

As Reported by House Finance and Appropriations Committee

123rd General Assembly

Regular Session

1999-2000

Sub. H. B. No. 163

**Representatives Core, Damschroder, Thomas, Hoops, Krebs, Mead, Metzger,
Mottley, O'Brien, Perz, Vesper, Barrett, Boyd, Jones, D.Miller, R.Miller, Opfer,
Roberts, Sullivan, Wilson**

A B I L L

To amend sections 109.71, 109.77, 145.01, 145.33, 1
742.63, 2925.44, 2933.43, 2935.01, 4301.021, 2
4301.10, 4301.21, 4301.31, 4301.53, 4301.66, 3
4501.10, 4501.27, 4503.19, 4507.02, 4509.101, 4
4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 5
5501.03, 5501.04, 5501.07, 5502.01, 5502.13, 6
5502.14, 5502.16, 5502.17, 5502.18, 5502.62, 7
5517.011, 5525.01, and 5735.051; to amend, for the 8
purpose of adopting a new section number as 9
indicated in parentheses, section 5502.62 10
(5502.19); to enact sections 5502.141, 5512.10, 11
and 5525.25; and to repeal section 5502.61 of the 12
Revised Code; and to amend Section 3 of Am. Sub. 13
S.B. 20 of the 120th General Assembly, as 14
subsequently amended, to make appropriations for 15
programs related to transportation and public 16
safety for the biennium beginning July 1, 1999, 17
and ending June 30, 2001, and to provide 18
authorization and conditions for the operation of 19
those programs. 20

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

Section 1. That sections 109.71, 109.77, 145.01, 145.33, 21
742.63, 2925.44, 2933.43, 2935.01, 4301.021, 4301.10, 4301.21, 22
4301.31, 4301.53, 4301.66, 4501.10, 4501.27, 4503.19, 4507.02, 23
4509.101, 4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 5501.03, 24
5501.04, 5501.07, 5502.01, 5502.13, 5502.14, 5502.16, 5502.17, 25
5502.18, 5502.62, 5517.011, 5525.01, and 5735.051 be amended, 26
section 5502.62 (5502.19) be amended for the purpose of adopting a 27
new section number as indicated in parentheses, and sections 28
5502.141, 5512.10, and 5525.25 of the Revised Code be enacted to 29
read as follows: 30

Sec. 109.71. There is hereby created in the office of the 31
attorney general the Ohio peace officer training commission. The 32
commission shall consist of nine members appointed by the governor 33
with the advice and consent of the senate and selected as follows: 34
one member representing the public; two members who are incumbent 35
sheriffs; two members who are incumbent chiefs of police; one 36
member from the bureau of criminal identification and 37
investigation; one member from the state highway patrol; one 38
member who is the special agent in charge of a field office of the 39
federal bureau of investigation in this state; and one member from 40
the department of education, trade and industrial education 41
services, law enforcement training. 42

As used in sections 109.71 to 109.77 of the Revised Code: 43

(A) "Peace officer" means: 44

(1) A deputy sheriff, marshal, deputy marshal, member of the 45
organized police department of a township or municipal 46
corporation, member of a township police district or joint 47
township police district police force, member of a police force 48
employed by a metropolitan housing authority under division (D) of 49
section 3735.31 of the Revised Code, or township constable, who is 50

commissioned and employed as a peace officer by a political
subdivision of this state or by a metropolitan housing authority,
and whose primary duties are to preserve the peace, to protect
life and property, and to enforce the laws of this state,
ordinances of a municipal corporation, resolutions of a township,
or regulations of a board of county commissioners or board of
township trustees, or any ~~such~~ of those laws, ordinances,
resolutions, or regulations;

(2) A police officer who is employed by a railroad company
and appointed and commissioned by the governor pursuant to
sections 4973.17 to 4973.22 of the Revised Code;

(3) Employees of the department of taxation engaged in the
enforcement of Chapter 5743. of the Revised Code and designated by
the tax commissioner for peace officer training for purposes of
the delegation of investigation powers under section 5743.45 of
the Revised Code;

(4) An undercover drug agent;

(5) ~~Liquor control investigators~~ Enforcement agents of the
department of public safety ~~engaged in the enforcement of Chapters~~
~~4301. and 4303. whom the director of public safety designates~~
under section 5502.14 of the Revised Code;

(6) An employee of the department of natural resources who is
a natural resources law enforcement staff officer designated
pursuant to section 1501.013, a park officer designated pursuant
to section 1541.10, a forest officer designated pursuant to
section 1503.29, a preserve officer designated pursuant to section
1517.10, a wildlife officer designated pursuant to section
1531.13, or a state watercraft officer designated pursuant to
section 1547.521 of the Revised Code;

(7) An employee of a park district who is designated pursuant
to section 511.232 or 1545.13 of the Revised Code;

(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	82 83
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code;	84 85 86 87 88
(10) Ohio veterans' home police officers designated under section 5907.02 of the Revised Code;	89 90
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	91 92 93
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training council attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	94 95 96 97 98 99 100 101
(13) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	102 103 104 105
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	106 107
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	108 109 110
(16) Food stamp trafficking agents of the department of	111

~~public safety designated under section 5502.14 of the Revised Code;~~ 112
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~~(17)~~ Investigators appointed by the auditor of state pursuant 114
to section 117.091 of the Revised Code and engaged in the 115
enforcement of Chapter 117. of the Revised Code; 116

~~(18)~~(17) A special police officer designated by the 117
superintendent of the state highway patrol pursuant to section 118
5503.09 of the Revised Code or a person who was serving as a 119
special police officer pursuant to that section on a permanent 120
basis on October 21, 1997, and who has been awarded a certificate 121
by the executive director of the Ohio peace officer training 122
commission attesting to the person's satisfactory completion of an 123
approved state, county, municipal, or department of natural 124
resources peace officer basic training program. 125

(B) "Undercover drug agent" has the same meaning as in 126
division (B)(2) of section 109.79 of the Revised Code. 127

(C) "Crisis intervention training" means training in the use 128
of interpersonal and communication skills to most effectively and 129
sensitively interview victims of rape. 130

(D) "Missing children" has the same meaning as in section 131
2901.30 of the Revised Code. 132

Sec. 109.77. (A) As used in this section, "felony" has the 133
same meaning as in section 109.511 of the Revised Code. 134

