

AN ACT

To amend sections 121.05, 121.07, 121.08, 303.211, 308.13, 519.211, 2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 4301.10, 4301.12, 4501.01, 4501.03, 4501.14, 4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 4503.40, 4503.42, 4503.51, 4503.52, 4503.55, 4503.56, 4503.66, 4505.11, 4505.111, 4506.24, 4509.06, 4511.10, 4511.101, 4511.102, 4511.191, 4511.951, 4517.01, 4517.02, 4517.12, 4981.09, 4981.34, 5112.17, 5501.01, 5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5502.22, 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, 5531.09, 5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 5735.23, 5735.29, 5739.02, and 6101.16, to enact new section 5516.09 and sections 503.061, 4501.16, 4501.28, 4507.45, 4513.242, 5512.01 to 5512.09, and 5516.14, and to repeal sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 3701.69, 4501.21, 4501.23, 4509.09, 4981.151, 4981.152, 5516.05, 5516.09, and 5735.146 of the Revised Code, and to amend Sections 104 and 201 of Am. Sub. H.B. 117 of the 121st General Assembly, to amend Section 35 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended, to make appropriations and reappropriations for highways and transportation-related programs for the 1997-1999 biennium, to provide authorizations and conditions for the operation of programs related to transportation and

public safety, to eliminate the ethanol credit allowed against the motor fuel tax, to eliminate the program to reimburse hospitals for indigent care using motor fuel tax money, to eliminate the authority of the Registrar of Motor Vehicles to suspend the driver's license of a person who fails to submit a motor vehicle accident report, to raise the competitive bidding threshold for purchases by a regional airport authority or conservancy district, to require that the Department of Commerce have two assistant directors, and to maintain the provisions of this act on and after March 4, 1998, by amending the version of section 5513.01 of the Revised Code that takes effect on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 121.05, 121.07, 121.08, 303.211, 308.13, 519.211, 2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 4301.10, 4301.12, 4501.01, 4501.03, 4501.14, 4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 4503.40, 4503.42, 4503.51, 4503.52, 4503.55, 4503.56, 4503.66, 4505.11, 4505.111, 4506.24, 4509.06, 4511.10, 4511.101, 4511.102, 4511.191, 4511.951, 4517.01, 4517.02, 4517.12, 4981.09, 4981.34, 5112.17, 5501.01, 5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5502.22, 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, 5531.09, 5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 5735.23, 5735.29, 5739.02, and 6101.16 be amended and new section 5516.09 and sections 503.061, 4501.16, 4501.28, 4507.45, 4513.242, 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 be enacted to read as follows:

Sec. 121.05. Except as otherwise provided in this section, in each department there shall be an assistant director designated by the director of that department. In the department of health there shall be two assistant directors, each of whom shall be designated by the director of health. In the department of transportation there shall be an assistant director for business

management, an assistant director for field operations, and an assistant director for transportation policy, each of whom shall be designated by the director of transportation. In the department of insurance the deputy superintendent of insurance shall be the assistant director. In the department of administrative services, there shall be two assistant directors, each of whom shall be designated by the director of administrative services. In the department of commerce, there shall be two assistant directors, each of whom shall be designated by the director of commerce. In each department, the assistant director shall act as director in the absence or disability of the director and also shall act as director when the position of director is vacant, except that in the department of transportation, the department of health, the department of commerce, and the department of administrative services the director shall designate which assistant director shall act as director in the director's absence.

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

Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.11 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. ~~In acquiring spirituous liquor and selecting and monitoring state liquor agencies, in issuing permits, in operating the beer and wine section, and in performing or exercising all other regulatory functions, powers, or duties vested by law in the~~

~~superintendent of liquor control, the superintendent of liquor control and the division of liquor control are independent of and are not subject to the control of the department or the director of commerce.~~

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

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

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

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

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

(C)(1) There is hereby created in the department of commerce a division of financial institutions, which shall have all powers and perform all duties vested by law in the superintendent of financial institutions. Wherever powers are conferred or duties imposed upon the superintendent of financial

institutions, such powers and duties shall be construed as vested in the division of financial institutions. The division of financial institutions shall be administered by a superintendent of financial institutions.

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

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

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

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

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

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

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

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

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

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

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

n, 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 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, such board of township trustees or any such property owner may give written notice to the board of county commissioners requesting that sections 303.01 to 303.25 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 the board of township trustees or 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 county commissioners 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 county commissioners receives notice from the board of township trustees or a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a member of the board of county commissioners 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 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 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.

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

(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;

(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.

Sec. 308.13. (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ~~five~~ fifteen thousand dollars. Except where the contract is for equipment, materials, or

supplies available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, when an expenditure, other than for the acquisition of real estate, the discharge of noncontractual claims, personal services, or for the product or services of public utilities, exceeds ~~five~~ fifteen thousand dollars, such expenditure shall be made only after a notice calling for bids has been published once a week for three consecutive weeks in at least one newspaper of general circulation within the territorial boundaries of the regional airport authority. If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract authorized by this section, it shall be accompanied by a good and approved bond with ample security conditioned on the carrying out of the contract. The board may let the contract to the lowest and best bidder. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and specifications shall at all times be made and considered part of the contract. Said contract shall be approved by the board and signed by its chief executive officer and by the contractor, and shall be executed in duplicate.

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

Sec. 503.061. A board of township trustees, irrespective of the population or any other characteristic of the township, may adopt and submit to the director of transportation a resolution requesting the department of transportation to erect signs in the rights-of-way of state highways, other than freeways and expressways, located within that township and outside the limits of an incorporated municipality, indicating the boundaries of that township. upon receipt of the resolution, the director shall agree to erect the signs for the township.

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

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

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

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

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

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

(d)(i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the 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 519.02 to 519.25 of the Revised Code confer power on a board of township trustees 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 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.

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

(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;

(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.

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:

- (1) Place the property under seal;
- (2) Remove the property to a place that the head of that agency designates;
- (3) Request the issuance of a court order that requires any other

ate municipal corporation, county, township, park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or state law enforcement officer or other officer to take custody of the property and, if practicable, remove it to an appropriate location for eventual disposition in accordance with division (B) of this section;

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

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

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

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

(e) Division (B) of this section and divisions (D)(1) to (3) of section 2933.43 of the Revised Code do not apply to proceeds or forfeited moneys

received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (A)(4)(b) of this section.

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

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

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

(3) Drugs shall be disposed of pursuant to section 3719.11 of the

Revised Code or placed in the custody of the secretary of the treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

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

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

(6) Obscene materials shall be destroyed.

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

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

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

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(8)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by

a person who, pursuant to division (F) of section 2925.42 of the Revised Code or division (E) of section 2925.43 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority.

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

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

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

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

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

(3) Nothing in this section impairs a mortgage, security interest, lien, or other interest of a financial institution in property that was the subject of a forfeiture order under section 2925.42 or 2925.43 of the Revised Code and

that was sold or otherwise disposed of in a manner that does not conform to the requirements of division (B) of this section, or any right of a financial institution of that nature to commence a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor.

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

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

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

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

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

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

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

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

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.

If no petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that

includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the law enforcement agency that seized the vehicle may require proof of ownership of the vehicle, proof of ownership or legal possession of the contents, and an affidavit of the owner that the owner neither knew of nor expressly or impliedly consented to the use of the vehicle that resulted in its forfeiture as conditions precedent to release. If a petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division but the court does not grant the petition, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the court may require the proof and affidavit described in the preceding sentence as conditions precedent to release. If the initial seventy-two-hour period has been extended under this division, the vehicle and its contents to which the extension 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 preceding sentence as conditions precedent to release. In cases in which the court may require proof and affidavits as conditions precedent to release, the court also may require the posting of a bond, with sufficient sureties approved by the court, in an amount equal to the value of the property to be released, as determined by the court, and conditioned upon the return of the property to the court if it is forfeited under this section, as a further condition to release. If, at the end of the initial seventy-two-hour period or at the end of any extended period granted under this section, the owner has been charged with an offense or administrative violation that includes the use of the vehicle as an element or has been charged with another offense or administrative violation in the

actual commission of which the motor vehicle was used, or if the vehicle was in the custody and control of the owner at the time of its seizure, the vehicle and its contents shall be retained pending disposition of the charge, provided that upon the filing of a motion for release by the owner, if the court determines that the motor vehicle or its contents, or both, are not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property that is not needed as evidence to the owner; as a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall be in an amount equal to the value of the property to be released, as determined by the court, shall have sufficient sureties approved by the court, and shall be conditioned upon the return of the property to the court to which it is forfeited under this section.

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

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

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

A law enforcement agency that seizes property under division (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 violation may request the court to release the property to the owner. Upon receipt of a request of that nature, if the court determines that the property is not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property to the owner. As a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall have sufficient sureties approved by the court, shall be in a sum equal to the value of the property, as determined by the court, and shall be conditioned upon the return of the property to the court if the property is forfeited under this section. Any property seized because of its relationship to an underlying criminal offense or administrative violation shall be returned to its owner if charges are not filed in relation to that underlying offense or violation within thirty days after the seizure, if charges of that nature are filed and subsequently are dismissed, or if charges of that nature are filed and the person charged does not plead guilty to and is not convicted of the offense or does not admit and is not found to have committed the violation.

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

cause shown.

Where possible, a court holding a forfeiture hearing under this section shall follow the Rules of Civil Procedure. When a hearing is conducted under this section, property shall be forfeited upon a showing, by a preponderance of the evidence, by the petitioner that the person from which the property was seized 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 or order that the holder be paid for the interest from the proceeds of any sale pursuant to division (D) of this section.

(D)(1) Contraband ordered forfeited pursuant to this section shall be disposed of pursuant to divisions (D)(1) to (7) of section 2933.41 of the Revised Code or, if the contraband is not described in those divisions, may be used, with the approval of the court, by the law enforcement agency that has custody of the contraband pursuant to division (D)(8) of that section. In

the case of contraband not described in any of those divisions and of contraband not disposed of pursuant to any of those divisions, the contraband shall be sold in accordance with this division or, in the case of forfeited moneys, disposed of in accordance with this division. If the contraband is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the contraband to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

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

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

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

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

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

seizure was made by the park district police force or law enforcement department, to the state highway patrol contraband, forfeiture, and other fund if the state highway patrol made the seizure, to the liquor enforcement contraband, forfeiture, and other fund if the liquor enforcement unit of the department of public safety made the seizure, to the food stamp contraband, forfeiture, and other fund if the food stamp trafficking unit of the department of public safety made the seizure, to the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code if the board made the seizure, or to the treasurer of state for deposit into the peace officer training commission fund if a state law enforcement agency, other than the state highway patrol, the department of public safety, or the state board of pharmacy, made the seizure. The prosecuting attorney may decline to accept any of the remaining proceeds or forfeited moneys, and, if the prosecuting attorney so declines, the remaining proceeds or forfeited moneys shall be applied to the fund described in this division that relates to the law enforcement agency that made the seizure.

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

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

Additionally, no proceeds or forfeited moneys shall be allocated to or used by the state highway patrol, the food stamp trafficking unit or liquor enforcement unit of the department of public safety, the state board of

pharmacy, or 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 unless the state highway patrol, department of public safety, state board of pharmacy, 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 has adopted a written internal control policy under division (D)(3) of this section that addresses the use of moneys received from the state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, the board of pharmacy drug law enforcement fund, or the appropriate law enforcement trust fund. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, and a law enforcement trust fund shall be expended only in accordance with the written internal control policy so adopted by the recipient, and, subject to the requirements specified in division (D)(3)(a)(ii) of this section, only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, or for other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, prosecuting attorney, county sheriff, legislative authority, board of township trustees, or board of park commissioners determines to be appropriate. The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, seizure, and other fund, the food stamp contraband, forfeiture, and other fund, the board of pharmacy drug law enforcement fund, and a law enforcement trust fund shall not be used to meet the operating costs of the state highway patrol, of the food stamp trafficking unit or liquor enforcement unit of the department of public safety, of the state board of pharmacy, of any political subdivision, or of any office of a prosecuting attorney or county sheriff that are unrelated to law enforcement.

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

the commission only to pay the costs of peace officer training.

Any sheriff or prosecuting attorney who receives proceeds or forfeited moneys pursuant to this division during any calendar year shall file a report with the county auditor, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any municipal corporation police department that is allocated proceeds or forfeited moneys from a municipal corporation law enforcement trust fund pursuant to this division during any calendar year shall file a report with the legislative authority of the municipal corporation, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any township police department, township police district police force, or office of the constable that is allocated proceeds or forfeited moneys from a township law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of township trustees of the township, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any park district police force or law enforcement department that is allocated proceeds or forfeited moneys from a park district law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of park commissioners of the park district, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. The superintendent of the state highway patrol shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the state highway patrol contraband, forfeiture, and other fund pursuant to this division during the prior calendar year were used by the state highway patrol during the prior calendar year only for the purposes authorized by this division and specifying the amounts expended for each authorized purpose. The executive director of the state board of pharmacy shall file a report with the attorney general, no later than the thirty-first day of January of each

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

(2) If more than one law enforcement agency is substantially involved in the seizure of contraband that is forfeited pursuant to this section, the court ordering the forfeiture shall equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney pursuant to division (D)(1)(c) of this section, among any county sheriff whose office is determined by the court to be substantially involved in the seizure, any legislative authority of a municipal corporation whose police department is determined by the court to be substantially involved in the seizure, any board of township trustees whose law enforcement agency is determined by the court to be substantially involved in the seizure, any board of park commissioners of a park district whose police force or law enforcement department is determined by the 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 policy that addresses the state highway patrol's, department of public safety's, state board of pharmacy's, sheriff's, prosecuting attorney's, police department's, police force's, office of the constable's, or law enforcement department's use and disposition of all the proceeds and forfeited moneys received and that provides for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

All financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure by the state highway patrol, by the department of public safety, by the state board of pharmacy, and by a 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, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is a public record of that nature, and the state highway patrol, the department of public safety, the state board of pharmacy, or the 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 that adopted it shall comply with it.

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

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

(b) Each 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 that receives in any calendar year any proceeds or forfeited moneys out of a law enforcement trust fund under division (D)(1)(c) of this section or uses any proceeds or forfeited moneys in its law enforcement trust fund in any calendar year shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the 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 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.

