,295	\$	60,387,817	8951
Local Infrastructure Improvements Fund Group				8952	
038 150-321 Operating Expenses	\$	846,687	\$	912,360	8953
TOTAL LIF Local Infrastructure				8954	
Improvements					
Fund Group	\$	846,687	\$	912,360	8955
TOTAL ALL BUDGET FUND GROUPS	\$	61,208,982	\$	61,300,177	8956
<u>District Administration Costs</u>				8957	
The Director of the Public Works Commission is authorized to				8958	
create a District Administration Costs program from interest				8959	
earnings of the Capital Improvements Fund and Local Transportation				8960	
Improvement Program Fund proceeds. This program shall be used to				8961	
provide for administration costs of the nineteen public works				8962	
districts for the direct costs of district administration.				8963	
Districts choosing to participate in this program shall only				8964	
expend Capital Improvements Fund moneys for Capital Improvements				8965	
Fund costs and Local Transportation Improvement Program Fund				8966	
moneys for Local Transportation Improvement Program Fund costs.				8967	
The account shall not exceed \$760,000 per fiscal year. Each public				8968	
works district may be eligible for up to \$40,000 per fiscal year				8969	
from its district allocation as provided in sections 164.08 and				8970	
164.14 of the Revised Code.				8971	
The Director, by rule, shall define allowable and				8972	
nonallowable costs for the purpose of the District Administration				8973	

Costs program. Nonallowable costs shall include indirect costs, 8974
elected official salaries and benefits, and project-specific 8975
costs. No district public works committee may participate in the 8976
District Administration Costs program without the approval of 8977
those costs by the district public works committee pursuant to 8978
section 164.04 of the Revised Code. 8979

Reappropriations and Transfers 8980

All appropriations to the Local Transportation Improvement 8981
Program Fund (Fund 052) made in Am. Sub. H.B. 107 of the 121st 8982
General Assembly remaining unencumbered as of June 30, 1997, are 8983
reappropriated for use during the period July 1, 1997 through June 8984
30, 1999, for the same purpose. 8985

Notwithstanding division (B) of section 127.14 of the Revised 8986
Code, all appropriations and reappropriations to the Local 8987
Transportation Improvement Program Fund (Fund 052) made in this 8988
act remaining unencumbered at June 30, 1998, may be transferred to 8989
fiscal year 1999 for the same purpose, subject to the availability 8990
of revenue as determined by the Director of the Public Works 8991
Commission. 8992

The Public Works Commission shall report all reappropriations 8993
and transfers described in this section to the Controlling Board 8994
by August 1 of each year. 8995

Section 12. The Indigent Persons Care program within the 8996
Department of Health shall not accept claims from hospitals after 8997
April 15, 1997. Claims received prior to and on April 15, 1997, 8998
shall be processed and paid in the order in which they are 8999
received until the appropriation made to the Department in fiscal 9000
year 1997 in line item 440-612, Indigent Persons Care, is 9001
exhausted. 9002

Section 13. Within the limits set forth in this act, the 9003

Director of Budget and Management shall establish accounts 9004
 indicating the source and amount of funds for each item of 9005
 appropriation made in this act, and shall determine the form and 9006
 manner in which such appropriation accounts shall be maintained. 9007
 Expenditures from appropriations contained in this act may be 9008
 accounted as though made in the main operating appropriations act 9009
 of the 122nd General Assembly. 9010

Section 14. That Section 104 of Am. Sub. H.B. 117 of the 9011
 121st General Assembly be amended to be read as follows: 9012

"Sec. 104. CSF COMMISSIONERS OF THE SINKING FUND 9013

General Revenue Fund 9014

GRF 155-900 Debt Service	\$	28,401,000	\$	30,616,000	9015
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TOTAL GRF General Revenue Fund	\$	28,401,000	\$	30,616,000	9016
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Debt Service Fund Group 9017

059 155-900 Development Bond	\$	4,253,400	\$	0	9018
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Retirement Fund

071 155-900 Highway Obligations	\$	115,000,000	\$	115,000,000	9019
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Bond Retirement Fund

<u>072 155-900 Highway Capital</u>	\$	<u>0</u>	\$	<u>6,498,000</u>	9020
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Improvements Bond