(B)(1) Notwithstanding any general, special, or local law or 135
charter to the contrary, and except as otherwise provided in this 136
section, no person shall receive an original appointment on a 137
permanent basis as any of the following unless the person 138
previously has been awarded a certificate by the executive 139
director of the Ohio peace officer training commission attesting 140
to the person's satisfactory completion of an approved state, 141

county, municipal, or department of natural resources peace	142
officer basic training program:	143
(a) A peace officer of any county, township, municipal	144
corporation, regional transit authority, or metropolitan housing	145
authority;	146
(b) A natural resources law enforcement staff officer, park	147
officer, forest officer, preserve officer, wildlife officer, or	148
state watercraft officer of the department of natural resources;	149
(c) An employee of a park district under section 511.232 or	150
1545.13 of the Revised Code;	151
(d) An employee of a conservancy district who is designated	152
pursuant to section 6101.75 of the Revised Code;	153
(e) A state university law enforcement officer;	154
(f) A special police officer employed by the department of	155
mental health pursuant to section 5119.14 of the Revised Code or	156
the department of mental retardation and developmental	157
disabilities pursuant to section 5123.13 of the Revised Code;	158
(g) A food stamp trafficking <u>An enforcement</u> agent of the	159
department of public safety designated <u>whom the director of public</u>	160
<u>safety designates</u> under section 5502.14 of the Revised Code.	161
(2) Every person who is appointed on a temporary basis or for	162
a probationary term or on other than a permanent basis as any of	163
the following shall forfeit the appointed position unless the	164
person previously has completed satisfactorily or, within the time	165
prescribed by rules adopted by the attorney general pursuant to	166
section 109.74 of the Revised Code, satisfactorily completes a	167
state, county, municipal, or department of natural resources peace	168
officer basic training program for temporary or probationary	169
officers and is awarded a certificate by the director attesting to	170
the satisfactory completion of the program:	171

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	172 173 174
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	175 176 177
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	178 179
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	180 181
(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	182 183 184 185
(f) A food stamp trafficking <u>An enforcement agent of the department of public safety designated whom the director of public safety designates</u> under section 5502.14 of the Revised Code.	186 187 188
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include at least fifteen hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code and at least six hours of crisis intervention training. The requirement to complete fifteen hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved	189 190 191 192 193 194 195 196 197 198 199 200 201 202

under section 2919.26 or 3113.31 of the Revised Code does not
apply to any person serving as a peace officer on March 27, 1979,
and the requirement to complete six hours of training in crisis
intervention does not apply to any person serving as a peace
officer on April 4, 1985. Any person who is serving as a peace
officer on April 4, 1985, who terminates that employment after
that date, and who subsequently is hired as a peace officer by the
same or another law enforcement agency shall complete the six
hours of training in crisis intervention within the time
prescribed by rules adopted by the attorney general pursuant to
section 109.742 of the Revised Code. No peace officer shall have
employment as a peace officer terminated and then be reinstated
with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person
serving on a permanent basis on March 28, 1985, as a park officer,
forest officer, preserve officer, wildlife officer, or state
watercraft officer of the department of natural resources or as an
employee of a park district under section 511.232 or 1545.13 of
the Revised Code, to any person serving on a permanent basis on
March 6, 1986, as an employee of a conservancy district designated
pursuant to section 6101.75 of the Revised Code, to any person
serving on a permanent basis on January 10, 1991, as a preserve
officer of the department of natural resources, to any person
employed on a permanent basis on July 2, 1992, as a special police
officer by the department of mental health pursuant to section
5119.14 of the Revised Code or by the department of mental
retardation and developmental disabilities pursuant to section
5123.13 of the Revised Code, or to any person serving on a
permanent basis on June 19, 1978, as a state university law
enforcement officer pursuant to section 3345.04 of the Revised
Code and who, immediately prior to June 19, 1978, was serving as a
special police officer designated under authority of that section.

(5) Division (B) of this section does not apply to any person 235
who is appointed as a regional transit authority police officer 236
pursuant to division (Y) of section 306.35 of the Revised Code if, 237
on or before July 1, 1996, the person has completed satisfactorily 238
an approved state, county, municipal, or department of natural 239
resources peace officer basic training program and has been 240
awarded a certificate by the executive director of the Ohio peace 241
officer training commission attesting to the person's satisfactory 242
completion of such an approved program and if, on July 1, 1996, 243
the person is performing peace officer functions for a regional 244
transit authority. 245

(C) No person, after September 20, 1984, shall receive an 246
original appointment on a permanent basis as a ~~liquor control~~ 247
~~investigator or food stamp trafficking agent of the department of~~ 248
~~public safety, engaged in the enforcement of Chapters 4301. and~~ 249
~~4303. of the Revised Code, or as an Ohio veterans' home police~~ 250
officer designated under section 5907.02 of the Revised Code 251
unless the person previously has been awarded a certificate by the 252
executive director of the Ohio peace officer training commission 253
attesting to the person's satisfactory completion of an approved 254
police officer basic training program. Every person who is 255
appointed on a temporary basis or for a probationary term or on 256
other than a permanent basis as a ~~liquor control investigator of~~ 257
~~the department of public safety, engaged in the enforcement of~~ 258
~~Chapters 4301. and 4303. of the Revised Code, or as an Ohio~~ 259
veterans' home police officer designated under section 5907.02 of 260
the Revised Code shall forfeit that position unless the person 261
previously has completed satisfactorily or, within one year from 262
the time of appointment, satisfactorily completes an approved 263
police officer basic training program. 264

~~No person, beginning on October 29, 1995, shall receive an~~ 265
~~original appointment on a permanent basis as a food stamp~~ 266

~~trafficking agent of the department of public safety authorized to 267
enforce Chapter 5502. and sections 2913.46 and 5101.54 of the 268
Revised Code and engaged in the enforcement of laws and rules 269
described in section 5502.14 of the Revised Code unless the person 270
previously has been awarded a certificate by the executive 271
director of the Ohio peace officer training commission attesting 272
to the person's satisfactory completion of an approved police 273
officer basic training program. Every person who is appointed on a 274
temporary or for a probationary term or on other than a permanent 275
basis as a food stamp trafficking agent shall forfeit that 276
position unless the person previously has completed 277
satisfactorily, or within one year from the time of the 278
appointment satisfactorily completes, an approved police officer 279
basic training program. 280~~

(D) No bailiff or deputy bailiff of a court of record of this 281
state and no criminal investigator who is employed by the state 282
public defender shall carry a firearm, as defined in section 283
2923.11 of the Revised Code, while on duty unless the bailiff, 284
deputy bailiff, or criminal investigator has done or received one 285
of the following: 286

(1) Has been awarded a certificate by the executive director 287
of the Ohio peace officer training commission, which certificate 288
attests to satisfactory completion of an approved state, county, 289
or municipal basic training program for bailiffs and deputy 290
bailiffs of courts of record and for criminal investigators 291
employed by the state public defender that has been recommended by 292
the Ohio peace officer training commission; 293

(2) Has successfully completed a firearms training program 294
approved by the Ohio peace officer training commission prior to 295
employment as a bailiff, deputy bailiff, or criminal investigator; 296

(3) Prior to June 6, 1986, was authorized to carry a firearm 297

by the court that employed the bailiff or deputy bailiff or, in
the case of a criminal investigator, by the state public defender
and has received training in the use of firearms that the Ohio
peace officer training commission determines is equivalent to the
training that otherwise is required by division (D) of this
section.

(E)(1) Prior to awarding any certificate prescribed in this
section, the executive director of the Ohio peace officer training
commission shall request the person to whom the certificate is to
be awarded to disclose, and the person shall disclose, any
previous criminal conviction of or plea of guilty of that person
to a felony.