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

The department of public safety shall prepare a report 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.

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

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

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

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

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

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

issue an appropriate certificate of title or registration.

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

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

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

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

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

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Every governmental entity or private nonprofit 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, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the Revised Code.

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

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

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

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

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

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the department or division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any manufacturing plants, distributing and bottling plants, warehouses, and other facilities that it considers expedient, establish and maintain a state monopoly of the distribution of spirituous liquor and its sale in packages or containers; and for that purpose manufacture, buy, import, possess, and sell spirituous liquors as provided in this chapter and Chapter 4303. of the Revised Code, and in the rules promulgated by the director or superintendent of liquor control pursuant to those chapters; lease, or in any manner acquire the use of any land or building required for any of those purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange; but all obligations of the department or division created under authority of this division shall be a charge only upon the

moneys received by the department or division from the sale of spirituous liquor and its other business transactions in connection with the sale of spirituous liquor, and shall not be general obligations of the state;

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

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

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

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

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

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

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

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

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

(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.

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

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

(B) The department or division may:

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

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

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

(4) Fix the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor shall be sold by the department. Those retail prices shall be the same at all state liquor stores, except to the extent that a price differential is required to collect a county sales tax levied pursuant to section 5739.021 of the Revised Code and for which tax the tax

commissioner has authorized prepayment pursuant to section 5739.05 of the Revised Code. In fixing selling prices, the department or division shall compute an anticipated gross profit at least sufficient to provide in each calendar year all costs and expenses of the department or division and also an adequate working capital reserve for the department or division. The gross profit shall not exceed forty per cent of the retail selling price based on costs of the department or division, and in addition the sum required by section 4301.12 of the Revised Code to be paid into the state treasury. An amount equal to one and one-half per cent of that gross profit shall be paid into the alcoholism-detoxification centers fund created under section 4301.30 of the Revised Code and be appropriated by the general assembly from the fund to the department of alcohol and drug addiction services as provided in section 4301.30 of the Revised Code.

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

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

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

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

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

Whenever, in the judgment of the director of budget and management, the amount in the custody of the treasurer of state to the credit of the liquor control fund is in excess of that needed to meet the maturing obligations of the division ~~and~~, as working capital for its further operations, and as

required for the alcohol testing program under section 3701.143 Of the Revised Code, the director shall transfer the excess to the state treasury to the credit of the general revenue fund.

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

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

(B) "Motor vehicle" means any vehicle, including manufactured homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, trailers that are 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 of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, corn sheller, hammermill and agricultural tractors, machinery used in the production of horticultural, agricultural, and vegetable products, and trailers that are 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 no more than ten miles and at a speed of twenty-five miles per hour or less.

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

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

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that

is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(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 the load.

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

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are 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 of twenty-five miles per hour or less.

(V) "Owner" includes any person, firm, or corporation other than a manufacturer or dealer that has title to a motor vehicle, except that in

ns 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

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

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

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

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

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

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

motor vehicle.

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

(DD) "Bill of sale" means the written statement or document 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 parties, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

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

place of origin.

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

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

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

(LL) "Combined gross vehicle weight" with regard to any combination of a commercial car, trailer, and semitrailer, that is taxed at the rates established under section 4503.042 of the Revised Code, means the total unladen weight of the combination of 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 section 4504.09 of the Revised Code, after receipt of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, in the manner provided in section 4501.04 of the Revised Code.

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

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

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 credited to the central registration fund.

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

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

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

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

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

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

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

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

Sec. 4501.20. There is hereby created in the state treasury the collegiate

license plate fund. The fund shall consist of the contributions ~~and fees~~ that are paid to the registrar of motor vehicles by applicants who voluntarily choose to obtain collegiate license plates pursuant to section 4503.51 of the Revised Code.

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

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

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

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

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

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

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

Sec. 4503.102. (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of motor vehicle registration renewal by mail. Any person owning a motor vehicle that was registered in ~~his~~ the person's

name during the preceding registration year shall renew the registration of the motor vehicle either by mail through the centralized system of registration established under this section or in person at a deputy registrar's office.

(B)(1) No less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail through the centralized system of registration or in person at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D)(1) of section 4503.031 of the Revised Code, and any additional information the registrar may require by rule. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

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

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

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

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

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

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

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

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

(H) ~~No later than January 1, 1991, the registrar shall implement the initial phase of a credit card payment program permitting payment of motor vehicle renewal registration taxes and fees by means of a credit card when such renewal is made by mail. No later than January 1, 1993, the~~ The registrar shall may implement the final phase of the credit card payment a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state relating to such registrations and licenses that are collected by the registrar or a deputy

~~registrar by means of a credit card when such motor vehicle registrations, license applications, or other similar state-related transactions are made in person at the office of the registrar or at a deputy registrar's office. The registrar shall~~ may adopt rules as necessary for this purpose. ~~No deputy registrar shall accept a credit card as payment for the purchase of any goods sold by the deputy registrar and any tax imposed by Chapter 5739. of the Revised Code on the sale of such goods.~~

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

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

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

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

Sec. 4503.40. The registrar of motor vehicles shall be allowed a fee, not to exceed ten dollars, for each application received by ~~him~~ the registrar for special state reserved license plate numbers and the issuing of such licenses, and validation stickers, in the several series as ~~he~~ the registrar may designate. The fee shall be in addition to the license tax established by this

chapter and, where applicable, Chapter 4504. of the Revised Code. Seven dollars and fifty cents of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses, and the remaining two dollars and fifty cents shall be transmitted by the registrar to the treasurer of state for deposit in the highway operating fund created by section 5735.291 of the Revised Code. The types of motor vehicles for which special state reserved license plates may be issued in accordance with this section shall include at least motorcycles, ~~motor~~ buses, passenger cars, and noncommercial motor vehicles.

Sec. 4503.42. The registrar of motor vehicles shall be allowed a fee of not to exceed thirty-five dollars, which shall be in addition to the regular license fee for tags as prescribed under section 4503.04 of the Revised Code and any tax levied under section 4504.02 or 4504.06 of the Revised Code, for each application received by ~~him~~ the registrar for special reserved license plate numbers containing more than three letters or numerals, and the issuing of such licenses and validation stickers in the several series as ~~he~~ the registrar may designate. Five dollars of the fee shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such licenses and validation stickers, and the remaining thirty dollars shall be transmitted by the registrar to the treasurer of state for deposit in the highway operating fund created by section 5735.291 of the Revised Code.

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

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

Upon receipt of an application for registration of a passenger car, noncommercial motor vehicle, or recreational vehicle in accordance with any rules adopted under this section and upon compliance with division (B) of this section, the registrar shall issue to the applicant appropriate vehicle

registration and a set of collegiate license plates with a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, collegiate license plates shall be inscribed with the name of a university or college that is participating with the registrar in the issuance of collegiate license plates, or any other identifying marking or design selected by such a university 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 registration voluntarily pays for the purpose of compensating the bureau for the additional services required in the issuing of ~~his the~~ collegiate license plates shall be transmitted into the state treasury to the treasurer credit of the state for deposit in the collegiate license plate bureau of motor vehicles fund created in section 4501.20 4501.25 of the

Revised Code.

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

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

Sec. 4503.52. (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 Lake Erie license plates. The application for Lake Erie license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of Lake Erie license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, Lake Erie license plates shall be inscribed with identifying words or markings designed by the Ohio Lake Erie commission and approved by the registrar. Lake Erie 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 Lake Erie license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of 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 Lake Erie 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 Lake Erie 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 ~~he receives~~ received under this section, the registrar shall collect a contribution in an amount not to exceed forty dollars as determined by the Ohio Lake Erie commission. The registrar shall transmit this contribution to the treasurer of state for deposit in the Lake Erie protection fund created in section 1506.23 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 Lake Erie license plates in the ~~Lake Erie license plate state bureau of motor vehicles~~ fund created in section ~~4501.21~~ 4501.25 of the Revised Code.

Sec. 4503.55. (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 pro football hall of fame license plates. The application for pro football hall of fame license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of pro football hall of fame license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, pro football hall of fame license plates shall be inscribed with identifying words or markings designed by the pro football hall of fame and approved by the registrar. Pro football hall of fame 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 pro football hall of fame license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of 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 application for scenic rivers license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of scenic rivers license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, scenic rivers license plates shall be inscribed with identifying words or markings designed by the department of natural resources and approved by the registrar. Scenic rivers 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 scenic rivers license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of 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 scenic rivers 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 scenic rivers 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 in an amount not to exceed forty dollars as determined by the department of natural resources. The registrar shall transmit this contribution to the treasurer of state for deposit in the scenic rivers protection fund created in section 4501.24 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 scenic rivers license plates in the ~~scenic rivers protection license plate state bureau of motor vehicles~~ fund created in section ~~4501.23~~ 4501.25 of the Revised Code.

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

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

(B) The initial application for apportioned registration;

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

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

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

(F) The apportioned registration of rental vehicles;

(G) The apportioned registration of vehicular equipment leased by household goods carriers;

(H) The registration of ~~motor~~ buses;

(I) The issuance of trip permits;

(J) The issuance of hunters' permits;

(K) The registration under this chapter of vehicles based in jurisdictions

that are not members of the international registration plan.

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

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

(B) Where an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license thereon, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and 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 facility is located. The insurance company shall mark the face of the certificate of title "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

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

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

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

(2) Obtain a salvage certificate of title to the motor 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 issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of ~~twenty-five~~ forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the state highway safety fund established by section 4501.06 of the Revised Code.

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

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

Sec. 4505.111. Every motor vehicle, other than a motor vehicle as provided in divisions (C), (D), and (E) of section 4505.11 of the Revised Code, that is assembled from component parts by a person other than the manufacturer, shall be inspected by the state highway patrol prior to

issuance of title to the motor vehicle. The inspection shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle, and any items of equipment the director of public safety considers advisable and requires to be inspected by rule. A fee of ~~twenty-five~~ forty dollars in fiscal year 1998 and fifty dollars in fiscal year 1999 and thereafter shall be assessed by the state highway patrol for each inspection made pursuant to this section, and shall be deposited in the state highway safety fund established by section 4501.06 of the Revised Code.

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

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

- (1) Has at least one year of driving experience in any type of vehicle;
- (2) Holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code;
- (3) Certifies that during the one-year period immediately preceding ~~his~~ application, all of the following apply:

- (a) ~~He~~ The person has not had more than one license;
- (b) ~~He~~ The person has not had any license suspended, revoked, or canceled;

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

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

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

- (a) Custom harvesters;
- (b) Farm retail outlets and suppliers;
- (c) Agri-chemical business;
- (d) Livestock feeders.

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

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

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

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

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

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

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

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

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

driver's license, or nonresident operating privilege reinstatement fee is prescribed by law.

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

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

(C) Within thirty days after the mailing of the notice by the registrar, the driver of the vehicle alleged to be uninsured shall forward a report together with acceptable proof of financial responsibility to the registrar in a form prescribed by the registrar. The forwarding of the report by the owner of the motor vehicle involved in the accident is deemed compliance with this section by the driver. This section does not change or modify the duties of the driver or operator of a motor vehicle as set forth in section 4549.02 of the Revised Code.

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

Sec. 4511.10. The department of transportation may place and maintain traffic control devices, conforming to its manual and specifications, upon all state highways as are necessary to indicate and to carry out sections 4511.01 to 4511.78 and 4511.99 of the Revised Code, or to regulate, warn, or guide traffic.

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

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

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

the placement of business logos for identification purposes on state directional signs within the rights-of-way of divided, multi-lane, limited access highways ~~on the interstate system~~ in rural areas, except when any of the following conditions applies:

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

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

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

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

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

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

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

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

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

~~(F) In accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as~~

~~amended, and notwithstanding division (E)(3) of this section, the director shall establish a test program for the placement of business logos on state directional signs within the rights of way 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 concentration of alcohol in the blood, breath, or urine. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

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

(C)(1) Any person under arrest 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 shall be advised at a police station, or at a hospital, first-aid station, or clinic to which the person has been taken for first-aid or medical treatment, of both of the following:

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

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

(2)(a) The advice given pursuant to division (C)(1) of this section shall be in a written form containing the information described in division (C)(2)(b) of this section and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and

read to the person in the presence of the arresting officer and either another police officer, a civilian police employee, or an employee of a hospital, first-aid station, or clinic, if any, to which the person has been taken for first-aid or medical treatment. The witnesses shall certify to this fact by signing the form.

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

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

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

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

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

in division (A) of this section and is 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 permit or nonresident operating privilege is suspended, that the suspension takes effect immediately, that the suspension will last at least until the person's initial appearance on the charge that will be held within five days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance; seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person; and immediately forward the seized license or permit to the registrar. 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 person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the service of the notice of suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar.

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

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

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

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

(ii) That the person was arrested and charged with operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or with operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;

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

(iv) That the person refused to submit to the chemical test or that the person submitted to the chemical test and the test results indicate that the person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, 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 permit for a period of one year after the date of the alleged violation.

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

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

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

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

(F) 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 whose 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 registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this section and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods that applies:

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

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

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

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

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

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

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

If the person appeals the suspension at the person's initial appearance, either the person or the registrar may request a continuance of the appeal. Either the person or the registrar shall make the request for a continuance of the appeal at the same time as the making of the appeal. If either the person or the registrar requests a continuance of the appeal, the court may grant the continuance. The court also may continue the appeal on its own motion. The granting of a continuance applies only to the conduct of the appeal of the

suspension and does not extend the time within which the initial appearance must be conducted, and the court shall proceed with all other aspects of the initial appearance in accordance with its normal procedures. Neither the request for nor the granting of a continuance stays the operation of the suspension that is the subject of the appeal.