Service

076 155-900 Coal Research and	\$	12,641,825	\$	11,304,075	9021
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Development Bond

Retirement Fund

073 155-900 Natural Resources Bond	\$	7,753,000	\$	8,506,000	9022
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Retirement

TOTAL DSF Debt Service Fund Group	\$	139,648,225	134,810,075	9023
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	\$	<u>141,308,075</u>	9024
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TOTAL ALL BUDGET FUND GROUPS	\$	168,049,225	165,426,075	9025
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	\$	<u>171,929,075</u>	9026
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Additional Appropriations 9027

Appropriation items in this section are for the purpose of 9028
paying the principal and interest on bonds or other instruments of 9029
indebtedness of this state issued pursuant to the Ohio 9030
Constitution and acts of the General Assembly. If it is determined 9031
that additional appropriations are necessary, such amounts are 9032
hereby appropriated. 9033

Highway Capital Improvements Bond Service 9034

Appropriation item 155-900, Highway Capital Improvements Bond 9035
Service, is to pay debt service on highway improvements and is 9036
therefore a current expense of state government. 9037

Transfer to Highway Capital Improvements Bond Service Fund 9038

Upon the effective date of this section, the Commissioners of 9039
the Sinking Fund shall certify to the Director of Budget and 9040
Management and the Director of Transportation the amount of money 9041
required during fiscal year 1997 to make in full all required 9042
payments of bond service charges and financing costs for all bonds 9043
issued pursuant to section 5528.54 Of the Revised Code. Upon 9044
receipt of this certification, the Director of Budget and 9045
Management, in consultation with the Director of Transportation, 9046
shall transfer cash in an amount equal to that certified from the 9047
Highway Operating Fund (Fund 002) created in section 5735.291 Of 9048
the Revised Code to the Highway Capital Improvements Bond Service 9049
Fund (Fund 072) created in section 5528.55 Of the Revised Code." 9050

Section 15. That existing Section 104 of Am. Sub. H.B. 117 of 9051
the 121st General Assembly is hereby repealed. 9052

Section 16. That Section 201 of Am. Sub. H.B. 117 of the 9053
121st General Assembly be amended to read as follows: 9054

"Sec. 201. Notwithstanding division (B) of section 4981.09 of 9055

the Revised Code, upon receipt of the certifications required by
that division in January and June of 1995, 1996, and 1997, the
Director of Budget and Management shall transfer fifty per cent,
rather than seventy-five per cent, of the identified amounts from
the General Revenue Fund to the Rail Development Fund. In
addition, the Director of Budget and Management shall, upon
receipt of the ~~January~~ March 1998 certification, transfer to the
Rail Development Fund seventy-five per cent of the identified
amounts paid into the General Revenue Fund during the immediately
preceding July through December, plus fifty per cent of the
identified amounts paid into the General Revenue Fund for the
immediately preceding June."

Section 17. That existing Section 201 of Am. Sub. H.B. 117 of
the 121st General Assembly is hereby repealed.

Section 18. That Section 35 of Am. Sub. H.B. 117 of the 121st
General Assembly, as amended by Am. Sub. S.B. 162 of the 121st
General Assembly, be amended to read as follows:

"Sec. 35. CEB CONTROLLING BOARD

General Revenue Fund

GRF 911-401	Emergency Purposes	\$	6,000,000	\$	6,000,000	9075
GRF 911-422	Community Police	\$	4,550,000	\$	4,550,000	9076
	Officers					
GRF 911-423	Army National Guard	\$	1,000,000	\$	0	9077
GRF 911-424	Livestock	\$	200,000	\$	200,000	9078
GRF 911-427	DNA Laboratory	\$	600,000	\$	0	9079
GRF 911-429	Pay Equalization	\$	1,500,000	\$	1,500,000	9080
GRF 911-431	Treatment Services for	\$	0	\$	750,000	9081
	Prisoners					
GRF 911-434	Criminal Record	\$	425,000	\$	425,000	9082
	Background Checks					

TOTAL GRF General Revenue Fund	\$	13,650,000	\$	12,800,000	9083
<u>State Special Revenue FundGroup</u>					
5E2 911-601 Disaster Services	\$	0	\$	<u>40,000,000</u>	9084
TOTAL SSR State Special Revenue	\$	0	\$	<u>40,000,000</u>	9085
<u>Fund</u>					
TOTAL ALL BUDGET FUND GROUPS	\$	13,650,000	\$	12,800,000	9086
				<u>52,800,000</u>	9087