(2) Prior to the award by the executive director of the
commission of any certificate prescribed in this section, the
prospective employer of the person to whom the certificate is to
be awarded or the commander of the peace officer training school
attended by that person shall request the bureau of criminal
identification and investigation to conduct a criminal history
records check on the person. Upon receipt of the request, the
bureau promptly shall conduct a criminal history records check on
the person and, upon completion of the check, promptly shall
provide a copy of the criminal history records check to the
prospective employer or peace officer training school commander
that made the request. Upon receipt of the copy of the criminal
history records check from the bureau, the prospective employer or
peace officer training school commander that made the request
shall submit the copy to the executive director of the Ohio peace
officer training commission. The executive director shall not
award any certificate prescribed in this section unless the
executive director has received a copy of the criminal history
records check on the person to whom the certificate is to be
awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, prior to the award of the certificate, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after the effective date of this amendment, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997.

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.29 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this

section pending the outcome of an appeal by the person from that
conviction to the highest court to which the appeal is taken or
until the expiration of the period in which an appeal is required
to be filed. If the person files an appeal that results in that
person's acquittal of the felony or conviction of a misdemeanor,
or in the dismissal of the felony charge against that person, the
executive director shall reinstate the certificate awarded to the
person under this section. If the person files an appeal from that
person's conviction of the felony and the conviction is upheld by
the highest court to which the appeal is taken or if the person
does not file a timely appeal, the executive director shall revoke
the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this
section and the certificate is revoked pursuant to division (E)(4)
or (F) of this section, the person shall not be eligible to
receive, at any time, a certificate attesting to the person's
satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under
division (E)(4) or (F) of this section shall be in accordance with
Chapter 119. of the Revised Code.

(H)(1) A person who was employed as a peace officer of a
county, township, or municipal corporation of the state on January
1, 1966, and who has completed at least sixteen years of full-time
active service as such a peace officer may receive an original
appointment on a permanent basis and serve as a peace officer of a
county, township, or municipal corporation, or as a state
university law enforcement officer, without complying with the
requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway
trooper on January 1, 1966, may receive an original appointment on
a permanent basis and serve as a peace officer of a county,

township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section. 392
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(I) No person who is appointed as a peace officer of a county, township, or municipal corporation on or after April 9, 1985, shall serve as a peace officer of that county, township, or municipal corporation unless the person has received training in the handling of missing children and child abuse and neglect cases from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code. 395
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(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily. 404
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(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code. 413
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Sec. 145.01. As used in this chapter: 417

(A) "Public employee" means: 418

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health 419
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district, metropolitan housing authority, state retirement board, 422
Ohio historical society, public library, county law library, union 423
cemetery, joint hospital, institutional commissary, state 424
university, or board, bureau, commission, council, committee, 425
authority, or administrative body as the same are, or have been, 426
created by action of the general assembly or by the legislative 427
authority of any of the units of local government named in 428
division (A)(1) of this section, or employed and paid in whole or 429
in part by the state or any of the authorities named in division 430
(A)(1) of this section in any capacity not covered by section 431
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 432

(2) A person who is a member of the public employees 433
retirement system and who continues to perform the same or similar 434
duties under the direction of a contractor who has contracted to 435
take over what before the date of the contract was a publicly 436
operated function. The governmental unit with which the contract 437
has been made shall be deemed the employer for the purposes of 438
administering this chapter. 439

(3) Any person who is an employee of a public employer, 440
notwithstanding that the person's compensation for that employment 441
is derived from funds of a person or entity other than the 442
employer. Credit for such service shall be included as total 443
service credit, provided that the employee makes the payments 444
required by this chapter, and the employer makes the payments 445
required by sections 145.48 and 145.51 of the Revised Code. 446

In all cases of doubt, the public employees retirement board 447
shall determine whether any person is a public employee, and its 448
decision is final. 449

(B) "Member" means any public employee, other than a public 450
employee excluded or exempted from membership in the retirement 451
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 452

145.035, or 145.38 of the Revised Code. "Member" includes a PERS 453
retirant who becomes a member under division (C)(2) of section 454
145.38 of the Revised Code. "Member" also includes a disability 455
benefit recipient. 456

(C) "Head of the department" means the elective or appointive 457
head of the several executive, judicial, and administrative 458
departments, institutions, boards, and commissions of the state 459
and local government as the same are created and defined by the 460
laws of this state or, in case of a charter government, by that 461
charter. 462

(D) "Employer" or "public employer" means the state or any 463
county, township, municipal corporation, park district, 464
conservancy district, sanitary district, health district, 465
metropolitan housing authority, state retirement board, Ohio 466
historical society, public library, county law library, union 467
cemetery, joint hospital, institutional commissary, state medical 468
college, state university, or board, bureau, commission, council, 469
committee, authority, or administrative body as the same are, or 470
have been, created by action of the general assembly or by the 471
legislative authority of any of the units of local government 472
named in this division not covered by section 3307.01 or 3309.01 473
of the Revised Code. In addition, "employer" means the employer of 474
any public employee. 475

(E) "Prior service" means all service as a public employee 476
rendered before January 1, 1935, and all service as an employee of 477
any employer who comes within the state teachers retirement system 478
or of the school employees retirement system or of any other 479
retirement system established under the laws of this state 480
rendered prior to January 1, 1935, provided that if the employee 481
claiming the service was employed in any capacity covered by that 482
other system after that other system was established, credit for 483
the service may be allowed by the public employees retirement 484

system only when the employee has made payment, to be computed on 485
the salary earned from the date of appointment to the date 486
membership was established in the public employees retirement 487
system, at the rate in effect at the time of payment, and the 488
employer has made payment of the corresponding full liability as 489
provided by section 145.44 of the Revised Code. "Prior service" 490
also means all service credited for active duty with the armed 491
forces of the United States as provided in section 145.30 of the 492
Revised Code. 493

If an employee who has been granted prior service credit by 494
the public employees retirement system for service rendered prior 495
to January 1, 1935, as an employee of a board of education 496
establishes, before retirement, one year or more of contributing 497
service in the state teachers retirement system or school 498
employees retirement system, then the prior service ceases to be 499
the liability of this system. 500

If the board determines that a position of any member in any 501
calendar year prior to January 1, 1935, was a part-time position, 502
the board shall determine what fractional part of a year's credit 503
shall be allowed by the following formula: 504

(1) When the member has been either elected or appointed to 505
an office the term of which was two or more years and for which an 506
annual salary is established, the fractional part of the year's 507
credit shall be computed as follows: 508

First, when the member's annual salary is one thousand 509
dollars or less, the service credit for each such calendar year 510
shall be forty per cent of a year. 511

Second, for each full one hundred dollars of annual salary 512
above one thousand dollars, the member's service credit for each 513
such calendar year shall be increased by two and one-half per 514
cent. 515

(2) When the member is paid on a per diem basis, the service 516
credit for any single year of the service shall be determined by 517
using the number of days of service for which the compensation was 518
received in any such year as a numerator and using two hundred 519
fifty days as a denominator. 520

(3) When the member is paid on an hourly basis, the service 521
credit for any single year of the service shall be determined by 522
using the number of hours of service for which the compensation 523
was received in any such year as a numerator and using two 524
thousand hours as a denominator. 525