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

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

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

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

(d) Whichever of the following is applicable:

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

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

(2) If the person appeals the suspension at the initial appearance, the judge or referee of the court or the mayor of the mayor's court shall determine whether one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met. The person who appeals the suspension has the burden of proving, by a preponderance of the evidence, that one or more of the specified conditions has not been met. If during the appeal at the initial appearance the judge or referee of the court or the mayor of the mayor's court determines that all of those conditions have been met, the judge, referee, or mayor shall uphold the suspension, shall

continue the suspension, and shall notify the registrar of the decision on a form approved by the registrar. Except as otherwise provided in division (H)(2) of this section, if the suspension is upheld or if the person does not appeal the suspension at the person's initial appearance under division (H)(1) of this section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits by the judge or referee of the trial court or by the mayor of the mayor's court. If the suspension was imposed under division (E) of this section and it is continued under this division, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not terminate or otherwise affect the suspension. If the suspension was imposed under division (F) of this section and it is continued under this division, the suspension shall terminate if, for any reason, the person subsequently is found not guilty of the charge that resulted in the person taking the chemical test or tests under division (A) of this section.

If, during the appeal at the initial appearance, the judge or referee of the trial court or the mayor of the mayor's court determines that one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met, the judge, referee, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take such measures as may be necessary, if the license or permit was destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.

If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court,

the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates that mayor's court.

(I)(1) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (E) of this section, and the person, within the preceding seven years, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the person is not entitled to request, and the court shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended pursuant to division (E) of this section may file a petition requesting occupational driving privileges in the municipal court, county court, or, if the person is a minor, juvenile court with jurisdiction over the place at which the arrest occurred. The petition may be filed at any time subsequent to the date on which the arresting officer serves the notice of suspension upon the arrested person. The person shall pay the costs of the proceeding, notify the registrar of the filing of the petition, and send the registrar a copy of the petition.

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

court, the registrar shall be represented as provided in section 1901.34 of the Revised Code.

The court, if it finds reasonable cause to believe that suspension would seriously affect the person's ability to continue in the person's employment, may grant the person occupational driving privileges during the period of suspension imposed pursuant to division (E) of this section, subject to the limitations contained in this division and division (I)(2) of this section. The court may grant the occupational driving privileges, subject to the limitations contained in this division and division (I)(2) of this section, 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. The court shall not grant occupational driving privileges to any person who, within seven years of the filing of the petition, has refused three previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content or has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, 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 in the person's possession, is guilty of a violation of section 4507.02 of the Revised Code.

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

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

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

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

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

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

(4) If a person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to division (F) of this section, and the person, within the preceding seven years, has been

convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section, or section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the person is not entitled to request, and the court shall not grant to the person, occupational driving privileges under this division. Any other person whose driver's or commercial driver's license or nonresident operating privilege has been suspended pursuant to division (F) of this section may file in the court specified in division (I)(1) of this section a petition requesting occupational driving privileges in accordance with section 4507.16 of the Revised Code. The petition may be filed at any time subsequent to the date on which the arresting officer serves the notice of suspension upon the arrested person. Upon the making of the request, occupational driving privileges may be granted in accordance with section 4507.16 of the Revised Code. The court may grant the occupational driving privileges, subject to the limitations contained in section 4507.16 of the Revised Code, regardless of whether the person appeals the suspension at the person's initial appearance under division (H)(1) of this section or appeals the decision of the court made pursuant to the appeal conducted at the initial appearance, and, if the person has appealed the suspension or decision, regardless of whether the matter at issue has been heard or decided by the court.

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

(K) A suspension of the driver's or commercial driver's license or permit of a resident, a suspension of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit for refusal to submit to a chemical test to determine the alcohol, drug, or alcohol and drug

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

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

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

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

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

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

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

(c) Twenty-five dollars shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division (L)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers treatment funds that are required to be established by counties and municipal corporations pursuant to division (N) of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for attendance at the program. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (N) of this section because the director of alcohol and drug addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the drivers' treatment and intervention fund, created in division (L)(2)(a) of this section, upon certification of the amount by the director of alcohol and drug addiction services.

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

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

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

The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under division (L)(2)(e) of this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who

conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (L)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (L)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

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

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

(N)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (L) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (N)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or division (B)(2) of section 4507.02 of the Revised Code, and that are

required under division (A)(1) or (2) of section 4511.99 or division (B)(5) of section 4507.99 of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division.

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

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

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

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

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

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

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

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

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by

reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of attendance at the treatment program. The board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 of the Revised Code serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

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

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

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

(A) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected;

(B) The decal is no larger than is necessary to accomplish the security arrangements;

(C) 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.

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the Revised Code:

(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, and any combinations of individuals.

(B) "Motor vehicle" means motor vehicle as defined in section 4501.01 of the Revised Code.

(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.

(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.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

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

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

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

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

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

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

(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in

e business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

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

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

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

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

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

(R) "Manufacturer" means a person who manufactures, 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 remanufacturer engaged in commerce and any motor vehicle dealer, which purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

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

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

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

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

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

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

considered to constitute a lack of good faith.

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

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

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

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

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

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

(2) 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.

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

(HH) "Operating as a new motor vehicle dealership" means engaging in activities such as displaying, offering for sale, and selling new motor vehicles at retail, operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle

parts at retail, and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For purposes of this chapter only, possession of either a valid new motor vehicle dealer franchise agreement or a new motor vehicle dealers license, or both of these items, is not evidence that a person is operating as a new motor vehicle dealership.

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

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

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

(2) Engage in the business of offering for sale, displaying for sale, or selling at retail or wholesale used motor vehicles or assume to engage in that business, unless the person is licensed as a dealer under sections 4517.01 to 4517.45 of the Revised Code, or is a salesperson licensed under those sections and employed by a licensed used motor vehicle dealer or licensed new motor vehicle dealer;

(3) Engage in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle, in the manner described in division (M) of section 4517.01 of the Revised Code, unless the person is licensed as a motor vehicle leasing dealer under sections 4517.01 to 4517.45 of the Revised Code;

(4) Engage in the business of motor vehicle auctioning or assume to engage in such business, unless the person is licensed as a motor vehicle auction owner under sections 4517.01 to 4517.45 and 4707.01 to 4707.99 of the Revised Code;

(5) Engage in the business of distributing motor vehicles or assume to engage in such business, unless the person is licensed as a distributor under sections 4517.01 to 4517.45 of the Revised Code;

(6) Make more than five casual sales of motor vehicles in a twelve-month period, commencing with the day of the month in which the first such sale is made, nor provide a location or space for the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code; provided however that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other

than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code;

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

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

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

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

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

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

(D) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy.

(E) ~~No~~ (1) Except as provided in division (E)(2) of this section, no remanufacturer shall engage in the business of selling at retail any new motor vehicle without having written authority from the manufacturer or distributor of the vehicle to sell new motor vehicles and to perform repairs under the terms of the manufacturer's or distributor's new motor vehicle warranty, unless, at the time of the sale of the vehicle, each customer is 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 franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located within either twenty miles of the remanufacturer'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 remanufacturer'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 customer and whose service or repair facility is located nearest to the remanufacturer's location and place of business or the customer's residence or place of business. Additionally, at the time of sale of any vehicle, each customer of the remanufacturer shall be furnished with a warranty issued by the remanufacturer for a term of at least one year.

(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 selling or otherwise dealing in, or leasing, motor vehicles, or in connection with brokering manufactured homes;

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

(7) Is insolvent;

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

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

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

(B) If the applicant is a corporation or partnership, the registrar may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The registrar's finding may be based upon facts contained in the application or upon any other information the registrar may have. Immediately upon denying an application for any of the reasons in 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 remanufactured 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 remanufactured 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 customer and whose service or repair facility is located nearest to the remanufacturer's location and place of business or the customer's residence or place of business.

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

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

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

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

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

(D) An applicant for a new motor vehicle dealer's license for the purpose of selling 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 a binding agreement for service or repair by a licensed new motor vehicle dealer 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. 4981.09. (A) There is hereby created in the state treasury the rail development fund. The fund shall consist of such moneys as may be

provided by law, including moneys received from the sale, transfer, or lease of any rail property pursuant to section 4981.08 of the Revised Code, and amounts transferred pursuant to division (B) of this section. Moneys in the fund shall be used for the purpose of acquiring, rehabilitating, or developing rail property or service, or for participation in the acquisition of rail property with the federal government, municipal corporations, townships, counties, or other governmental agencies. For the purpose of acquiring such rail property, the Ohio rail development commission may obtain acquisition loans from the federal government or from any other source.

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

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

Sec. 4981.34. (A) On behalf of a franchisee and pursuant to section 4981.15 of the Revised Code, the Ohio rail development commission may issue bonds for loans to finance development and construction of a franchisee's portion of a rail system. ~~Notwithstanding section 4981.151 of the Revised Code, any~~ any bonds issued pursuant to this section do not, and shall state that they do not, represent or constitute a debt or pledge of the faith and credit of the state, nor do such bonds grant to the bondholders or noteholders any right to have the general assembly levy any taxes or appropriate any funds for the payment of the principal or interest thereon. Such bonds shall be payable solely from the loan repayments the commission receives from the franchisee to which the loan was made. The loan repayments shall be made from revenues that the franchisee receives from the operation of its portion of the rail system and that shall be pledged

to repay the commission, or from such other credit sources as the franchisee may arrange.

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

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

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

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

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

property subsequent to the commencement of operation of a rail system station or terminal. All assessments shall be applied, directly or indirectly, to the development and financing of the portion of the rail system of which the station or terminal is a part.

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

(4) An owner of real property upon which a special assessment is levied under this section may file a petition in the court of common pleas of the county in which the real property is located challenging any aspect of the assessment, including the fact of the special assessment itself or the amount. The filing of such a petition shall stay the collection of any part of the

special assessment, and collection shall not commence until a decision on the merits is rendered by the court.

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

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

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

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

(B) Each hospital that receives payments under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the medical assistance program, and whose income is at or below the federal poverty guideline. Recipients of disability assistance under Chapter 5115. of the Revised Code qualify for services under this section. The department of human services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.

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

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

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

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

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

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

(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 transportation facilities, rest areas, and roadside parks.

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

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

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

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

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

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

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

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

the general assembly, or the taxing authority of any political subdivision of the state, for the payment of rentals thereunder. Any such agreement shall contain a statement to that effect.

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

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

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

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

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

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

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

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

(7) The telecommunications service provider fully complies with any

permit issued under section 5515.01 of the Revised Code pertaining to land that is the subject of the lease, easement, or license.

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

(9) Any other conditions the director determines necessary.

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

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

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

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

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

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

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

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

countersigned by the secretary of state, and shall bear the great seal of the state.

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

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

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

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

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

Sec. 5501.37. In the event that circumstances alter the highway requirements after the director of transportation has purchased and acquired property from the commissioners of the sinking fund, or otherwise, so that

~~such~~ the property, or part thereof, is no longer required for highway or recreation purposes, the director ~~may sell~~, in the name of the state, may sell all the right, title, and interest of the state in ~~any such~~ the real property. The director may convey property that is no longer needed for highway purposes and rights-of-way and easements in such property to the director of natural resources or any political subdivisions for the use and protection of any public recreational trail. As soon as reasonably practical after determining that any such real property is no longer required for highway or recreation purposes the director shall have the parcel of land appraised by a department prequalified appraiser.

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

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

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

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

Sec. 5502.01. (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor

vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

(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;

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

(5) Any other provisions the director considers appropriate.

(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.

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.

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.

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.

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 projects. Members of the council shall attend the hearings in person.

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.

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.

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.

The members the governor appoints shall have the following qualifications:

- (1) Two members shall have at least five years' experience in an

executive or decision-making role in the transportation sector.

(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.

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

(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.

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

Sec. 5512.08. Members of the transportation review advisory council, except the director of transportation, shall be compensated at the rate of five thousand dollars per year, plus two hundred dollars per day worked, plus the necessary travel and other expenses involved with their duties. However, the combined amount of compensation and expenses paid to a member under this section shall not exceed fifteen thousand dollars per fiscal year.

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

Sec. 5513.01. (A) All purchases of machinery, materials, supplies, or other articles that the director of transportation makes shall be in the manner provided in this section. In all cases except those in which the director ~~authorizes~~ provides written authorization for purchases by district deputy directors of transportation, all such purchases shall be made at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the intention to purchase. Where the expenditure is does

~~not more than five hundred dollars~~ exceed the amount applicable to the purchase of supplies specified in division (B) of section 125.05 Of the Revised Code, as adjusted pursuant to division (D) of that section, the director shall give such notice as the director considers proper, or the director may make the purchase without notice. Where the expenditure is ~~more than five hundred dollars~~ exceeds the amount applicable to the purchase of supplies specified in division (B) of section 125.05 Of the Revised Code, as adjusted pursuant to division (D) of that section, the director shall give notice by posting for not less than ten days a written, typed, or printed invitation to bidders on a bulletin board, which shall be located in a place in the offices assigned to the department and open to the public during business hours. Producers or distributors of any product may notify the director, in writing, of the class of articles for the furnishing of which they desire to bid and their post-office addresses, in which case copies of all invitations to bidders relating to the purchase of such articles shall be mailed to such persons by the director by regular first class mail at least ten days prior to the time fixed for taking bids. The director also may mail copies of all invitations to bidders to news agencies or other agencies or organizations distributing information of this character. Requests for invitations shall not be valid ~~or~~ nor require action by the director unless renewed, either annually or after such shorter period as the director may prescribe by a general ~~regulation~~ rule. The invitation to bidders shall contain a brief statement of the general character of the article that it is intended to purchase, the approximate quantity desired, and a statement of the time and place where bids will be received, and may relate to and describe as many different articles as the director thinks proper, it being the intent and purpose of this section to authorize the inclusion in a single invitation of as many different articles as the director desires to invite bids upon at any given time. Invitations issued during each calendar year shall be given consecutive numbers, and the number assigned to each invitation shall appear on all copies thereof. In all cases where notice is required by this section, sealed bids shall be taken, on forms prescribed and furnished by the director, and modification of bids after they have been opened shall not be permitted.

(B) The director may permit any political subdivision and any state university or college to participate in contracts into which the director has entered for the purchase of machinery, materials, supplies, or other articles. Any political subdivision or state university or college desiring to participate in such purchase contracts shall file with the director a certified copy of the 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 from any funds appropriated to the department. The director also may accept a credit voucher in an amount mutually agreed upon between a vendor and the department. The amount of the credit voucher shall be applied to future purchases from that vendor.