Federal Share 9088

In transferring funds to or from appropriation line items 9089
 which have federal shares identified in Am. Sub. H.B. 117 of the 9090
 121st General Assembly, the Controlling Board shall add or 9091
 subtract corresponding amounts of federal matching funds at the 9092
 percentages indicated by the state and federal division of the 9093
 appropriations in Am. Sub. H.B. 117 of the 121st General Assembly. 9094
 Such changes are hereby appropriated. 9095

Notwithstanding Sections 127.14(D) and 131.35(B) 9096

Notwithstanding division (D) of section 127.14 and division 9097
 (B) of section 131.35 of the Revised Code, except for the General 9098
 Revenue Fund, the Controlling Board may, upon the request of 9099
 either the Director of Budget and Management, or a state agency 9100
 with the approval of the Director of Budget and Management, 9101
 increase appropriations for any fund, as necessary for the various 9102
 state agencies, to assist in paying the costs of increases in 9103
 employee compensation that occur on or after July 1, 1995, that 9104
 are provided pursuant to collective bargaining agreements under 9105
 Chapter 4117. of the Revised Code and the costs of salary 9106
 increases for employees that are exempt from collective 9107
 bargaining, which are provided under law. 9108

Prosecution Costs 9109

After the trial court reaches a disposition on a filing in 9110
 Juvenile Court or an indictment for aggravated murder, murder, or 9111

any felony of the first or second degree that was committed at a
Department of Youth Services or a Department of Rehabilitation and
Correction Institution, the county may, in accordance with rules
that the Office of Criminal Justice Services shall adopt, apply to
the Office of Criminal Justice Services for a grant to cover all
documented costs that are incurred by the county prosecutor's
office.

Twice each fiscal year, the Office of Criminal Justice
Services shall designate counties to receive grants from those
counties that have submitted one or more applications in
compliance with the rules adopted by the office. In the first
round of grants, up to \$50,000 may be awarded. In the second round
of grants, provided there are sufficient applications, the
remainder of the \$100,000 available to the Office of Criminal
Justice Services in each fiscal year shall be awarded.

If for a given round of grants there is insufficient funding
to make awards to all of the eligible counties, first priority
shall be given to cases involving aggravated murder and murder,
second priority shall be given to cases involving first degree
felonies and third priority shall be given to cases involving
second degree felonies. Within these priorities the awards shall
be made based on the order in which the applications were
received, except that applications for cases involving first and
second degree felonies shall not be considered in more than two
consecutive rounds of grants.

The Director of the Office of Criminal Justice Services may
request up to \$100,000 in fiscal year 1996 and up to \$100,000 in
fiscal year 1997 from the foregoing appropriation item 911-401,
Emergency Purposes, to cover local prosecution costs for
aggravated murder, murder, first degree felonies and second degree
felonies that occur on the grounds of state institutions operated
by the Department of Rehabilitation and Correction and the

Department of Youth Services on or after July 1, 1995.	9144
<u>Southern Ohio Correctional Facility Costs</u>	9145
The Attorney General's Office may request up to \$500,000 in	9146
each fiscal year from the foregoing appropriation line item	9147
911-401, Emergency Purposes, to cover legal expenses related to	9148
the disturbance that occurred on April 11, 1993, at the Southern	9149
Ohio Correctional Facility in Lucasville, Ohio.	9150
The Public Defender Commission may request up to \$120,000 in	9151
fiscal year 1996 and \$40,000 in fiscal year 1997 from the	9152
foregoing appropriation line item 911-401, Emergency Purposes, to	9153
cover the state's share of indigent defense costs related to the	9154
disturbance that occurred on April 11, 1993, at the Southern Ohio	9155
Correctional Facility in Lucasville, Ohio.	9156
<u>Reimbursement of County Boards of Elections</u>	9157
Upon the request of the chairman of the Ohio ballot board or	9158
the director of budget and management, controlling board shall	9159
transfer from the foregoing appropriation line item 911-401,	9160
Emergency Purposes, up to a total of \$2,000,000 in the biennium to	9161
the Ohio ballot board for disbursement to county boards of	9162
elections as reimbursement for public notice costs associated with	9163
statewide ballot issues. Controlling board shall create a line	9164
item, within the Ohio ballot board, to receive the transferred	9165
money. The director of budget and management shall establish	9166
agency codes and line items as necessary.	9167
<u>Community Police Officers</u>	9168
The foregoing appropriation item 911-422, Community Police	9169
Officers, may be transferred to the Attorney General for the	9170
purposes of administering and providing for matching funds that	9171
may be required to draw down federal grants that shall be used to	9172
help pay the costs of providing additional law enforcement	9173