(F) "Contributor" means any person who has an account in the 526
employees' savings fund created by section 145.23 of the Revised 527
Code. 528

(G) "Beneficiary" or "beneficiaries" means the estate or a 529
person or persons who, as the result of the death of a member, 530
contributor, or retirant, qualify for or are receiving some right 531
or benefit under this chapter. 532

(H)(1) "Total service credit," except as provided in section 533
145.37 of the Revised Code, means all service credited to a member 534
of the retirement system since last becoming a member, including 535
restored service credit as provided by section 145.31 of the 536
Revised Code; credit purchased under sections 145.293 and 145.299 537
of the Revised Code; all the member's prior service credit; all 538
the member's military service credit computed as provided in this 539
chapter; all service credit established pursuant to section 540
145.297 of the Revised Code; and any other service credited under 541
this chapter. In addition, "total service credit" includes any 542
period, not in excess of three years, during which a member was 543
out of service and receiving benefits under Chapters 4121. and 544
4123. of the Revised Code. For the exclusive purpose of satisfying 545
the service credit requirement and of determining eligibility for 546

benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36,
and 145.361 of the Revised Code, "five or more years of total
service credit" means sixty or more calendar months of
contributing service in this system.

(2) "One and one-half years of contributing service credit,"
as used in division (B) of section 145.45 of the Revised Code,
also means eighteen or more calendar months of employment by a
municipal corporation that formerly operated its own retirement
plan for its employees or a part of its employees, provided that
all employees of that municipal retirement plan who have eighteen
or more months of such employment, upon establishing membership in
the public employees retirement system, shall make a payment of
the contributions they would have paid had they been members of
this system for the eighteen months of employment preceding the
date membership was established. When that payment has been made
by all such employee members, a corresponding payment shall be
paid into the employers' accumulation fund by that municipal
corporation as the employer of the employees.

(3) Where a member also is a member of the state teachers
retirement system or the school employees retirement system, or
both, except in cases of retirement on a combined basis pursuant
to section 145.37 of the Revised Code, service credit for any
period shall be credited on the basis of the ratio that
contributions to the public employees retirement system bear to
total contributions in all state retirement systems.

(4) Not more than one year of credit may be given for any
period of twelve months.

(5) "Ohio service credit" means credit for service that was
rendered to the state or any of its political subdivisions or any
employer.

(I) "Regular or current interest" means interest at any rates

for the respective funds and accounts as the public employees 578
retirement board may determine from time to time, except as 579
follows: 580

(1) Subsequent to December 31, 1958, the retirement board 581
shall discontinue the annual crediting of current interest to the 582
individual accounts of contributors. The noncrediting of current 583
interest shall not affect the rate of interest at retirement 584
guaranteed under division (I) of this section. 585

(2) The rate of interest credited on a contributor's 586
contributions at retirement shall be four per cent per annum, 587
compounded annually, to and including December 31, 1955; three per 588
cent per annum, compounded annually, from January 1, 1956, to and 589
including December 31, 1963; three and one-quarter per cent per 590
annum, compounded annually, from January 1, 1964, to and including 591
December 31, 1969; and thereafter four per cent per annum, 592
compounded annually. 593

In determining the reserve value for the purpose of computing 594
the amount of the contributor's annuity, the rate of interest used 595
in the annuity values shall be four per cent per annum, compounded 596
annually, for contributors retiring before October 1, 1956, and 597
after December 31, 1969; three per cent per annum, compounded 598
annually, for contributors retiring between October 1, 1956, and 599
December 31, 1963; and three and one-quarter per cent per annum, 600
compounded annually, for contributors retiring from January 1, 601
1964, to December 31, 1969. Interest on contributions from 602
contributors within any one calendar year shall begin on the first 603
day of the calendar year next following and shall be computed at 604
the end of each calendar year, except in the case of a contributor 605
who retires before the end of the year. 606

(J) "Accumulated contributions" means the sum of all amounts 607
credited to a contributor's individual account in the employees' 608

savings fund together with any current interest thereon, but does
not include the interest adjustment at retirement.

(K)(1) "Final average salary" means the quotient obtained by
dividing by three the sum of the three full calendar years of
contributing service in which the member's earnable salary was
highest, except that if the member has a partial year of
contributing service in the year the member's employment
terminates and the member's earnable salary for the partial year
is higher than for any comparable period in the three years, the
member's earnable salary for the partial year shall be substituted
for the member's earnable salary for the comparable period during
the three years in which the member's earnable salary was lowest.

(2) If a member has less than three years of contributing
service, the member's final average salary shall be the member's
total earnable salary divided by the total number of years,
including any fraction of a year, of the member's contributing
service.

(3) For the purpose of calculating benefits payable to a
member qualifying for service credit under division (Z) of this
section, "final average salary" means the total earnable salary on
which contributions were made divided by the total number of years
during which contributions were made, including any fraction of a
year. If contributions were made for less than twelve months,
"final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from
contributions made by a contributor and paid from the annuity and
pension reserve fund as provided in this chapter. All annuities
shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon
the basis of the mortality and other tables adopted by the board,
of all payments to be made on account of any annuity, or benefit

in lieu of any annuity, granted to a retirant as provided in this 640
chapter. 641

(N)(1) "Disability retirement" means retirement as provided 642
in section 145.36 of the Revised Code. 643

(2) "Disability allowance" means an allowance paid on account 644
of disability under section 145.361 of the Revised Code. 645

(3) "Disability benefit" means a benefit paid as disability 646
retirement under section 145.36 of the Revised Code, as a 647
disability allowance under section 145.361 of the Revised Code, or 648
as a disability benefit under section 145.37 of the Revised Code. 649

(4) "Disability benefit recipient" means a member who is 650
receiving a disability benefit. 651

(O) "Age and service retirement" means retirement as provided 652
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 653
the Revised Code. 654

(P) "Pensions" means annual payments for life derived from 655
contributions made by the employer that at the time of retirement 656
are credited into the annuity and pension reserve fund from the 657
employers' accumulation fund and paid from the annuity and pension 658
reserve fund as provided in this chapter. All pensions shall be 659
paid in twelve equal monthly installments. 660

(Q) "Retirement allowance" means the pension plus that 661
portion of the benefit derived from contributions made by the 662
member. 663

(R)(1) Except as otherwise provided in division (R) of this 664
section, "earnable salary" means all salary, wages, and other 665
earnings paid to a contributor by reason of employment in a 666
position covered by the retirement system. The salary, wages, and 667
other earnings shall be determined prior to determination of the 668
amount required to be contributed to the employees' savings fund 669

under section 145.47 of the Revised Code and without regard to 670
whether any of the salary, wages, or other earnings are treated as 671
deferred income for federal income tax purposes. "Earnable salary" 672
includes the following: 673

(a) Payments made by the employer in lieu of salary, wages, 674
or other earnings for sick leave, personal leave, or vacation used 675
by the contributor; 676