(B) Notwithstanding sections 125.12, 125.13, and 125.14 of the Revised Code, the director, after notice as provided in this chapter with respect to purchase, may sell any passenger vehicle, van, truck, trailer, or other heavy equipment unfit for use or not required by the department. Prior to such sale, the director shall notify each county, municipal corporation, township, and school district of the sale. The director shall similarly notify the board of trustees of any regional water and sewer district established under Chapter 6119. of the Revised Code, when the board has forwarded to the director the district's name and current business address. For the purposes of this division, the name and current business address of a regional water and sewer district shall be forwarded to the director once each year during any year in which the board wishes the notification to be given. The notice

required by this division may be given by the most economical means considered to be effective, including, but not limited to, regular mail, electronic mail, electronic bulletin board, and publication in a periodical or newspaper. If after ~~fourteen~~ seven days following mailing or other issuance of the director's notice, no county, municipal corporation, township, regional water and sewer district, educational service center, or school district has notified the director that it wishes to purchase any such ~~machinery, tools, equipment, parts, material, vehicle or supplies~~ other heavy equipment, the director may proceed with the sale under division (D) of this section. The director may exchange such ~~machinery, tools, vehicles and other heavy equipment, and parts~~ for new ~~machinery, tools, vehicles or other heavy equipment, or parts~~, in the manner provided for in sections 5513.01 to 5513.04 of the Revised Code, and pay the balance of the cost of such new ~~items~~ vehicles or other heavy equipment from the ~~highway operating fund of funds appropriated to the department~~. The director also may elect to accept a credit voucher from a vendor in an amount mutually agreed to by the department and the vendor. The director shall apply the credit voucher to future purchases from that vendor.

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

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

~~Sale of such structure or materials shall be made to the highest responsible bidder and, before making any sale, the director shall give notice of such sale by posting, for not less than ten days, a written, typed, or printed invitation to bidders on a bulletin board in the offices of the department. The bulletin board shall be located in a place open to the public during business hours. If, in the opinion of the director, the structure or materials to be sold have a fair market value of two hundred dollars or less,~~

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

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

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

~~(D)(1) Any item specified in division (A), (B), or (C) of this section that has an estimated market value greater than one thousand dollars and that has not been sold or transferred as provided in those divisions may be sold at~~

public sale. The Director may authorize such sale by the district deputy directors of transportation, and the proceedings of such sale shall be conducted in the same manner as provided for sales by the director.

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

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

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

(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment. If the vendor is a partnership, association, or corporation, the director also may debar from consideration for contract awards any partner of the partnership, or the officers and directors of the association or corporation, being debarred. When the director reasonably believes that grounds for debarment exist, the director shall send the individual involved a notice of proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the vendor or individual and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the vendor or individual does not respond with a

quest for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor or individual of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not include on a bidder list or consider for a contract award any partnership, association, or corporation affiliated with a debarred individual. After the debarment period expires, the vendor or individual, and any partnership, association, or corporation affiliated with the individual, may reapply for inclusion on bidder lists through the regular application process.

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

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

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

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

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

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

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

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

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

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

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

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.

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

(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.

(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.

(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).

(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.

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

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

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

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

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

- (1) Lawfully in existence prior to December 7, 1971;
- (2) Lawfully on any highway made a part of the interstate system or primary highway system on or after December 7, 1971;
- (3) Lawfully erected prior to any revision in the law effective December 7, 1971; or
- (4) Lawfully erected but:
 - (a) No longer in compliance with the provisions of state law enacted or rules adopted at a later date; or
 - (b) 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.

Illegally erected or maintained advertising devices are not nonconforming signs.

(M) "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.

(N) "Director" means the director of the Ohio department of transportation.

(O) "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.

Sec. 5516.02. No advertising device shall be erected or maintained within six hundred sixty feet of the edge of the right-of-way of a highway on the interstate system except the following:

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

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

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

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

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

of municipal ordinances regulating advertising devices and shall not invalidate the provisions of any municipal ordinance that are equivalent to and consistent with the rules adopted by the director under this section. The director shall furnish a copy of such ~~regulations~~ rules, without charge, to any person making a request therefor.

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

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

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

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

(B) If the department removes an advertising device pursuant to an order of the director, the cost of 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 use, maintenance, or repair of highways, and the amount thereof shall be certified to the attorney general for collection by civil action against the person maintaining or erecting device owner or the owner or lessee of the land on which such advertising device is located. Such owners and lessees shall be jointly liable for such costs or expenses.

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

(C) Employees, agents, or independent contractors of the department of transportation may enter upon private property for the purpose of removing

advertising devices in accordance with this section, without incurring any liability for so entering.

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

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

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

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

(D) Precautionary signs relating to the premises;

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

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

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

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

(A) Directional and ~~other~~ official signs and notices ~~required or~~

~~authorized by law, which include signs and notices pertaining to natural wonders and scenic and historical attractions, which shall~~ that conform to rules ~~promulgated~~ adopted by the director of transportation ~~consistent with the national policy, provided that no such sign or notice shall be erected until a permit is obtained as provided for in section 5516.10 of the Revised Code;~~

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

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

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

~~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 existence 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 maintained and shall not be ordered removed by the director of transportation or, except upon the payment of compensation as provided in division (A) of section 5516.08 of the Revised Code, by a state, county, or local zoning authority, but such advertising devices are subject to the permit provisions of section 5516.10 of the Revised Code. All other nonconforming advertising devices may shall be maintained, subject to the permit provisions of section sections 5516.10 and 5516.12 of the Revised Code; until ordered removed under section 5516.08 of the Revised Code.~~

~~The director shall not require the removal of any advertising device for which federal reimbursement is contemplated pursuant to subsection (g), 89 Stat. 2700 (1978), 23 U.S.C.A. 131, nor approve any application for reimbursement made under division (C) of section 5516.08 of the Revised Code, unless, until, and to the extent that federal funds for the federal share of compensation therefor have been appropriated by the federal government and made available to the director for such purposes. A nonconforming advertising device found to be in violation of any of the provisions of this Chapter or the rules adopted thereunder may be subject to removal without compensation. A nonconforming advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. The director may adopt rules regarding the repair or maintenance of, or changes to, nonconforming advertising devices, including the size, lighting, replacement, rebuilding, or re-erection of the structure, and damage or depreciation of the nonconforming advertising device.~~

Sec. 5516.08. (A) The director of transportation, or a state, county, municipal, or other local zoning authority, may order the removal of nonconforming advertising devices that are ~~nonconforming in accordance with lawfully maintained pursuant to~~ section 5516.07 of the Revised Code, or ~~with~~ under a zoning ordinance or regulation, ~~and each. Each~~ such removal ~~of an advertising device~~ ordered by the director or zoning authority shall be deemed to constitute a taking of all right, title, and interest in such advertising device, including any leasehold interest, of the owner of the advertising device and of the right of the owner of the real property on which the advertising device is located to erect and maintain such advertising device thereon. The director or zoning authority shall pay just compensation for all such interests in any such taking, in the same manner as other property is acquired pursuant to Chapter 163. of the Revised Code, notwithstanding the right or obligation of the owner of such advertising device, as against the owner of the real property on which the advertising

device is located, to remove such device at any time. The director, or a state, county, municipal, or other local zoning authority is authorized to acquire by gift, purchase, or appropriation, devices ordered removed under this section.

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

Neither the director nor a state, county, municipal, or other local zoning authority shall enter upon any property ~~pursuant to a removal order~~ to cause the physical removal of any nonconforming advertising device, for which an owner is entitled to just compensation, until the owner and the director or zoning authority have reached agreement as to the compensation to be paid or until the compensation proposed to be paid by the director or zoning authority has been deposited pursuant to section 163.06 of the Revised Code.

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

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

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

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

(B) The use of the right-of-way of any highway other than a limited

access highway to construct, maintain, or service a lawful advertising device without the written permission of the appropriate district office of the department of transportation.

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

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

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

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

(2) Maintain any nonconforming advertising device.

~~(B) Applications for such permits a permit shall be made to the director or, within a municipal corporation, to the municipal authority designated by its legislative authority, and permits authorized herein shall not unreasonably be withheld, provided that no permit for the erection of an advertising device under division (A) of section 5516.02 or division (A) of section 5516.06 of the Revised Code shall be issued by a municipal authority without the prior approval of the director. The applications and permits shall be on forms designated by the director, and a copy of any such permits issued by a municipal corporation shall be furnished to the director prior to its effective date. The director or municipal authority may make a charge for any advertising device permit issued under authority of this section, such charge to be based on the reasonable cost of administering and processing such permits. However, the director may not make a charge for any advertising device permit for an advertising device maintained or erected within the areas covered by division (A) of section 5516.02 or division (A) of section 5516.06 of the Revised Code~~ on forms prescribed by

the director, and a separate application must be submitted for each sign face. The director shall adopt rules setting forth the requirements for completion of the application process and the issuance of permits consistent with the provisions of this section.

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

(2) As part of the application process, the director may require an applicant or the applicant's authorized representative to certify in a notarized signed statement that the applicant has not knowingly provided materially false, misleading, or inaccurate information.

(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.

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

(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;

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

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

(d) The advertising device is erected or maintained on trees, or painted or drawn upon rocks or other natural features;

(e) The advertising device would be a traffic hazard or a danger to the safety of the traveling public;

(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;

(g) The advertising device is illuminated so as to interfere with the effectiveness of an official sign, signal, or other traffic control device;

(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.

(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 application made on forms designated by the director and upon the payment of a nonrefundable renewal fee in an amount to be determined by the director based on the reasonable cost of administering and processing such renewal permits. Any permits that are not renewed, and any permit plates issued in connection with such permits, shall be returned to the director for cancellation by the expiration date. The director may adopt rules for the reinstatement of permits canceled as a result of nonpayment of renewal fees, and shall develop a fee schedule for late renewals.

(E) Where the director conditionally approves the issuance of a permit

as to location only and the permit applicant fails to exercise the privilege of constructing, erecting, using, operating, or maintaining an advertising device within the period for which the permit was issued, such permit shall not be renewed unless a renewal fee is paid to extend the privilege for one additional permit period. No conditional permit shall be renewed and no extensions shall be granted after the second renewal period.

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

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

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

Whenever a zoning authority establishes ~~such~~ new comprehensive

zoning rules or regulations, a copy thereof shall be furnished to the director of transportation within thirty days after its passage.

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

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

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

(B) An advertising device has been erected or maintained contrary to the terms and conditions of the permit;

(C) The required fee has not been paid;

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

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

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

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

~~(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.~~

~~(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.~~

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.

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

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

~~Any person adversely affected by such an exercise of powers or the performance of duties so delegated to the director has the right of appeal provided in section 119.11 of the Revised Code.~~

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

An application for a vegetation permit shall be made on forms designated by the director and a separate application must be submitted for

each sign face. Each application shall be accompanied by a nonrefundable application fee in an amount to be determined by the director. Permits issued hereunder shall run for 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 prescribed by sections 5525.02 to 5525.09 of the Revised Code and by rules adopted by the director, including a certificate of compliance with affirmative action programs, a certificate of qualification shall be issued to the applicant, which shall be valid for the period of one year or such shorter period of time as the director prescribes, unless revoked by the director for cause as defined by rules adopted by the director under section 5525.05 of the Revised Code. The certificate of qualification shall contain a statement fixing the aggregate amount of work, for any or all owners, that the applicant may have under construction and uncompleted at any one time and may contain a statement limiting such bidder to the submission of bids upon a certain class of work. Subject to any restriction as

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

~~A certificate of qualification may be revoked by the director 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, or corporation affiliated with the individual may make an application for qualification.

Sec. 5525.07. All applicants for qualification shall be promptly notified by the director of transportation of the director's final action on their applications. Any applicant, other than one who has been debarred, aggrieved by the decision of the director may file a new application at any time for qualification or, within ten days after receiving notification of such decision, the applicant may request, in writing, a reconsideration of the application by a prequalification review board, which the director shall create within the department of transportation with the request for reconsideration, the applicant shall submit additional evidence bearing on the applicant's qualifications. The review board shall consider the matter and either may adhere to or modify the director's previous decision. The review board shall act upon any request for reconsideration within fifteen days after the hearing and shall notify the applicant of the action taken. Upon being notified of the final action of the review board upon reconsideration, any applicant that is still aggrieved by the decision, within ten days after receiving notification of the decision, may take an appeal therefrom to the court of common pleas of Franklin county. The appeal shall be perfected by the filing of a bond with the clerk of the court of common pleas in an amount determined by the clerk, conditioned for payment by the appellant of the costs of the appeal in case the decision of the review board is sustained, and by causing a summons to be served upon the review board as in other civil actions involving the department. The grounds of appeal shall be fraud or abuse of discretion by the review board. The court shall hear the evidence offered by the appellant and by the review board, and if it finds there was neither fraud nor abuse of discretion, it shall dismiss the appeal; otherwise it may make the order with respect to qualification which it finds should have been made by the review board.

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

further than three hundred feet from the nearest edge of the highway right-of-way.

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

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

Sec. 5531.09. (A) The state infrastructure bank shall consist of the highway and transit infrastructure bank fund, the aviation infrastructure bank fund, the rail infrastructure bank fund, and the infrastructure bank obligations fund, which are hereby created as funds of the state treasury, to be administered by the director of transportation and used for the purposes described in division (B) of this section. The highway and transit infrastructure bank fund, the aviation infrastructure bank fund, and the rail infrastructure bank fund shall consist of federal grants and awards or other assistance received by the state and eligible for deposit therein under applicable federal law, payments received by the department in connection with providing financial assistance for qualifying projects under division (B) of this section, and such other amounts as may be provided by law, ~~the~~. The infrastructure bank obligations fund shall consist of such amounts of the proceeds of obligations issued under section 5531.10 of the Revised Code as the director of transportation determines with the advice of the director of budget and management; and such other amounts as may be provided by law. The director of budget and management ~~may~~, upon the request of the director of transportation, may transfer amounts between the funds created in this division, except the infrastructure bank obligations fund. The investment earnings of each fund created by this division shall be credited to such fund.