officers to counties, townships, municipal corporations, and 9174
state-assisted or state-supported institutions of higher 9175
education. 9176

Army National Guard

9177

Upon the passage of H.B. 376 of the 121st General Assembly, 9178
the Adjutant General may apply for release of funds from the 9179
foregoing appropriation line item 911-423, Army National Guard. 9180
For each parcel sold that is described in H.B. 376, the Adjutant 9181
General may request the transfer to line 745-612, Armory 9182
Improvements, an amount equal to the difference between the 9183
purchase price received for the parcel and the appraised value of 9184
the parcel, as determined by the Director of Administrative 9185
Services. 9186

DNA Laboratory

9187

The Attorney General's Office may submit a request to the 9188
Controlling Board for the release of up to \$600,000 over the 9189
biennium from the foregoing appropriation item 911-427, DNA 9190
Laboratory. The foregoing appropriation item 911-427, DNA 9191
Laboratory, shall be used to pay start-up costs related to the 9192
establishment of a DNA facility. 9193

The Director of Budget and Management shall transfer the 9194
unencumbered balance, if any, of the foregoing appropriation item 9195
911-427, DNA Laboratory, at the end of fiscal year 1996 to fiscal 9196
year 1997 for use under the same appropriation item. 9197

Attorney Pay Equity

9198

Pursuant to section 109.03 of the Revised Code, the Attorney 9199
General may appoint Assistant Attorneys General to perform such 9200
duties as are assigned by the Attorney General. The Attorney 9201
General, at the Attorney General's discretion, may pay such 9202
Assistant Attorneys General salaries pursuant to sections 124.15 9203

or 124.152 of the Revised Code. It is recognized that Assistant
Attorneys General are compensated at a lesser amount than
attorneys of the various departments, agencies, and offices of the
state who are appointed to the attorney classifications and paid
pursuant to schedule B of section 124.15 of the Revised Code or
schedules E-1 through E-4 of section 124.152 of the Revised Code.
Therefore, the Attorney General may request that the Controlling
Board release up to \$1.5 million in each fiscal year from the
foregoing appropriation item 911-429, Pay Equalization, to fund
costs associated with eliminating compensation disparity between
assistant Attorneys General and attorneys in the various
departments, agencies, and offices of the state who are appointed
to attorney classifications and paid pursuant to schedule B of
section 124.15 of the Revised Code or schedule E-1 through E-4 of
section 124.152 of the Revised Code. Costs associated with pay
equity adjustments shall be calculated by the Attorney General and
approved by the Director of Budget and Management.

Treatment Services for Prisoners

Upon completing a plan for the provision of alcohol and drug
addiction treatment services in all state correctional
institutions, the Department of Alcohol and Drug Addiction
Services shall request the Controlling Board to release the
appropriation from the foregoing appropriation item 911-431,
Treatment Services for Prisoners. The Department shall include, as
part of its Controlling Board request, a copy of the plan. The
Department shall use the released funds for implementation of the
plan.

Criminal Record Background Checks

The foregoing appropriation item 911-434, Criminal Record
Background Checks, may be transferred to the Attorney General for
the purpose of conducting criminal record background checks.