(b) Payments made by the employer for the conversion of sick 677
leave, personal leave, and vacation leave accrued, but not used if 678
the payment is made during the year in which the leave is accrued, 679
except that payments made pursuant to section 124.383 or 124.386 680
of the Revised Code are not earnable salary; 681

(c) Allowances paid by the employer for full maintenance, 682
consisting of housing, laundry, and meals, as certified to the 683
retirement board by the employer or the head of the department 684
that employs the contributor; 685

(d) Fees and commissions paid under section 507.09 of the 686
Revised Code; 687

(e) Payments that are made under a disability leave program 688
sponsored by the employer and for which the employer is required 689
by section 145.296 of the Revised Code to make periodic employer 690
and employee contributions; 691

(f) Amounts included pursuant to divisions (K)(3) and (Y) of 692
this section. 693

(2) "Earnable salary" does not include any of the following: 694

(a) Fees and commissions, other than those paid under section 695
507.09 of the Revised Code, paid as sole compensation for personal 696
services and fees and commissions for special services over and 697
above services for which the contributor receives a salary; 698

699

(b) Amounts paid by the employer to provide life insurance, 700
sickness, accident, endowment, health, medical, hospital, dental, 701
or surgical coverage, or other insurance for the contributor or 702
the contributor's family, or amounts paid by the employer to the 703
contributor in lieu of providing the insurance; 704

(c) Incidental benefits, including lodging, food, laundry, 705
parking, or services furnished by the employer, or use of the 706
employer's property or equipment, or amounts paid by the employer 707
to the contributor in lieu of providing the incidental benefits; 708

(d) Reimbursement for job-related expenses authorized by the 709
employer, including moving and travel expenses and expenses 710
related to professional development; 711

(e) Payments for accrued, but unused sick leave, personal 712
leave, or vacation that are made at any time other than in the 713
year in which the sick leave, personal leave, or vacation was 714
accrued; 715

(f) Payments made to or on behalf of a contributor that are 716
in excess of the annual compensation that may be taken into 717
account by the retirement system under division (a)(17) of section 718
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 719
U.S.C.A. 401(a)(17), as amended; 720

(g) Payments made under division (B) or (D) of section 721
5923.05 of the Revised Code or Section 4 of Substitute Senate Bill 722
No. 3 of the 119th general assembly; 723

(h) Anything of value received by the contributor that is 724
based on or attributable to retirement or an agreement to retire, 725
except that payments made on or before January 1, 1989, that are 726
based on or attributable to an agreement to retire shall be 727
included in earnable salary if both of the following apply: 728

(i) The payments are made in accordance with contract 729

provisions that were in effect prior to January 1, 1986; 730

(ii) The employer pays the retirement system an amount 731
specified by the retirement board equal to the additional 732
liability resulting from the payments. 733

(3) The retirement board shall determine by rule whether any 734
compensation not enumerated in division (R) of this section is 735
earnable salary, and its decision shall be final. 736

(S) "Pension reserve" means the present value, computed upon 737
the basis of the mortality and other tables adopted by the board, 738
of all payments to be made on account of any retirement allowance 739
or benefit in lieu of any retirement allowance, granted to a 740
member or beneficiary under this chapter. 741

(T)(1) "Contributing service" means all service credited to a 742
member of the system since January 1, 1935, for which 743
contributions are made as required by sections 145.47, 145.48, and 744
145.483 of the Revised Code. In any year subsequent to 1934, 745
credit for any service shall be allowed by the following formula: 746

(a) For each month for which the member's earnable salary is 747
two hundred fifty dollars or more, allow one month's credit. 748

(b) For each month for which the member's earnable salary is 749
less than two hundred fifty dollars, allow a fraction of a month's 750
credit. The numerator of this fraction shall be the earnable 751
salary during the month, and the denominator shall be two hundred 752
fifty dollars, except that if the member's annual earnable salary 753
is less than six hundred dollars, the member's credit shall not be 754
reduced below twenty per cent of a year for a calendar year of 755
employment during which the member worked each month. Division 756
(T)(1)(b) of this section shall not reduce any credit earned 757
before January 1, 1985. 758

(2) Notwithstanding division (T)(1) of this section, an 759

elected official who prior to January 1, 1980, was granted a full
year of credit for each year of service as an elected official
shall be considered to have earned a full year of credit for each
year of service regardless of whether the service was full-time or
part-time. The public employees retirement board has no authority
to reduce the credit.

(U) "State retirement board" means the public employees
retirement board, the school employees retirement board, or the
state teachers retirement board.

(V) "Retirant" means any former member who retires and is
receiving a monthly allowance as provided in sections 145.32,
145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an
employer as determined by the employer rate including the normal
and deficiency contribution rates.

(X) "Public service terminates" means the last day for which
a public employee is compensated for services performed for an
employer or the date of the employee's death, whichever occurs
first.

(Y) When a member has been elected or appointed to an office,
the term of which is two or more years, for which an annual salary
is established, and in the event that the salary of the office is
increased and the member is denied the additional salary by reason
of any constitutional provision prohibiting an increase in salary
during a term of office, the member may elect to have the amount
of the member's contributions calculated upon the basis of the
increased salary for the office. At the member's request, the
board shall compute the total additional amount the member would
have contributed, or the amount by which each of the member's
contributions would have increased, had the member received the
increased salary for the office the member holds. If the member

elects to have the amount by which the member's contribution would
have increased withheld from the member's salary, the member shall
notify the employer, and the employer shall make the withholding
and transmit it to the retirement system. A member who has not
elected to have that amount withheld may elect at any time to make
a payment to the retirement system equal to the additional amount
the member's contribution would have increased, plus interest on
that contribution, compounded annually at a rate established by
the board and computed from the date on which the last
contribution would have been withheld from the member's salary to
the date of payment. A member may make a payment for part of the
period for which the increased contribution was not withheld, in
which case the interest shall be computed from the date the last
contribution would have been withheld for the period for which the
payment is made. Upon the payment of the increased contributions
as provided in this division, the increased annual salary as
provided by law for the office for the period for which the member
paid increased contributions thereon shall be used in determining
the member's earnable salary for the purpose of computing the
member's final average salary.

(Z) "Five years of service credit," for the exclusive purpose
of satisfying the service credit requirements and of determining
eligibility for benefits under section 145.33 of the Revised Code,
means employment covered under this chapter or under a former
retirement plan operated, recognized, or endorsed by the employer
prior to coverage under this chapter or under a combination of the
coverage.