(B) The director of transportation shall use the state infrastructure bank to encourage public and private investment in transportation facilities that contribute to the multi-modal and intermodal transportation capabilities of the state, develop a variety of financing techniques designed to expand the

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

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

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

(E) The general assembly finds that state infrastructure projects, as defined in division (A)(8) of section 5531.10 of the Revised Code, and the state infrastructure bank, will materially contribute to the economic revitalization of areas of the state and result in improving the economic welfare of all the people of the state. Accordingly, it is declared to be the public purpose of the state, through operations under sections 5531.09 and 5531.10 of the Revised Code, and other applicable laws adopted pursuant to

Section 13 of Article VIII, Ohio Constitution, and other authority vested in the general assembly, to assist in and facilitate the purposes set forth in division (B) of section 5531.10 of the Revised Code, and to assist and cooperate with any governmental agency in achieving such purpose.

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

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

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

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

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

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

(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts in the state infrastructure bank pledged to the payment of such charges.

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

(8) "State infrastructure project" means any public transportation project

undertaken by the state, including, but not limited to, all components of any such project, as described in division (D) of section 5531.09 Of the Revised Code.

(B) The issuing authority, ~~with the advice of~~ after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure bank created by section 5531.09 of the Revised Code. The issuing authority may appoint trustees, paying agents, transfer agents, and authenticating agents, and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from funds of the state infrastructure bank.

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

(D) Obligations shall be authorized by order of the issuing authority and

the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority, ~~with the advice of the director of budget and management and the director of transportation,~~ may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

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

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

- (2) Other terms of the obligations;
 - (3) Limitations on the issuance of additional obligations;
 - (4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;
 - (5) The deposit, investment and application of special funds, 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 be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.
- (G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in

registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

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

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

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

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

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

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

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

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

(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect

and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

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

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

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority. Such obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations, any redemption premiums thereon, principal maturities of any

such obligations maturing prior to the redemption of the remaining obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations, and any ~~allowable costs including~~ expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of obligations issued under this division to be applied to bond service charges on the prior obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the bond service fund for such obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section. The last maturity of obligations authorized under this division shall not be later than twenty-five years from the date of issuance of the original securities issued for the original purpose.

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

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

(N) Obligations issued under this section are lawful investments for

banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation in accordance with the investment policy established by the workers' compensation oversight commission pursuant to section 4121.12 Of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the police and firemen's disability and pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division (J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in ~~common trust funds established in accordance with~~ collective investment funds as defined in division (A) of section 1111.01 ~~of the Revised Code and consisting exclusively of any such securities, notwithstanding division (A)(4) of that section.~~ The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the

application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q) The issuing authority may, ~~with the advice of the director of transportation and the director of budget and management,~~ pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

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

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

Sec. 5540.01. As used in this chapter:

(A) "Transportation improvement district" or "district" means a transportation improvement district designated pursuant to section 5540.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit

of state government; a county, township, or municipal corporation or other political subdivision; a regional transit authority or regional transit commission created pursuant to Chapter 306. of the Revised Code; a port authority created pursuant to Chapter 4582. of the Revised Code; and the United States or any agency thereof.

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

(D) "Cost," as applied to the construction of a project, includes the cost of construction, including bridges over or under existing highways and railroads, acquisition of all property acquired by the district for such construction, demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, site clearance, improvement, and preparation, diverting streets or highways, interchanges with streets or highways, access roads to private property, including the cost of land or easements therefor, all machinery, furnishings, and equipment, communications facilities, financing expenses, interest prior to and during construction and for one year after completion of construction, traffic estimates, indemnity and surety bonds and premiums on insurance, and guarantees, engineering, feasibility studies, and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incidental to determining the feasibility or practicability of constructing a project, and such other expense as may be necessary or incident to the construction of the project and the financing of such construction. Any obligation or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the construction of a project may be regarded as part of the cost of the project and reimbursed from revenues, taxes, or the proceeds of bonds as authorized by this chapter.

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

(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.

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

(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.

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

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

(K) "Bond service fund" means the applicable fund created by the bond proceedings for and pledged to the payment of bond service charges on

bonds provided for by those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings.

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

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

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

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

(P) "Credit enhancement facilities" means letters of credit, lines of credit, standby, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or contingent payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bond service charges and at the option and on demand of bondholders or at the option of the district or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the bonds, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge as defined in section 133.01 of the Revised Code, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

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

maturity.

(R) "Property" includes interests in property.

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

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

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

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

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal;

(3) Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the court of common pleas of the county in which the principal office of the district is located, or in the court of common pleas of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;

(4) Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;

(5) Issue either or both of the following for the purpose of providing funds to pay the costs of any project or part thereof:

(a) Transportation improvement district revenue bonds;

(b) Bonds pursuant to Section 13 of Article VIII, Ohio Constitution;;

(6) Maintain such funds as it considers necessary;

(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;

(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;

(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;

(10) Receive and accept from ~~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 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 loans, grants, and contributions are made. Nothing in division (A)(10) of this section shall be construed as imposing any liability on this state for any loan received by a transportation improvement district from a third party unless this state has entered into an agreement to accept such liability.

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

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

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

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

Sec. 5735.05. (A) To provide revenue for maintaining the state highway system; to widen existing surfaces on such highways; to resurface such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties of the state properly to plan, maintain, and repair their roads and to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets, and to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable the Ohio turnpike commission to construct, reconstruct, maintain, and repair turnpike projects; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs

apportioned to the public under sections 4907.47 and 4907.471 of the Revised Code and to supplement revenue already available for such purposes; to pay the costs incurred by the public utilities commission in administering sections 4907.47 to 4907.476 of the Revised Code; to distribute equitably among those persons using the privilege of driving motor vehicles upon such highways and streets the cost of maintaining and repairing them; to pay the interest, principal, and charges on highway capital improvements bonds and other obligations issued pursuant to Section ~~2g 2m~~ of Article VIII, Ohio Constitution, and sections ~~5528.10 and 5528.11~~ 5528.51 to 5528.56 of the Revised Code; to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code; and to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon receipt of motor fuel within this state at the rate of two cents plus the cents per gallon rate on each gallon so received, to be computed in the manner set forth in section 5735.06 of the Revised Code; provided that no tax is hereby imposed upon the following transactions:

(1) The sale of dyed diesel fuel by a licensed motor fuel dealer from a location other than a retail service station provided the licensed motor fuel dealer places on the face of the delivery document or invoice, or both if both are used, a conspicuous notice stating that the fuel is dyed and is not for taxable use, and that taxable use of that fuel is subject to a penalty. The tax commissioner, by rule, may provide that any 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;

(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.

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.

(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.

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.

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.

Sec. 5735.12. (A) Any motor fuel dealer or qualified interstate bus operator required by this chapter to file reports and pay the tax levied by this chapter who fails to file the report within the time prescribed, shall be liable for an additional charge equal to the greater of ten per cent of the motor fuel dealer's or qualified interstate bus operator's tax liability for that month or

fifty dollars. The tax commissioner may remit all or a portion of the additional charge and may adopt rules relating to the remission of all or a portion of the charge.

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

No assessment shall be made against any motor fuel dealer or interstate bus operator for taxes imposed by this chapter more than four years after the date on which the report on which the assessment was based was due or was filed, whichever is later. This section does not bar an assessment against any motor fuel dealer or qualified interstate bus operator who fails to file a report required by either section 5735.06 or 5735.32 of the Revised Code, or who files a fraudulent motor fuel tax report.

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

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

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

Unless the petitioner waives a hearing, the commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of the time and place of the hearing by personal service or certified mail, but the commissioner may continue the hearing from time to time if necessary.

The commissioner may make such correction to the commissioner's assessment as the commissioner finds proper. The commissioner shall serve

a copy of the commissioner's final determination on the petitioner by personal service or certified mail, and the commissioner's decision in the matter shall be final, subject to appeal as provided in section 5717.02 of the Revised Code.

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

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

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

(D) All money collected by the commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the tax imposed by this chapter.

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

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

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

(1) "Qualified fuel" means ethanol that is to be combined with gasoline to create a blend of not more than ten per cent by volume of ethanol and that

when so blended is used, sold, or distributed as a motor fuel.

(2) "Ethanol" means:

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

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

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

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

(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:

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

~~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.~~

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

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

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

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

Sec. 5735.19. The tax commissioner may examine, during the usual business hours of the day, the records, books, and papers of any motor fuel dealer, retail dealer, exporter, terminal operator, purchaser, or common carrier; ~~or person selling alcohol and registered under section 5735.146 of the Revised Code,~~ pertaining to motor fuel received, sold, shipped, or delivered, to verify the truth and accuracy of any statement, report, or return. The commissioner may, in the enforcement of the motor fuel laws of this state, hold hearings, take the testimony of any person, issue subpoenas and compel the attendance of witnesses, and conduct such investigations as the commissioner deems necessary, but no person shall disclose the information acquired by the commissioner under this section, except when required to do so in court. Such information or evidence is not privileged when used by the state or any officer thereof in any proceeding for the collection of the tax, or any prosecution for violation of the motor fuel laws.

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

Sec. 5735.23. (A) Out of receipts from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax

refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, 5735.142, 5735.16, and 5735.17 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund and the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund.

(B) ~~Each~~ Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, after receipt by the treasurer of state of ~~certifications~~ certification from the commissioners of the sinking fund ~~certifying,~~ as required by ~~sections 5528.15 and section 5528.35~~ of the Revised Code, ~~that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year, and~~ that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

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

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

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

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

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

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

following amounts:

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

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

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

(a) Ten and seven-tenths per cent shall be paid to municipal corporations for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used.

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

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

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

(D) Beginning on the first day of September each year and continuing until such time as the office of budget and management receives certification from the commissioners of the sinking fund pursuant to division (B) of section 5528.56 Of the Revised Code, any amounts required to be credited or transferred to the highway operating fund pursuant to

division (B)(2)(c) or (C)(2)(d) of this section shall be credited or transferred to the highway capital improvements bond service fund created in section 5528.55 Of the Revised Code.

Sec. 5735.29. To provide revenue for supplying the state's share of the cost of constructing, widening, maintaining, and reconstructing the state highways; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the expense of administering and enforcing the state law relative to the registration and operation of motor vehicles; ~~to pay the expense of administering and enforcing the state law providing reimbursement to hospitals for expenses incurred for the care of indigent persons injured in motor vehicle accidents;~~ to make road improvements associated with retaining or attracting business for this state, to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code; and to supplement revenue already available for such purposes, to pay the expenses of the department of taxation incident to the administration of the motor fuel laws, to supplement revenue already available for such purposes; and to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon their receipt of motor fuel within the state at the rate of two cents on each gallon so received. This tax is subject to the specific exemptions set forth in this chapter of the Revised Code. It shall be reported, computed, paid, collected, administered, enforced, and refunded, and the failure properly and correctly to report and pay the tax shall be penalized, in exactly the same manner as is provided in this chapter. Such sections relating to motor fuel excise taxes are reenacted and incorporated as if specifically set forth in this section. The tax levied by this section is in addition to any other taxes imposed under this chapter.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, and for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental

functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A) The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

In the case of a sale, the price of which consists in whole or in part of rentals for the use of the thing transferred, the tax ~~shall~~, as regards such rentals, shall be measured by the installments thereof.

In the case of a sale of a service defined under division (MM) or (NN) of section 5739.01 of the Revised Code, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor ~~vehicle~~ fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor ~~vehicle~~ fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor ~~vehicle~~ fuel when granting a refund of motor ~~vehicle~~ fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of electricity by an electric company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers

through wires, pipes, or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, all-purpose vehicles as defined in section 4519.01 of the Revised Code, and manufactured homes;

(9) Sales of services or tangible personal property, other than motor vehicles and manufactured homes, by churches or by nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, except that sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school and sales by each such club, group, association, or organization shall be counted separately for purposes of the six-day limitation. This division does not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the ~~constitution~~ Constitution of the United States;

(11) The transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital

facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty, the improvement of health through the alleviation of illness, disease, or injury, the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions, the operation of a home for the aged, as defined in section 5701.13 of the Revised Code, the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station, the operation of a nonprofit animal adoption service or a county humane society, the promotion of education by an institution of learning ~~which~~ that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum, the operation of a parent teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school, the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein, the production of performances in music, dramatics, and the arts, or the promotion of education by an organization engaged in carrying on research in, or the dissemination of scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property ~~which~~ that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building

materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or (9) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale by or on the order of the person doing the packaging, or sold at retail. "Packages" 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 equipment when purchased for use by persons with medical problems for medical purposes;

(19) Sales of artificial limbs or portion thereof, breast prostheses, and other prosthetic devices for humans; braces or other devices for supporting weakened or nonfunctioning parts of the human body; wheelchairs; devices used to lift wheelchairs into motor vehicles and parts and accessories to such devices; crutches or other devices to aid human perambulation; and items of tangible personal property used to supplement impaired functions of the human body such as respiration, hearing, or elimination. No exemption under this division shall be allowed for nonprescription drugs, medicines, or remedies; items or devices used to supplement vision; items or devices whose function is solely or primarily cosmetic; or physical fitness equipment. This division does not apply to sales to a physician or medical facility for use in the treatment of a patient.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services for political subdivisions of the state;

(21) Sales of tangible personal property, manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of 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.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(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;

(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 for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food ~~which that~~ 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~~

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(29) Sales of animals by nonprofit animal adoption services or county humane societies;

(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;

(31) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(32) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(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;

(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;

(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.

(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 been processed or manufactured for one or more specific and customary industrial, professional, or artistic uses. "Investment coins" means numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium, or other metal under the laws of the United States or any foreign nation with a fair market value greater than any statutory or nominal value of such coins.

(37)(a) Sales where the purpose of the consumer is to use or consume

the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material ~~which~~ that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(37)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(37) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(38) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(39) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation.

For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

As used in this section, except in division (B)(16) of this section, "food" includes cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. It does not include: spirituous or malt liquors; soft drinks; sodas and beverages ~~which~~ that are ordinarily dispensed at bars and soda fountains or in connection therewith

other than coffee, tea, and cocoa; root beer and root beer extracts; malt and malt extracts; mineral oils, cod liver oils, and halibut liver oil; medicines, including tonics, vitamin preparations, and other products sold primarily for their medicinal properties; and water, including mineral, bottled, and carbonated waters and ice.