Disaster Services 9235

In fiscal year 1997, the director of budget and management 9236
may increase the appropriation item, 911-401, Emergency Purposes, 9237
by an amount not to exceed the amount transferred out of that line 9238
item before the effective date of this section for the 1997 9239
flooding disaster referred to as FEMA-DR-1164-OH. The director of 9240
budget and management shall transfer \$40,000,000 minus an amount 9241
equal to the increase in appropriation item, 911-401, Emergency 9242
Purposes, from the General Revenue Fund into the Disaster Services 9243
Fund of the Controlling Board, which is hereby created in the 9244
state treasury. The foregoing appropriation item, 911-601, 9245
Disaster Services, shall be used by the Controlling Board, 9246
pursuant to requests submitted by state agencies, to transfer cash 9247
and appropriation authority from the Disaster Services Fund to any 9248
fund of the state for the payment of state agency program expenses 9249
related to the 1997 flooding disaster." 9250

Section 19. That existing Section 35 of Am. Sub. H.B. 117 of 9251
the 121st General Assembly, as amended by Am. Sub. S.B. 162 of the 9252
121st General Assembly, is hereby repealed. 9253

Section 20. Except as otherwise specifically provided in this 9254
act, a section of the Revised Code amended or enacted within the 9255
purview of Sections 1 and 2 of this act is not subject to the 9256
referendum. Therefore, under Ohio Constitution, Article II, 9257
Section 1d and section 1.471 of the Revised Code, the sections of 9258
the Revised Code amended or enacted within the purview of Sections 9259
1 and 2 of this act, except as otherwise specifically provided in 9260
this act, go into immediate effect when this act becomes law. 9261

Except as otherwise specifically provided in this act, the 9262
repeal of sections of the Revised Code by Section 2 of this act is 9263
not subject to the referendum. Therefore, under Ohio Constitution, 9264

Article II, Section 1d and section 1.471 of the Revised Code, the
repeal, except as otherwise specifically provided in this act,
goes into immediate effect when this act becomes law.

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Section 21. Sections 121.05, 121.08, 308.13, 2925.44,
2933.43, 3701.022, 3701.07, 4301.12, 4501.03, 4501.14, 4501.15,
4501.19, 4503.102, 4503.191, 4505.11, 4505.111, 4511.101,
4511.102, 4511.191, 4981.34, 5112.17, 5501.01, 5501.311, 5501.32,
5501.34, 5501.37, 5502.01, 5502.12, 5513.01, 5513.04, 5513.06,
5515.01, 5516.01, 5516.02, 5516.03, 5516.04, 5516.06, 5516.061,
5516.07, 5516.08, 5516.10, 5516.11, 5516.12, 5516.13, 5516.99,
5525.03, 5525.07, 5529.03, 5513.04, 5735.05, 5735.12, 5735.145,
5735.19, 5735.23, and 6101.16 of the Revised Code, as amended
within the purview of Sections 1 and 2 of this act, are subject to
the referendum. Therefore, under Ohio Constitution, Article II,
Section 1c and section 1.471 of the Revised Code, such sections of
the Revised Code as amended within the purview of Sections 1 and 2
of this act 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 any such section of the Revised Code as
amended within the purview of Sections 1 and 2 of this act, the
section as amended, unless rejected at the referendum, takes
effect at the earliest time permitted by law.

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Section 22. New section 5516.09 and sections 503.061,
5512.01, 5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 5512.07,
5512.08, 5512.09, and 5516.14 of the Revised Code, as enacted by
Section 1 of this act, are subject to the referendum. Therefore,
under Ohio Constitution, Article II, Section 1c and section 1.471
of the Revised Code, such sections as enacted by Section 1 of this
act take effect on the ninety-first day after this act is filed
with the Secretary of State. If, however, a referendum petition is

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filed against any such section as enacted by Section 1 of this 9296
act, that section as enacted, unless rejected at the referendum, 9297
takes effect at the earliest time permitted by law. 9298

Section 23. The repeals of sections 3701.61, 3701.611, 9299
3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 9300
3701.69, 5516.05, 5516.09, and 5735.146 of the Revised Code by 9301
Section 2 of this act are subject to the referendum. Therefore, 9302
under Ohio Constitution, Article II, Section 1c and section 1.471 9303
of the Revised Code, such repeals take effect on the ninety-first 9304
day after this act is filed with the Secretary of State. If, 9305
however, a referendum petition is filed against any such repeal, 9306
that repeal, unless rejected at the referendum, takes effect at 9307
the earliest time permitted by law. 9308

Section 24. The items in the uncodified sections of law 9309
contained in this act that appropriate money for the current 9310
expenses of state government, earmark this class of 9311
appropriations, or depend for their implementation upon an 9312
appropriation for the current expenses of state government are not 9313
subject to the referendum. Therefore, under Ohio Constitution, 9314
Article II, Section 1d and section 1.471 of the Revised Code, 9315
these items go into immediate effect when this act becomes law. 9316