(AA) "Deputy sheriff" means any person who is commissioned
and employed as a full-time peace officer by the sheriff of any
county, and has been so employed since on or before December 31,
1965, and whose primary duties are to preserve the peace, to

protect life and property, and to enforce the laws of this state; 823
any person who is or has been commissioned and employed as a peace 824
officer by the sheriff of any county since January 1, 1966, and 825
who has received a certificate attesting to the person's 826
satisfactory completion of the peace officer training school as 827
required by section 109.77 of the Revised Code and whose primary 828
duties are to preserve the peace, protect life and property, and 829
enforce the laws of this state; or any person deputized by the 830
sheriff of any county and employed pursuant to section 2301.12 of 831
the Revised Code as a criminal bailiff or court constable who has 832
received a certificate attesting to the person's satisfactory 833
completion of the peace officer training school as required by 834
section 109.77 of the Revised Code and whose primary duties are to 835
preserve the peace, protect life and property, and enforce the 836
laws of this state. 837

(BB) "Township constable or police officer in a township 838
police department or district" means any person who is 839
commissioned and employed as a full-time peace officer pursuant to 840
Chapter 505. or 509. of the Revised Code, who has received a 841
certificate attesting to the person's satisfactory completion of 842
the peace officer training school as required by section 109.77 of 843
the Revised Code, and whose primary duties are to preserve the 844
peace, protect life and property, and enforce the laws of this 845
state. 846

(CC) "Drug agent" means any person who is either of the 847
following: 848

(1) Employed full-time as a narcotics agent by a county 849
narcotics agency created pursuant to section 307.15 of the Revised 850
Code and has received a certificate attesting to the satisfactory 851
completion of the peace officer training school as required by 852
section 109.77 of the Revised Code; 853

(2) Employed full-time as an undercover drug agent as defined 854
in section 109.79 of the Revised Code and is in compliance with 855
section 109.77 of the Revised Code. 856

(DD) "~~Liquor control investigator~~ Department of public safety 857
enforcement agent" means a full-time employee of the department of 858
public safety who is ~~engaged in the enforcement of Chapters 4301.~~ 859
~~and 4303.~~ designated under section 5502.14 of the Revised Code as 860
an enforcement agent and who is in compliance with section 109.77 861
of the Revised Code. 862

(EE) "Natural resources law enforcement staff officer" means 863
a full-time employee of the department of natural resources who is 864
designated a natural resources law enforcement staff officer under 865
section 1501.013 of the Revised Code and is in compliance with 866
section 109.77 of the Revised Code. 867

(FF) "Park officer" means a full-time employee of the 868
department of natural resources who is designated a park officer 869
under section 1541.10 of the Revised Code and is in compliance 870
with section 109.77 of the Revised Code. 871

(GG) "Forest officer" means a full-time employee of the 872
department of natural resources who is designated a forest officer 873
under section 1503.29 of the Revised Code and is in compliance 874
with section 109.77 of the Revised Code. 875

(HH) "Preserve officer" means a full-time employee of the 876
department of natural resources who is designated a preserve 877
officer under section 1517.10 of the Revised Code and is in 878
compliance with section 109.77 of the Revised Code. 879

(II) "Wildlife officer" means a full-time employee of the 880
department of natural resources who is designated a wildlife 881
officer under section 1531.13 of the Revised Code and is in 882
compliance with section 109.77 of the Revised Code. 883

(JJ) "State watercraft officer" means a full-time employee of 884
the department of natural resources who is designated a state 885
watercraft officer under section 1547.521 of the Revised Code and 886
is in compliance with section 109.77 of the Revised Code. 887

(KK) "Park district police officer" means a full-time 888
employee of a park district who is designated pursuant to section 889
511.232 or 1545.13 of the Revised Code and is in compliance with 890
section 109.77 of the Revised Code. 891

(LL) "Conservancy district officer" means a full-time 892
employee of a conservancy district who is designated pursuant to 893
section 6101.75 of the Revised Code and is in compliance with 894
section 109.77 of the Revised Code. 895

(MM) "Municipal police officer" means a member of the 896
organized police department of a municipal corporation who is 897
employed full-time, is in compliance with section 109.77 of the 898
Revised Code, and is not a member of the police and firemen's 899
disability and pension fund. 900

(NN) "Ohio veterans' home police officer" means any person 901
who is employed at the Ohio veterans' home as a police officer 902
pursuant to section 5907.02 of the Revised Code and is in 903
compliance with section 109.77 of the Revised Code. 904

(OO) "Special police officer for a mental health institution" 905
means any person who is designated as such pursuant to section 906
5119.14 of the Revised Code and is in compliance with section 907
109.77 of the Revised Code. 908

(PP) "Special police officer for an institution for the 909
mentally retarded and developmentally disabled" means any person 910
who is designated as such pursuant to section 5123.13 of the 911
Revised Code and is in compliance with section 109.77 of the 912
Revised Code. 913

(QQ) "State university law enforcement officer" means any 914
person who is employed full-time as a state university law 915
enforcement officer pursuant to section 3345.04 of the Revised 916
Code and who is in compliance with section 109.77 of the Revised 917
Code. 918

(RR) "Hamilton county municipal court bailiff" means a person 919
appointed by the clerk of courts of the Hamilton county municipal 920
court under division (A)(3) of section 1901.32 of the Revised Code 921
who is employed full-time as a bailiff or deputy bailiff, who has 922
received a certificate attesting to the person's satisfactory 923
completion of the peace officer training school as required by 924
division (C) of section 109.77 of the Revised Code, and whose 925
primary duties are to preserve the peace, to protect life and 926
property, and to enforce the laws of this state. 927

(SS) Notwithstanding section 2901.01 of the Revised Code, 928
"law enforcement officer" means a sheriff, deputy sheriff, 929
township constable or police officer in a township police 930
department or district, drug agent, ~~liquor control investigator~~ 931
department of public safety enforcement agent, natural resources 932
law enforcement staff officer, park officer, forest officer, 933
preserve officer, wildlife officer, state watercraft officer, park 934
district police officer, conservancy district officer, Ohio 935
veterans' home police officer, special police officer for a mental 936
health institution, special police officer for an institution for 937
the mentally retarded and developmentally disabled, state 938
university law enforcement officer, Hamilton county municipal 939
court bailiff, or municipal police officer. 940

(TT) "Fiduciary" means a person who does any of the 941
following: 942

(1) Exercises any discretionary authority or control with 943
respect to the management of the system or with respect to the 944

management or disposition of its assets;	945
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	946 947
(3) Has any discretionary authority or responsibility in the administration of the system.	948 949
(UU) "Actuary" means an individual who satisfies all of the following requirements:	950 951
(1) Is a member of the American academy of actuaries;	952
(2) Is an associate or fellow of the society of actuaries;	953
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	954 955
Sec. 145.33. (A) Except as provided in division (B) of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:	956 957 958 959 960
(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;	961 962
(2) A pension equal to the annuity provided by division (A)(1) of this section;	963 964
(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;	965 966 967 968
(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section. The cost of the	969 970 971 972 973

basic annual pension shall be included in the deficiency 974
contribution provided by sections 145.48 and 145.50 of the Revised 975
Code. 976

(5) When a member retires on age and service retirement, the 977
member's total annual single lifetime allowance, including the 978
allowances provided in divisions (A)(1), (2), (3), and (4) of this 979
section, shall be not less than a base amount adjusted in 980
accordance with division (A)(5) of this section and determined by 981
multiplying the member's total service credit by the greater of 982
the following: 983

(a) Eighty-six dollars; 984

(b) Two and one-tenth per cent of the member's final average 985
salary for each of the first thirty years of service plus two and 986
one-half per cent of the member's final average salary for each 987
subsequent year of service. 988