(C) The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to this section and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(1) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by this section. If a municipal corporation or township repeals a tax imposed under division (C)(1) of this section and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.024 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (C)(1) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(2) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(1) of this section.

(3) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (A) of section 5739.024 of the Revised Code.

(4) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3) of this section.

(5) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in division (B) of section 351.021 of the Revised Code.

(6) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division

(C)(3) or (4) of this section.

(7) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3), (4), or (6) of this section.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

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

SECTION 2. That existing sections 121.05, 121.07, 121.08, 303.211, 308.13, 519.211, 2925.44, 2933.43, 3701.022, 3701.07, 3701.83, 4301.10, 4301.12, 4501.01, 4501.03, 4501.14, 4501.15, 4501.19, 4501.20, 4501.22, 4503.102, 4503.191, 4503.40, 4503.42, 4503.51, 4503.52, 4503.55, 4503.56, 4503.66, 4505.11, 4505.111, 4506.24, 4509.06, 4511.10, 4511.101, 4511.102, 4511.191, 4511.951, 4517.01, 4517.02, 4517.12, 4981.09,

4981.34, 5112.17, 5501.01, 5501.311, 5501.32, 5501.34, 5501.37, 5502.01, 5502.12, 5502.22, 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, 5531.09, 5531.10, 5540.01, 5540.03, 5735.05, 5735.12, 5735.145, 5735.19, 5735.23, 5735.29, 5739.02, and 6101.16 and sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 3701.69, 4501.21, 4501.23, 4509.09, 4981.151, 4981.152, 5516.05, 5516.09, and 5735.146 of the Revised Code are hereby repealed.

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

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

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

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

SECTION 4. That all existing versions of section 5513.01 of the Revised Code are hereby repealed.

SECTION 5. Section 5513.01 of the Revised Code, as amended within the

purview of Sections 3 and 4 of this act, is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the section as amended takes effect on March 4, 1998, or the ninety-first day after this act is filed with the Secretary of State, whichever is later. If, however, a referendum petition is filed against the section as amended, the section as amended, unless rejected at the referendum, takes effect at the earliest time permitted by law that is on or after the effective date specified in the preceding sentence.

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

SECTION 7. DOT DEPARTMENT OF TRANSPORTATION

<u>FND ALI</u>	<u>ALI TITLE</u>	<u>FY 1998</u>	<u>FY 1999</u>
Transportation Planning and Research			
Highway Operating Fund Group			
002 771-411	Planning and Research - State	\$ 14,033,200	\$ 12,750,200
002 771-412	Planning and Research - Federal	\$ 15,607,900	\$ 15,514,200
TOTAL HOF Highway Operating Fund Group		\$ 29,641,100	\$ 28,264,400
TOTAL ALL BUDGET FUND GROUPS - Transportation Planning and Research		\$ 29,641,100	\$ 28,264,400
Highway Construction			
Highway Operating Fund Group			
002 772-421	Highway Construction - State	\$ 437,272,875	\$ 446,175,412
002 772-422	Highway Construction - Federal	\$ 539,992,100	\$ 541,035,800
002 772-424	Highway Construction - Other	\$ 25,000,000	\$ 25,000,000
212 770-005	Infrastructure Debt Service - Federal	\$ 6,500,000	\$ 10,550,000
212 772-423	Infrastructure Lease Payments - Federal	\$ 12,900,000	\$ 12,900,000
212 772-426	Highway Infrastructure Bank - Federal	\$ 17,000,000	\$ 27,000,000
212 772-427	Highway Infrastructure Bank - State	\$ 5,000,000	\$ 8,000,000
212 772-429	Highway Infrastructure Bank - Other	\$ 7,000,000	\$ 3,350,000
TOTAL HOF Highway Operating			

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Fund Group		\$	1,050,664,975	\$	1,074,011,212
Highway Capital Improvement Fund Group					
042 772-723	Highway Construction - Bonds	\$	225,000,000	\$	215,000,000
TOTAL 042 Capital Highway Improvement Fund Group		\$	225,000,000	\$	215,000,000
Infrastructure Bank Obligations Fund Group					
045 772-428	Highway Infrastructure Bank - Bonds	\$	50,000,000	\$	40,000,000
TOTAL 045 Infrastructure Bank Obligations Fund Group		\$	50,000,000	\$	40,000,000
TOTAL ALL BUDGET FUND GROUPS - Highway Construction		\$	1,325,664,975	\$	1,329,011,212

Highway Maintenance

Highway Operating Fund Group					
002 773-431	Highway Maintenance - State	\$	311,356,900	\$	313,925,600
TOTAL HOF Highway Operating Fund Group		\$	311,356,900	\$	313,925,600
TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance		\$	311,356,900	\$	313,925,600

Intermodal Transportation

General Revenue Fund					
GRF 774-445	Intermodal Capital Grants	\$	2,000,000	\$	0
TOTAL GRF General Revenue Fund		\$	2,000,000	\$	0
State Special Revenue Fund Group					
4Y2 774-444	Congestion Mitigation Revolving Fund	\$	50,000	\$	50,000
TOTAL SSR State Special Revenue Fund Group		\$	50,000	\$	50,000
TOTAL ALL BUDGET FUND GROUPS - Intermodal Transportation		\$	2,050,000	\$	50,000

Public Transportation

Highway Operating Fund Group					
002 775-452	Public Transportation - Federal	\$	39,600,000	\$	39,600,000
002 775-454	Public Transportation - Other	\$	1,250,000	\$	1,250,000
002 775-459	Elderly and Disabled Special Equipment - Federal	\$	3,740,000	\$	3,740,000
212 775-406	Transit Infrastructure Bank - Federal	\$	6,000,000	\$	5,000,000
212 775-407	Transit Infrastructure Bank - State	\$	0	\$	1,000,000
212 775-408	Transit Infrastructure Bank - Other	\$	2,000,000	\$	1,000,000
TOTAL HOF Highway Operating Fund Group		\$	52,590,000	\$	51,590,000
TOTAL ALL BUDGET FUND GROUPS - Public Transportation		\$	52,590,000	\$	51,590,000

Rail Transportation

Highway Operating Fund Group

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002 776-462	Grade Crossings - Federal	\$	15,000,000	\$	15,000,000
TOTAL HOF Highway Operating					
Fund Group		\$	15,000,000	\$	15,000,000
State Special Revenue Fund Group					
4N4 776-661	Rail Transportation - State	\$	5,392,000	\$	5,388,000
4N4 776-663	Panhandle Lease Payments	\$	758,000	\$	762,000
4N4 776-664	Rail Transportation - Other	\$	500,000	\$	500,000
TOTAL SSR State Special Revenue					
Fund Group		\$	6,650,000	\$	6,650,000
Federal Special Revenue Fund Group					
3B9 776-662	Rail Transportation - Federal	\$	1,000,000	\$	1,000,000
TOTAL FED Federal Special Revenue					
Fund Group		\$	1,000,000	\$	1,000,000
TOTAL ALL BUDGET FUND GROUPS -					
Rail Transportation		\$	22,650,000	\$	22,650,000
Aviation					
Highway Operating Fund Group					
002 777-472	Airport Improvements - Federal	\$	405,000	\$	405,000
002 777-475	Aviation Administration	\$	4,001,984	\$	4,044,108
213 777-477	Aviation Infrastructure Bank - State	\$	1,000,000	\$	1,000,000
TOTAL HOF Highway Operating					
Fund Group		\$	5,406,984	\$	5,449,108
TOTAL ALL BUDGET FUND GROUPS -					
Aviation		\$	5,406,984	\$	5,449,108
Administration					
Highway Operating Fund Group					
002 779-491	Administration - State	\$	111,020,200	\$	107,292,600
4T5 770-609	ODOT Memorial	\$	20,000	\$	0
TOTAL HOF Highway Operating					
Fund Group		\$	111,040,200	\$	107,292,600
TOTAL ALL BUDGET FUND GROUPS -					
Administration		\$	111,040,200	\$	107,292,600
Debt Service					
Highway Operating Fund Group					
002 770-003	Administration - State - Debt Service	\$	16,420,000	\$	19,567,000
TOTAL HOF Highway Operating					
Fund Group		\$	16,420,000	\$	19,567,000
TOTAL ALL BUDGET FUND GROUPS -					
Debt Service		\$	16,420,000	\$	19,567,000
TOTAL Department of Transportation					
TOTAL HOF Highway Operating					
Fund Group		\$	1,592,120,159	\$	1,615,099,920
TOTAL 042 Highway Capital					
Improvement Fund Group		\$	225,000,000	\$	215,000,000
TOTAL 045 Infrastructure Bank					
Obligations Fund Group		\$	50,000,000	\$	40,000,000
TOTAL GRF General Revenue Fund					
		\$	2,000,000	\$	0
TOTAL SSR State Special Revenue					

Fund Group	\$	6,700,000	\$	6,700,000
TOTAL FED Federal Special Revenue				
Fund Group	\$	1,000,000	\$	1,000,000
TOTAL ALL BUDGET FUND GROUPS	\$	1,876,820,159	\$	1,877,799,920

SECTION 7.01. Issuance of Bonds

The Commissioners of the Sinking Fund, upon the request of the Director of Transportation, are hereby authorized to issue and sell, in accordance with the provisions of Section 2m of Article 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.

SECTION 7.02. Major New Construction

For major new highway construction projects, the Department of

Transportation shall use at least \$314,500,000 in fiscal year 1998 and at least \$156,500,000 in fiscal year 1999 from all available sources.

Sharon Woods Metro Park

Of the foregoing appropriation item 773-431, Highway Maintenance - State, \$200,000 in fiscal year 1998 shall be used to erect a fence between Interstate 270 and the Sharon Woods Metro Park.

SECTION 7.03. Maintenance Interstate Highways

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

SECTION 7.04. Transfer of Appropriations - Planning and Research, Highway Construction, Maintenance and Administration

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

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

Transfer of Appropriations - State Infrastructure Bank

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of funds among the

appropriations of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 1998 and 1999. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board. However, the Director may not make transfers out of debt service and lease payment line items unless the Director determines that the appropriated amounts exceed the actual and projected debt, rental, or lease payments.

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

Transfer of Appropriations - Public Transportation

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

Increase Appropriation Authority - State Funds

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

Increase Appropriation Authority - Federal and Local Funds

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

Reappropriations

All appropriations of the Highway Operating Fund (Fund 002) and the Highway Capital Improvement Fund (Fund 042) remaining unencumbered

on June 30, 1997, and the unexpended balance of prior years' appropriations that subsequently become unencumbered after June 30, 1997, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 1998 upon the request of the Director of Transportation with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

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

SECTION 7.05. Public Access Roads for State Facilities

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

Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772-421, Highway Construction - State, \$2,100,000 in each fiscal year of the 1997-1999 biennium shall be used by the Department of Transportation for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

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, Panhandle Lease Payments, that are not needed to make lease payments for the Panhandle Rail Line. Notwithstanding section 127.14 of the Revised Code, the amount certified is hereby transferred to appropriation item 776-661, Rail Transportation - State. Such transfers shall be reported by the Director of Transportation to the Controlling Board at the next regularly scheduled meeting of the board.

SECTION 7.06. Department of Taxation

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

Rental Payments - OBA

The foregoing appropriation item 770-003, Administration - State - Debt Service, shall be used to pay rent to the Ohio Building Authority for various capital facilities to be constructed, reconstructed, or rehabilitated for the use of the Department of Transportation, including the department's plant and facilities at its central office, field districts, and county and outpost locations. The rental payments shall be made from revenues received from the motor vehicle fuel tax. The amounts of any bonds and notes to finance such capital facilities shall be at the request of the Director of Transportation. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Transportation.

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

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

SECTION 7.07. Public Transportation Highway Purpose Grants

The Director of Transportation is authorized to use funds from the state motor vehicle fuel tax to match approved federal grants awarded to the Department of Transportation, regional transit authorities, or eligible public transportation systems, for public transportation highway purposes, or to support local or state funded projects for public transportation highway purposes. Public transportation highway purposes include: the construction or repair of high occupancy vehicle traffic lanes; the acquisition or construction of park-and-ride facilities; the acquisition or construction of public transportation vehicle loops; the construction or repair of bridges used by public transportation vehicles or which are the responsibility of a regional transit authority or other public transportation system; or other similar construction which is designated as an eligible public transportation highway purpose. These motor vehicle fuel tax revenues may not be used for operating assistance or for the purchase of vehicles, equipment, or maintenance facilities.

SECTION 7.08. Management Review of the Rest Area Program

The Department of Transportation shall evaluate the rest area program to reduce costs and maximize the effectiveness of the program. Any identified operational savings shall be directed to the investments in the Department's construction program.

The study shall address the location, the type of rest area structure, safety, and the use of the existing rest areas. The study shall explore creative solutions to problems that currently exist in the program. Specific emphasis

should also be placed on overflow and inefficient parking situations created by the trucks which park in the rest areas. A four-year action plan shall be completed and submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by September 30, 1997.

The four-year plan shall be developed and implemented to deal with the problems identified. In the plan the Department shall review both the capital and operating costs of the existing system and shall consider whether investments made are meeting the needs of the motoring public. Where indicated the Department shall recommend closure and/or consolidate rest areas to achieve maximum efficiency of the system.

SECTION 7.09. Columbiana County Port Authority

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

SECTION 8. DHS DEPARTMENT OF PUBLIC SAFETY

Highway Safety Information and Education

State Highway Safety Fund Group

036	761-321	Operating Expense - Information and Education	\$	3,104,533	\$	3,105,715
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137
831	761-610	Information and Education - Federal	\$	473,835	\$	486,625
83N	761-611	Elementary School Seat Belt Program	\$	343,255	\$	352,790
832	761-612	Traffic Safety-Federal	\$	11,600,000	\$	11,600,000
844	761-613	Seat Belt Education Program	\$	205,000	\$	204,050
846	761-625	Motorcycle Safety Education	\$	1,344,020	\$	1,383,438
847	761-622	Film Production Reimbursement	\$	40,766	\$	41,906
TOTAL HSF State Highway Safety Fund Group			\$	17,388,546	\$	17,451,661
TOTAL ALL BUDGET FUND GROUPS - Highway Safety Information and Education			\$	17,388,546	\$	17,451,661

Traffic Safety Grant Program

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

payments to participants selected by the Department of Public Safety.