The items in the uncodified sections of law contained in this 9317
act that appropriate money other than for the current expenses of 9318
state government, earmark this class of appropriations, or do not 9319
depend for their implementation upon an appropriation for the 9320
current expenses of state government are subject to the 9321
referendum. Therefore, under Ohio Constitution, Article II, 9322
Section 1c and section 1.471 of the Revised Code, these items take 9323
effect on the ninety-first day after this act is filed with the 9324
Secretary of State. If, however, a referendum petition is filed 9325

against such an item, the item, unless rejected at the referendum, 9326
takes effect at the earliest time permitted by law. 9327

This section is not subject to the referendum. Therefore, 9328
under Ohio Constitution, Article II, Section 1d and section 1.471 9329
of the Revised Code, this section goes into immediate effect when 9330
this act becomes law. 9331

Section 25. The reinstatement fee prescribed by section 9332
4507.45 of the Revised Code and the fee increases prescribed by 9333
this act's amendments to section 4511.951 and division (L) of 9334
section 4511.191 of the Revised Code first apply on October 1, 9335
1997. 9336

Section 26. Notwithstanding the repeal by this act of 9337
sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 9338
3701.66, 3701.67, 3701.68, and 3701.69 of the Revised Code, the 9339
Director of Health and the Attorney General may take any actions 9340
formerly authorized by those sections to collect any claim paid 9341
illegally or erroneously before such repeal. 9342

Section 27. Section 121.05 of the Revised Code is presented 9343
in this act as a composite of the section as amended by both Sub. 9344
H.B. 572 and Am. Sub. S.B. 293 of the 121st General Assembly, with 9345
the new language of neither of the acts shown in capital letters. 9346
Section 2933.43 of the Revised Code is presented in this act as a 9347
composite of the section as amended by both Sub. H.B. 670 and Sub. 9348
S.B. 277 of the 121st General Assembly, with the new language of 9349
neither of the act shown in capital letters. Section 3701.83 of 9350
the Revised Code is presented in this act as a composite of the 9351
section as amended by both Sub. S.B. 19 and Am. Sub. S.B. 162 of 9352
the 121st General Assembly, with the new language of neither of 9353
the acts shown in capital letters. Section 4511.191 of the Revised 9354
Code is presented in this act as a composite of the section as 9355

amended by both Am. Sub. H.B. 353 and Am. Sub. S.B. 166 of the 9356
121st General Assembly, with the new language of neither of the 9357
acts shown in capital letters. This is in recognition of the 9358
principle stated in division (B) of section 1.52 of the Revised 9359
Code that such amendments are to be harmonized where not 9360
substantively irreconcilable and constitutes a legislative finding 9361
that such is the resulting version in effect prior to the 9362
effective date of this act. 9363

Section 28. If any item of law that constitutes the whole or 9364
part of a codified or uncodified section of law contained in this 9365
act, or if any application of any item of law that constitutes the 9366
whole or part of a codified or uncodified section of law contained 9367
in this act, is held invalid, the invalidity does not affect other 9368
items of law or applications of items of law that can be given 9369
effect without the invalid item of law or application. To this 9370
end, the items of law of which the codified and uncodified 9371
sections contained in this act are composed, and their 9372
applications, are independent and severable. 9373

Section 29. The Director of Transportation shall conduct a 9374
study of the business logo sign program established under section 9375
4511.101 of the Revised Code to evaluate various methods of making 9376
the program more cost effective. The study shall include, but not 9377
be limited to, the possibility of participation fees, sign 9378
manufacture by the Department, and administration of the program 9379
by the Department. No later than two years after the effective 9380
date of this section, the Director shall compile a report with the 9381
results of the study and shall make the report available to the 9382
members of the General Assembly. 9383

Section 30. Notwithstanding the amendment to section 4511.102 9384
of the Revised Code by this act, any contract with an operator of 9385

a commercial activity that is an eligible attraction that was	9386
entered into on or before July 1, 1998, is valid, irrespective of	9387
whether the commercial activity is a farm market, winery, or a bed	9388
and breakfast.	9389