The allowance shall be adjusted by the factors of attained 989
age or years of service to provide the greater amount as 990
determined by the following schedule: 991

Attained	or	Years of	Percentage	
Birthday		Total Service	of	
		Credit	Base Amount	
58		25	75	995
59		26	80	996
60		27	85	997
61			88	998
		28	90	999
62			91	1000
63			94	1001
		29	95	1002
64			97	1003
65		30 or more	100	1004

Members shall vest the right to a benefit in accordance with 1005
the following schedule, based on the member's attained age by 1006
September 1, 1976: 1007

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	1011
67	104	1012
68	106	1013
69	108	1014
70 or more	110	1015

(6) The total annual single lifetime allowance that a member 1016
shall receive under division (A)(5) of this section shall not 1017
exceed the lesser of one hundred per cent of the member's final 1018
average salary or the limit established by section 415 of the 1019
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 1020
as amended. 1021

(B)(1) A member who has at least twenty-five years of total 1022
service credit, including credit for military service under 1023
division (C)(2) of this section, while serving as a law 1024
enforcement officer and who has attained age fifty-two may apply 1025
for an age and service retirement benefit, which shall consist of 1026
an annual single lifetime allowance equal to the sum of two and 1027
one-half per cent of the member's final average salary multiplied 1028
by the first twenty years of the member's total service plus two 1029
and one-tenth per cent of the member's final average salary 1030
multiplied by the number of years of the member's total service 1031
credit in excess of twenty years, except that no allowance shall 1032
exceed the lesser of ninety per cent of the member's final average 1033
salary or the limit established by section 415 of the "Internal 1034
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1035
amended. 1036

(2) A member who has at least fifteen years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer and has attained sixty-two years of age may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance computed as provided in division (B)(1) of this section. The benefit shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(3) A member with at least fifteen years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The benefit shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(4) A member who has at least twenty-five years of total service credit, including credit for military service under division (C)(2) of this section, while serving as a law enforcement officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of

attaining fifty-two years of age, may elect to receive a reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(1) of this section
49	80% of the benefit payable under division (B)(1) of this section
50	86% of the benefit payable under division (B)(1) of this section
51	93% of the benefit payable under division (B)(1) of this section

A member who has at least twenty-five years of law enforcement service credit, upon attaining forty-eight, forty-nine, fifty, or fifty-one years of age, may elect to retire and receive a reduced benefit determined by the above schedule.

If a member elects to receive a reduced benefit on or after the date of attaining forty-eight years of age, but before the date of attaining forty-nine years of age, the reduced benefit is payable from the date the member attained forty-eight years of age or from the date the member becomes eligible to receive the reduced benefit, whichever is later. If a member elects to receive a reduced benefit on or after the date of attaining forty-nine years of age, but before the date of attaining fifty years of age, the reduced benefit is payable from the date the member attained forty-nine years of age or from the date the member becomes eligible to receive the reduced benefit, whichever is later. If a member elects to receive a reduced benefit on or after the date of attaining fifty years of age, but before the date of attaining fifty-one years of age, the reduced benefit is payable from the date the member attained fifty years of age or from the date the member becomes eligible to receive the reduced benefit, whichever is later. If a member elects to receive a reduced benefit on or

after the date of attaining fifty-one years of age, but before the
date of attaining fifty-two years of age, the reduced benefit is
payable from the date the member attained fifty-one years of age
or from the date the member becomes eligible to receive the
reduced benefit, whichever is later.

Once a member elects to receive a reduced benefit determined
by the above schedule and has received a payment, the member may
not reelect to change that election.

If a member who has resigned or been discharged has left on
deposit the member's accumulated contributions in the employees'
savings fund and has not elected to receive a reduced benefit
determined by the above schedule, upon attaining fifty-two years
of age, the member shall be entitled to receive a benefit computed
and paid under division (B)(1) of this section.

(C)(1) A member with service credit as a law enforcement
officer and other service credit under this chapter may elect one
of the following:

(a) To have all the member's service credit under this
chapter, including credit for service as a law enforcement
officer, used in calculating a retirement allowance under division
(A) of this section if the member qualifies for an allowance under
that division;

(b) If the member qualifies for an allowance under division
(B) of this section, to have the member's service credit as a law
enforcement officer used in calculating a benefit under that
division and the member's credit for all service other than law
enforcement service under this chapter used in calculating a
benefit consisting of a single life annuity having a reserve equal
to the amount of the member's accumulated contributions and an
equal amount of the employer's contributions.

(2) Notwithstanding sections 145.01 and 145.30 of the Revised

Code, no more than four years of military service credit granted 1132
under section 145.30 of the Revised Code and five years of 1133
military service credit purchased under section 145.301 or 145.302 1134
of the Revised Code shall be used in calculating service as a law 1135
enforcement officer or the total service credit of that person. 1136

(3) Only credit for the member's service as a law enforcement 1137
officer or service credit obtained as a police officer or state 1138
highway patrol trooper shall be used in computing the benefits 1139
under division (B) of this section for the following: 1140

(a) Any person who originally is commissioned and employed as 1141
a deputy sheriff by the sheriff of any county, or who originally 1142
is elected sheriff, on or after January 1, 1975; 1143

(b) Any deputy sheriff who originally is employed as a 1144
criminal bailiff or court constable on or after April 16, 1993; 1145

(c) Any person who originally is appointed as a township 1146
constable or police officer in a township police department or 1147
district on or after January 1, 1981; 1148

(d) Any person who originally is employed as a county 1149
narcotics agent on or after September 26, 1984; 1150

(e) Any person who originally is employed as an undercover 1151
drug agent as defined in section 109.79 of the Revised Code, 1152
department of public safety enforcement agent who prior to the 1153
effective date of this amendment was a liquor control 1154
investigator, park officer, forest officer, wildlife officer, 1155
state watercraft officer, park district police officer, 1156
conservancy district officer, Ohio veterans' home police officer, 1157
special police officer for a mental health institution, special 1158
police officer for an institution for the mentally retarded and 1159
developmentally disabled, or municipal police officer on or after 1160
December 15, 1988; 1161