Federal Highway Safety Program Match

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

Film Production Reimbursement

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

SECTION 8.01. Bureau of Motor Vehicles

State Special Revenue Fund Group

4U0	762-638	Collegiate License Plate Program	\$	231,094	\$	237,565
4U2	762-641	Pro Football Hall of Fame License Plate Program	\$	240,552	\$	247,287
539	762-614	Motor Vehicle Dealers Board	\$	210,752	\$	216,615
TOTAL SSR State Special Revenue Fund Group			\$	682,398	\$	701,467

State Highway Safety Fund Group

4W4	762-321	Operating Expense-BMV	\$	54,521,811	\$	55,369,485
4W4	762-410	License Supplement	\$	22,637,024	\$	23,261,528
83E	762-632	Central Registration Fund	\$	8,578,095	\$	8,815,058
83L	762-636	Facility Rentals	\$	591,100	\$	607,651
83R	762-639	Law Enforcement Reimbursement	\$	1,200,000	\$	1,233,600
835	762-616	Financial Responsibility Compliance	\$	5,117,883	\$	5,249,359
849	762-627	Automated Title Processing Board	\$	8,802,254	\$	11,273,129
TOTAL HSF State Highway Safety Fund Group			\$	101,448,167	\$	105,809,810
TOTAL ALL BUDGET FUND GROUPS - Bureau of Motor Vehicles			\$	102,130,565	\$	106,511,277

Motor Vehicle Registrations

The Registrar of the Bureau of Motor Vehicles may deposit revenues equal to any estimated deficiency in the State Bureau of Motor Vehicles

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

Special Plates Funds

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

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

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

Credit Card Program

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

Capital Projects

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

SECTION 8.02. Enforcement

State Highway Safety Fund Group

036	764-033	Minor Capital Projects	\$	1,580,366	\$	1,626,653
036	764-321	Operating Expense - Highway Patrol	\$	146,441,857	\$	151,325,653
83C	764-630	Contraband, Forfeiture, Other	\$	538,872	\$	552,987
83F	764-657	Law Enforcement Auto. Data System	\$	4,504,514	\$	4,628,413
83G	764-633	OMVI Fines	\$	682,500	\$	682,500
831	764-610	Patrol/Federal	\$	1,842,299	\$	1,889,326
831	764-659	Transportation Enforcement - Federal	\$	2,233,985	\$	2,290,057
837	764-602	Turnpike Policing	\$	7,456,845	\$	7,647,183
838	764-606	Patrol Reimbursement	\$	275,000	\$	275,000
840	764-607	State Fair Security	\$	1,195,932	\$	1,220,451
840	764-617	Security and Investigations	\$	3,536,100	\$	3,616,597
840	764-626	State Fairgrounds Police Force	\$	655,271	\$	671,946
841	764-603	Salvage and Exchange - Highway Patrol	\$	1,126,644	\$	1,155,410
TOTAL HSF State Highway Safety Fund Group			\$	172,070,205	\$	177,582,176
General Services Fund Group						
452	764-660	MARCS Maintenance	\$	193,577	\$	383,369
TOTAL GSF General Services Fund Group			\$	193,577	\$	383,369
TOTAL ALL BUDGET FUND GROUPS - Enforcement			\$	172,263,782	\$	177,965,545

Collective Bargaining Increases

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

SECTION 8.03. Emergency Medical Services**State Highway Safety Fund Group**

83M 765-624	Emergency Medical Services	\$	1,300,465	\$	1,334,226
83P 765-637	EMS Grants	\$	3,000,000	\$	3,000,000
831 765-610	EMS/Federal	\$	250,000	\$	250,000
TOTAL HSF State Highway Safety Fund Group		\$	4,550,465	\$	4,584,226
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services		\$	4,550,465	\$	4,584,226

SECTION 8.04. Special Enforcement**State Highway Safety Fund Group**

831 767-610	Liquor Enforcement - Federal	\$	50,000	\$	50,000
831 769-610	Food Stamp Trafficking Enforcement - Federal	\$	702,871	\$	721,222
TOTAL HSF State Highway Safety Fund Group		\$	752,871	\$	771,222

Liquor Control Fund Group

043 767-321	Liquor Enforcement - Operations	\$	7,582,426	\$	7,775,467
TOTAL LCF Liquor Control Fund Group		\$	7,582,426	\$	7,775,467

State Special Revenue Fund Group

4M3 769-656	Food Stamp Contraband, Forfeiture, and Other	\$	50,000	\$	50,000
863 767-643	Liquor Enforcement Contraband, Forfeiture, and Other	\$	308,393	\$	317,018
TOTAL SSR State Special Revenue Fund Group		\$	358,393	\$	367,018
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement		\$	8,693,690	\$	8,913,707

SECTION 8.05. Emergency Management**Federal Special Revenue Fund Group**

3N5 763-644	U.S. DOE Agreement	\$	250,843	\$	255,545
329 763-645	IFG Federal Match/NOAA	\$	750,000	\$	750,000
337 763-609	Federal Disaster Relief	\$	750,000	\$	750,000
338 763-646	Direction, Control and Warning	\$	175,000	\$	175,000
339 763-647	Emergency Management Assistance and Training	\$	3,743,176	\$	3,754,639
347 763-650	Emergency Operating Centers	\$	750,000	\$	750,000
TOTAL FED Federal Special Revenue Fund Group		\$	6,419,019	\$	6,435,184

General Services Fund Group

4V3	763-662	Storms/NOAA Maintenance	\$	57,000	\$	57,000
4W6	763-663	MARCS Operations	\$	222,000	\$	1,090,000
533	763-601	State Disaster Relief	\$	336,452	\$	345,673
TOTAL GSF General Services						
Fund Group			\$	615,452	\$	1,492,673
State Special Revenue Fund Group						
4Y0	763-654	EMA Utility Payment	\$	140,000	\$	140,000
4Y1	763-655	Salvage & Exchange-EMA	\$	25,700	\$	26,420
538	763-651	Radiological Emergency Response	\$	518,496	\$	532,074
657	763-652	Utility Radiological Safety	\$	541,156	\$	555,236
681	763-653	SARA Title III HAZMAT Planning	\$	227,446	\$	227,446
TOTAL SSR State Special Revenue						
Fund Group			\$	1,452,798	\$	1,481,176
TOTAL ALL BUDGET FUND GROUPS -						
Emergency Management			\$	8,487,269	\$	9,409,033

Federal Grant

As determined by the Director of Budget and Management, any portion of the Emergency Management State and Local Assistance 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

State Highway Safety Fund Group

036	766-321	Operating Expense - Administration	\$	3,320,029	\$	3,317,217
830	761-603	Salvage and Exchange - Administration	\$	19,563	\$	20,111
TOTAL HSF State Highway Safety Fund Group			\$	3,339,592	\$	3,337,328
General Services Fund Group						
4S3	766-661	Hilltop Utility Reimbursement	\$	1,000,000	\$	1,500,000
5C7	762-664	Data Services	\$	4,933,326	\$	4,787,971
5C8	764-665	Hilltop Security	\$	868,051	\$	902,304
TOTAL GSF General Services Fund Group			\$	6,801,377	\$	7,190,275
TOTAL ALL BUDGET FUND GROUPS - Administration			\$	10,140,969	\$	10,527,603

SECTION 8.07. Debt Service

State Highway Safety Fund Group

036	761-401	Lease Rental Payments	\$	9,115,000	\$	13,339,000
TOTAL HSF State Highway Safety Fund Group			\$	9,115,000	\$	13,339,000
TOTAL ALL BUDGET FUND GROUPS - Debt Service			\$	9,115,000	\$	13,339,000

OBA Bond Authority/Lease Rental Payments

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 under Chapter 152. of the Revised Code which are pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Public Safety.

Hilltop Transfer

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made

out of line item 761-401, Lease Rental Payments, which relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer such shares from the Highway Operating Fund (Fund 002) to the Highway Safety Fund (Fund 036).

SECTION 8.08. Revenue Distribution

Holding Account Redistribution Fund Group

R24 762-619	Unidentified Motor Vehicle Receipts	\$	1,600,000	\$	1,600,000
R27 764-608	Patrol Fee Refunds	\$	35,000	\$	35,000
TOTAL 090 Holding Account Redistribution Fund Group					
		\$	1,635,000	\$	1,635,000
TOTAL ALL BUDGET FUND GROUPS - Revenue Distribution					
		\$	1,635,000	\$	1,635,000

TOTAL Department of Public Safety

TOTAL HSF State Highway Safety Fund Group					
		\$	308,664,846	\$	322,875,423
TOTAL SSR State Special Revenue Fund Group					
		\$	2,493,589	\$	2,549,661
TOTAL LCF Liquor Control Fund Group					
		\$	7,582,426	\$	7,775,467
TOTAL GSF General Services Fund Group					
		\$	7,610,406	\$	9,066,317
TOTAL FED Federal Revenue Special Fund Group					
		\$	6,419,019	\$	6,435,184
TOTAL 090 Holding Account Redistribution Fund Group					
		\$	1,635,000	\$	1,635,000
TOTAL ALL BUDGET FUND GROUPS					
		\$	334,405,286	\$	350,337,052

SECTION 8.09. Transfer of Funds

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the Director, shall set a monthly transfer schedule to meet any estimated deficiency in the State Highway Safety Fund (Fund 036) established in section 4501.06 of the Revised Code.

The Director shall transfer to the Highway Safety Fund from the Highway Operating Fund (Fund 002) established in section 5735.291 of the Revised Code such amounts at such times as determined by the transfer schedule.

Relocation to New Building

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Department of Public Safety may request Controlling Board approval to

increase the appropriation for line items 761-321, Operating Expense - Information and Education; 761-612, Traffic Safety - Federal; 761-625, Motorcycle Safety Education; 762-616, Financial Responsibility; 762-627, Automated Title Processing Board; 762-632, Central Registration; 762-321, Operating Expense - BMV; 762-410, License Supplement; 764-321, Operating Expense - Highway Patrol; 765-624, Emergency Medical Services; and, 766-321, Operating Expense - Administration, during the biennium by the amount of anticipated expenses to be incurred due to the relocation to a new physical facility which were not included in the department's original budget submission.

Data Services Fund

Within five days of the effective date of this act, the Director of Budget and Management shall transfer not more than \$669,877 from the Highway Safety Fund (Fund 036) and \$519,086 from the Bureau of Motor Vehicles Fund (Fund 4W4) to the Data Services Fund (Fund 5C7) to be used as seed money.

Cash Balance Fund Review

Not later than April 1 in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 036), in the State Highway Safety Fund Group and with the advice of the Legislative Budget Officer shall recommend to the Controlling Board an amount to be transferred to the credit of the State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, as appropriate.

SECTION 8.10. Ohio Criminal Justice Network

At any time on or after the later of July 1, 1997, or the first day of the first pay period commencing after the effective date of this section, the Ohio Criminal Justice Network is transferred from the Department of Administrative Services to the Department of Public Safety. The Department of Public Safety thereupon and thereafter assumes these functions.

Any business commenced but not completed by the Department of Administrative Services that relates to the operation of the Ohio Criminal Justice Network on the effective date of this section shall be completed by the Department of Public Safety. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by the Department of Public Safety.

Subject to the layoff provisions of sections 124.321 to 124.328 of the

Revised Code, all of the employees of the Ohio Criminal Justice Network, as defined in the Memorandum of Understanding, are transferred to the Department of Public Safety.

Wherever any contract or other documents related to the Ohio Criminal Justice Network refers to the Department of Administrative Services, the references shall be deemed to refer to the Department of Public Safety.

No action or proceeding pending on the effective date of this section and relating to the Ohio Criminal Justice Network is affected by the transfer, and such action or proceeding shall be prosecuted or defended in the name of the Department of Public Safety. In all such actions and proceedings the Department of Public Safety shall be substituted for the Department of Administrative Services upon application by another party to the court or other appropriate tribunal.

The Department of Administrative Services and the Department of Public Safety shall enter into a Memorandum of Understanding to implement the transfer of the Ohio Criminal Justice Network from the Department of Administrative Services to the Department of Public Safety. This agreement shall provide for the transfer of property and records, the cancellation and issuance of encumbrances, a final cash reconciliation, including payment of certain prepaid equipment costs incurred by the Department of Administrative Services relative to this system, and any other provision necessary for the transfer and continued administration of the Ohio Criminal Justice Network.

After final reconciliation of revenues and expenses and in accordance with the Memorandum of Understanding, the Department of Administrative Services and the Department of Public Safety shall determine the amount of the fund cash balance to be transferred from the Department of Administrative Services to the Department of Public Safety or from the Department of Public Safety to the Department of Administrative Services.

Transfers of Balances to Ohio Criminal Justice Network

Notwithstanding any provision of law to the contrary, the Director of Budget and Management is authorized to take the actions as described in this section. This section applies to budget changes made necessary by administrative reorganization, program transfers, the creation of new funds, and the consolidation of funds as authorized by this act. The Director of Budget and Management may make any transfers of cash balances between funds. At the request of the Office of Budget and Management, the administering agency head shall certify to the Director the amount of the cash balance to be transferred to the 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

4W0 195-629 Roadwork Development	\$	14,270,000	\$	13,000,000
TOTAL SSR State Special Revenue				
Fund Group	\$	14,270,000	\$	13,000,000
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,000	\$	13,000,000

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 conjunction with

item 195-412, Business Development, or any other state funds appropriated for infrastructure improvements.

The Director of Budget and Management, pursuant to a plan submitted by the Department of Development or as otherwise determined by the Director, shall set a transfer schedule to meet any estimated deficiency in the Department of Development's Roadwork Development Fund (Fund 4W0). The Director shall transfer to the Roadwork Development Fund from the Highway Operating Fund (Fund 002), established in section 5735.291 of the Revised Code, such amounts at such times as determined by the transfer schedule.

Transportation Improvement District

Of the foregoing appropriation item 195-629, Roadwork Development, \$250,000 each fiscal year of the biennium shall be paid by the Director of Development to each of the transportation improvement districts of Butler, Stark, and Medina counties, and up to two additional transportation improvement districts as provided for in section 5540.151 of the Revised Code. The appropriation authority shall be used by each transportation improvement district to support their administrative activities pursuant to section 5540.16 of the Revised Code. These payments shall not be subject to the restrictions of appropriation item 195-629, Roadwork Development.

SECTION 10. DOH DEPARTMENT OF HEALTH

State Special Revenue Fund Group

5C0 440-615 Alcohol Testing and Permit	\$	708,409	\$	726,664
TOTAL SSR State Special Revenue				
Fund Group	\$	708,409	\$	726,664
TOTAL ALL BUDGET FUND GROUPS	\$	708,409	\$	726,664

Cash Draws from Liquor Control Fund to Health

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health or as otherwise determined by the Director, shall set a transfer schedule to meet any estimated deficiency in the Alcohol Testing Program Fund (Fund 5C0) established in section 3701.83 of the Revised Code.

The Director shall transfer to the Alcohol Testing Program Fund from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

Transferred Funds

Not later than December 1, 1997, the Department of Health shall certify the cash balance from the Indigent Persons Care Fund (Fund 4W7), established in section 3701.66 of the Revised Code, to the Director of

Budget and Management. The Director shall transfer the certified amount to the Highway Operating Fund (Fund 002), established in section 5735.291 of the Revised Code.

Indigent Persons Care Study

The Department of Health shall collect data on the number of indigents involved in motor vehicle accidents, and information pertaining to the cost of these persons' medical care and how this care was paid for. The collection period shall be from July 1, 1997, through June 30, 1999. Within six months of the completion of the collection period, the Department shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, the ranking minority member of the House of Representatives, the ranking minority member of the Senate, the Legislative Budget Office of the Legislative Service Commission, and the Office of Budget and Management.

SECTION 11. PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group

052	150-402	LTIP - Operating	\$	362,295	\$	387,817
052	150-701	Local Transportation Improvement Program	\$	60,000,000	\$	60,000,000
TOTAL 052 Local Transportation Improvements Fund Group			\$	60,362,295	\$	60,387,817

Local Infrastructure Improvements Fund Group

038	150-321	Operating Expenses	\$	846,687	\$	912,360
TOTAL LIF Local Infrastructure Improvements Fund Group			\$	846,687	\$	912,360
TOTAL ALL BUDGET FUND GROUPS			\$	61,208,982	\$	61,300,177

District Administration Costs

The Director of the Public Works Commission is authorized to create a District Administration Costs program from interest earnings of the Capital Improvements Fund and Local Transportation Improvement Program Fund proceeds. This program shall be used to provide for administration costs of the nineteen public works districts for the direct costs of district administration. Districts choosing to participate in this program shall only expend Capital Improvements Fund moneys for Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The account shall not exceed \$760,000 per fiscal year. Each public works district may be eligible for up to \$40,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs program. Nonallowable

costs shall include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs program without the approval of those costs by the district public works committee pursuant to section 164.04 of the Revised Code.

Reappropriations and Transfers

All appropriations to the Local Transportation Improvement Program Fund (Fund 052) made in Am. Sub. H.B. 107 of the 121st General Assembly remaining unencumbered as of June 30, 1997, are reappropriated for use during the period July 1, 1997 through June 30, 1999, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all appropriations and reappropriations to the Local Transportation Improvement Program Fund (Fund 052) made in this act remaining unencumbered at June 30, 1998, may be transferred to fiscal year 1999 for the same purpose, subject to the availability of revenue as determined by the Director of the Public Works Commission.

The Public Works Commission shall report all reappropriations and transfers described in this section to the Controlling Board by August 1 of each year.

SECTION 12. The Indigent Persons Care program within the Department of Health shall not accept claims from hospitals after April 15, 1997. Claims received prior to and on April 15, 1997, shall be processed and paid in the order in which they are received until the appropriation made to the Department in fiscal year 1997 in line item 440-612, Indigent Persons Care, is exhausted.

SECTION 13. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each item of appropriation made in this act, and shall determine the form and manner in which such appropriation accounts shall be maintained. Expenditures from appropriations contained in this act may be accounted as though made in the main operating appropriations act of the 122nd General Assembly.

SECTION 14. That Section 104 of Am. Sub. H.B. 117 of the 121st General Assembly be amended to be read as follows:

"Sec. 104. CSF COMMISSIONERS OF THE SINKING FUND**General Revenue Fund**

GRF 155-900	Debt Service	\$	28,401,000	\$	30,616,000
TOTAL GRF General Revenue Fund		\$	28,401,000	\$	30,616,000

Debt Service Fund Group

059	155-900	Development Bond Retirement Fund	\$	4,253,400	\$	0
071	155-900	Highway Obligations Bond Retirement Fund	\$	115,000,000	\$	115,000,000
072	155-900	Highway Capital Improvements Bond Service	\$	0	\$	6,498,000
076	155-900	Coal Research and Development Bond Retirement Fund	\$	12,641,825	\$	11,304,075
073	155-900	Natural Resources Bond Retirement	\$	7,753,000	\$	8,506,000
TOTAL DSF Debt Service Fund Group		\$	139,648,225		134,810,075	
				\$	141,308,075	
TOTAL ALL BUDGET FUND GROUPS		\$	168,049,225		165,426,075	
				\$	171,929,075	

Additional Appropriations

Appropriation items in this section are for the purpose of paying the principal and interest on bonds or other instruments of indebtedness of this state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Highway Capital Improvements Bond Service

Appropriation item 155-900, Highway Capital Improvements Bond Service, is to pay debt service on highway improvements and is therefore a current expense of state government.

Transfer to Highway Capital Improvements Bond Service Fund

Upon the effective date of this section, the Commissioners of the Sinking Fund shall certify to the Director of Budget and Management and the Director of Transportation the amount of money required during fiscal year 1997 to make in full all required payments of bond service charges and financing costs for all bonds issued pursuant to section 5528.54 Of the Revised Code. Upon receipt of this certification, the Director of Budget and Management, in consultation with the Director of Transportation, shall transfer cash in an amount equal to that certified from the Highway Operating Fund (Fund 002) created in section 5735.291 Of the Revised Code to the Highway Capital Improvements Bond Service Fund (Fund 072) created in section 5528.55 Of the Revised Code."

SECTION 15. That existing Section 104 of Am. Sub. H.B. 117 of the

21st General Assembly is hereby repealed.

SECTION 16. That Section 201 of Am. Sub. H.B. 117 of the 121st General Assembly be amended to read as follows:

"Sec. 201. Notwithstanding division (B) of section 4981.09 of 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
GRF 911-422	Community Police Officers	\$	4,550,000	\$	4,550,000
GRF 911-423	Army National Guard	\$	1,000,000	\$	0
GRF 911-424	Livestock	\$	200,000	\$	200,000
GRF 911-427	DNA Laboratory	\$	600,000	\$	0
GRF 911-429	Pay Equalization	\$	1,500,000	\$	1,500,000
GRF 911-431	Treatment Services for Prisoners	\$	0	\$	750,000
GRF 911-434	Criminal Record Background Checks	\$	425,000	\$	425,000
TOTAL GRF General Revenue Fund		\$	13,650,000	\$	12,800,000
<u>State Special Revenue Fund Group</u>					
5E2 911-601	Disaster Services	\$	0	\$	40,000,000
TOTAL SSR State Special Revenue Fund		\$	0	\$	40,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	13,650,000	\$	12,800,000
					<u>52,800,000</u>

Federal Share

In transferring funds to or from appropriation line items which have

deral shares identified in Am. Sub. H.B. 117 of the 121st General Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in Am. Sub. H.B. 117 of the 121st General Assembly. Such changes are hereby appropriated.

Notwithstanding Sections 127.14(D) and 131.35(B)

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying the costs of increases in employee compensation that occur on or after July 1, 1995, that are provided pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of salary increases for employees that are exempt from collective bargaining, which are provided under law.

Prosecution Costs

After the trial court reaches a disposition on a filing in Juvenile Court or an indictment for aggravated murder, murder, or 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.

Southern Ohio Correctional Facility Costs

The Attorney General's Office may request up to \$500,000 in each fiscal year from the foregoing appropriation line item 911-401, Emergency Purposes, to cover legal expenses related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

The Public Defender Commission may request up to \$120,000 in fiscal year 1996 and \$40,000 in fiscal year 1997 from the foregoing appropriation line item 911-401, Emergency Purposes, to cover the state's share of indigent defense costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

Reimbursement of County Boards of Elections

Upon the request of the chairman of the Ohio ballot board or the director of budget and management, controlling board shall transfer from the foregoing appropriation line item 911-401, Emergency Purposes, up to a total of \$2,000,000 in the biennium to the Ohio ballot board for disbursement to county boards of elections as reimbursement for public notice costs associated with statewide ballot issues. Controlling board shall create a line item, within the Ohio ballot board, to receive the transferred money. The director of budget and management shall establish agency codes and line items as necessary.

Community Police Officers

The foregoing appropriation item 911-422, Community Police Officers, may be transferred to the Attorney General for the purposes of administering and providing for matching funds that may be required to draw down federal grants that shall be used to help pay the costs of providing additional law enforcement officers to counties, townships, municipal corporations, and state-assisted or state-supported institutions of higher education.

Army National Guard

Upon the passage of H.B. 376 of the 121st General Assembly, the Adjutant General may apply for release of funds from the foregoing appropriation line item 911-423, Army National Guard. For each parcel sold that is described in H.B. 376, the Adjutant General may request the transfer to line 745-612, Armory Improvements, an amount equal to the difference

between the purchase price received for the parcel and the appraised value of the parcel, as determined by the Director of Administrative Services.

DNA Laboratory

The Attorney General's Office may submit a request to the Controlling Board for the release of up to \$600,000 over the biennium from the foregoing appropriation item 911-427, DNA Laboratory. The foregoing appropriation item 911-427, DNA Laboratory, shall be used to pay start-up costs related to the establishment of a DNA facility.

The Director of Budget and Management shall transfer the unencumbered balance, if any, of the foregoing appropriation item 911-427, DNA Laboratory, at the end of fiscal year 1996 to fiscal year 1997 for use under the same appropriation item.

Attorney Pay Equity

Pursuant to section 109.03 of the Revised Code, the Attorney General may appoint Assistant Attorneys General to perform such duties as are assigned by the Attorney General. The Attorney General, at the Attorney General's discretion, may pay such Assistant Attorneys General salaries pursuant to sections 124.15 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

In fiscal year 1997, the director of budget and management may increase the appropriation item, 911-401, Emergency Purposes, by an amount not to exceed the amount transferred out of that line item before the effective date of this section for the 1997 flooding disaster referred to as FEMA-DR-1164-OH. The director of budget and management shall transfer \$40,000,000 minus an amount equal to the increase in appropriation item, 911-401, Emergency Purposes, from the General Revenue Fund into the Disaster Services Fund of the Controlling Board, which is hereby created in the state treasury. The foregoing appropriation item, 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority from the Disaster Services Fund to any fund of the state for the payment of state agency program expenses related to the 1997 flooding disaster."

SECTION 19. That existing 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, is hereby repealed.

SECTION 20. Except as otherwise specifically provided in this act, a section of the Revised Code amended or enacted within the purview of Sections 1 and 2 of this act is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the sections of the Revised Code amended or enacted within the purview of Sections 1 and 2 of this act, except as otherwise specifically provided in this act, go into immediate effect when this act becomes law.

Except as otherwise specifically provided in this act, the repeal of sections of the Revised Code by Section 2 of this act is not subject to the referendum. Therefore, under Ohio Constitution, 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.

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.

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 filed against any such section as enacted by Section 1 of this act, that section as enacted, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 23. The repeals of sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, 3701.69, 5516.05, 5516.09, and 5735.146 of the Revised Code by Section 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 repeals 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 repeal, that repeal, unless rejected at the referendum, takes effect at the earliest time permitted

by law.

SECTION 24. The items in the uncodified sections of law contained in this act that appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation for the current expenses of state government are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, these items go into immediate effect when this act becomes law.

The items in the uncodified sections of law contained in this act that appropriate money other than for the current expenses of state government, earmark this class of appropriations, or do not depend for their implementation upon an appropriation for the current expenses of state government are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, these items take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against such an item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

SECTION 25. The reinstatement fee prescribed by section 4507.45 of the Revised Code and the fee increases prescribed by this act's amendments to section 4511.951 and division (L) of section 4511.191 of the Revised Code first apply on October 1, 1997.

SECTION 26. Notwithstanding the repeal by this act of sections 3701.61, 3701.611, 3701.62, 3701.63, 3701.64, 3701.65, 3701.66, 3701.67, 3701.68, and 3701.69 of the Revised Code, the Director of Health and the Attorney General may take any actions formerly authorized by those sections to collect any claim paid illegally or erroneously before such repeal.

SECTION 27. Section 121.05 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 572 and Am. Sub. S.B. 293 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 2933.43 of the Revised

Code is presented in this act as a composite of the section as amended by both Sub. H.B. 670 and Sub. S.B. 277 of the 121st General Assembly, with the new language of neither of the act shown in capital letters. Section 3701.83 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. S.B. 19 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 4511.191 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 353 and Am. Sub. S.B. 166 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 28. If any item of law that constitutes the whole or part of a codified or uncoded section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncoded section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncoded sections contained in this act are composed, and their applications, are independent and severable.

SECTION 29. The Director of Transportation shall conduct a study of the business logo sign program established under section 4511.101 of the Revised Code to evaluate various methods of making the program more cost effective. The study shall include, but not be limited to, the possibility of participation fees, sign manufacture by the Department, and administration of the program by the Department. No later than two years after the effective date of this section, the Director shall compile a report with the results of the study and shall make the report available to the members of the General Assembly.

SECTION 30. Notwithstanding the amendment to section 4511.102 of the Revised Code by this act, any contract with an operator of a commercial activity that is an eligible attraction that was entered into on or before July 1, 1998, is valid, irrespective of whether the commercial activity is a farm market, winery, or a bed and breakfast.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____