(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	1162 1163
(g) Any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996;	1164 1165
(h) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	1166 1167 1168
(i) Any person who originally is employed as a preserve officer on or after the effective date of this amendment <u>March 18, 1999</u> ;	1169 1170 1171
(j) Any person who originally is employed as a natural resources law enforcement staff officer on or after the effective date of this amendment <u>March 18, 1999</u> ;	1172 1173 1174
(k) <u>Any person who is originally employed as a department of public safety enforcement agent on or after the effective date of this amendment.</u>	1175 1176 1177
(D) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	1178 1179
<u>(E) For the purposes of this section, service prior to the effective date of this amendment as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.</u>	1180 1181 1182 1183
Sec. 742.63. The board of trustees of the police and firemen's disability and pension fund shall adopt rules for the management of the firemen and policemen's death benefit fund and for disbursements of benefits as set forth in this section.	1184 1185 1186 1187
(A) As used in this section:	1188
(1) "Member" means a member of the police and firemen's disability and pension fund or the state highway patrol retirement	1189 1190

system, or a member of the public employees retirement system who 1191
at the time of the member's death was a county sheriff or deputy 1192
sheriff, a full-time regular police officer in a municipal 1193
corporation or township, a full-time regular firefighter employed 1194
by the state, an instrumentality of the state, a municipal 1195
corporation, a township, a joint fire district, or another 1196
political subdivision, a full-time park district ranger or patrol 1197
trooper, a full-time law enforcement officer of the department of 1198
natural resources, a full-time ~~liquor control investigator of the~~ 1199
department of public safety enforcement agent, a full-time law 1200
enforcement officer of parks, waterway lands, or reservoir lands 1201
under the control of a municipal corporation, a full-time law 1202
enforcement officer of a conservancy district, a correction 1203
officer at an institution under the control of a county, a group 1204
of counties, a municipal corporation, or the department of 1205
rehabilitation and correction, a state university law enforcement 1206
officer, or a member of a retirement system operated by a 1207
municipal corporation who at the time of death was a full-time law 1208
enforcement officer of parks, waterway lands, or reservoir lands 1209
under the control of the municipal corporation. 1210

(2) Notwithstanding section 742.01 of the Revised Code, "fire 1211
or police department" includes a fire department of the state or 1212
an instrumentality of the state or of a municipal corporation, 1213
township, joint fire district, or other political subdivision, the 1214
state highway patrol, a county sheriff's office, the security 1215
force of an institution under the control of the department of 1216
rehabilitation and correction, the security force of a jail or 1217
workhouse under the control of a county, group of counties, or 1218
municipal corporation, the security force of a metropolitan, 1219
county, or township park district, the security force of lands 1220
under the control of the department of natural resources, ~~the~~ 1221
~~security force of liquor control investigators of the~~ department 1222

of public safety enforcement agents, the security force of parks, 1223
waterway lands, or reservoir lands under the control of a 1224
municipal corporation, the security force of a conservancy 1225
district, the police department of a township or municipal 1226
corporation, and the police force of a state university. 1227

(3) "Firefighter or police officer" includes a state highway 1228
patrol trooper, a county sheriff or deputy sheriff, a correction 1229
officer at an institution under the control of a county, a group 1230
of counties, a municipal corporation, or the department of 1231
rehabilitation and correction, a police officer employed by a 1232
township or municipal corporation, a firefighter employed by the 1233
state, an instrumentality of the state, a municipal corporation, a 1234
township, a joint fire district, or another political subdivision, 1235
a full-time park district ranger or patrol trooper, a full-time 1236
law enforcement officer of the department of natural resources, a 1237
full-time ~~liquor control investigator of the~~ department of public 1238
safety enforcement agent, a full-time law enforcement officer of 1239
parks, waterway lands, or reservoir lands under the control of a 1240
municipal corporation, a full-time law enforcement officer of a 1241
conservancy district, and a state university law enforcement 1242
officer. 1243

(4) "Correction officer" includes, in addition to any 1244
correction officer, any correction corporal, sergeant, lieutenant, 1245
or captain, and the equivalents of all such persons. 1246

(5) "A park district ranger or patrol trooper" means a peace 1247
officer commissioned to make arrests, execute warrants, and 1248
preserve the peace upon lands under the control of a board of park 1249
commissioners of a metropolitan, county, or township park 1250
district. 1251

(6) "Metropolitan, county, or township park district" means a 1252
park district created under the authority of Chapter 511. or 1545. 1253
of the Revised Code. 1254

(7) "Conservancy district" means a conservancy district	1255
created under the authority of Chapter 6101. of the Revised Code.	1256
(8) "Law enforcement officer" means an officer commissioned	1257
to make arrests, execute warrants, and preserve the peace upon	1258
lands under the control of the governmental entity granting the	1259
commission.	1260
(9) "Department of natural resources law enforcement officer"	1261
includes a forest officer designated pursuant to section 1503.29	1262
of the Revised Code, a preserve officer designated pursuant to	1263
section 1517.10 of the Revised Code, a wildlife officer designated	1264
pursuant to section 1531.13 of the Revised Code, a park officer	1265
designated pursuant to section 1541.10 of the Revised Code, and a	1266
state watercraft officer designated pursuant to section 1547.521	1267
of the Revised Code.	1268
(10) "Retirement eligibility date" means the last day of the	1269
month in which a deceased member would have first become eligible,	1270
had the member lived, for the retirement pension provided under	1271
section 145.33, division (C)(1) of section 742.37, or division	1272
(A)(1) of section 5505.17 of the Revised Code or provided by a	1273
retirement system operated by a municipal corporation.	1274
(11) "Death benefit amount" means an amount equal to the full	1275
monthly salary received by a deceased member prior to death, minus	1276
an amount equal to the benefit received under section 145.45,	1277
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit	1278
received from a retirement system operated by a municipal	1279
corporation, plus any increases in salary that would have been	1280
granted the deceased member.	1281
(12) "Killed in the line of duty" means either of the	1282
following:	1283
(a) Death in the line of duty;	1284

(b) Death from injury sustained in the line of duty, 1285
including heart attack or other fatal injury or illness caused 1286
while in the line of duty. 1287

(B) A spouse of a deceased member shall receive a death 1288
benefit each month equal to the full death benefit amount, 1289
provided that the deceased member was a firefighter or police 1290
officer killed in the line of duty and there are no surviving 1291
children eligible for a benefit under this section. The spouse 1292
shall receive this benefit during the spouse's natural life until 1293
the earlier of the deceased member's retirement eligibility date 1294
or the spouse's remarriage, on which date the benefit provided 1295
under this division shall terminate. 1296

(C)(1) If a member killed in the line of duty as a 1297
firefighter or police officer is survived only by a child or 1298
children, the child or children shall receive a benefit each month 1299
equal to the full death benefit amount. If there is more than one 1300
surviving child, the benefit shall be divided equally among these 1301
children. 1302

(2) If the death benefit paid under this division is divided 1303
among two or more surviving children and any of the children 1304
become ineligible to continue receiving a portion of the benefit 1305
as provided in division (H) of this section, the full death 1306
benefit amount shall be paid to the remaining eligible child or 1307
divided among the eligible children so that the benefit paid to 1308
the remaining eligible child or children equals the full death 1309
benefit amount. 1310

(3) Notwithstanding divisions (C)(1) and (2) of this section, 1311
all death benefits paid under this division shall terminate on the 1312
deceased member's retirement eligibility date. 1313

(D) If a member killed in the line of duty as a firefighter 1314
or police officer is survived by both a spouse and a child or 1315

children, the monthly benefit provided shall be as follows: 1316

(1)(a) If there is a surviving spouse and one surviving 1317
child, the spouse shall receive an amount each month equal to 1318
one-half of the full death benefit amount and the child shall 1319
receive an amount equal to one-half of the full death benefit 1320
amount. 1321

(b) If the surviving spouse becomes ineligible to continue 1322
receiving a death benefit due to remarriage or death, or the child 1323
becomes ineligible as provided in division (H) of this section, 1324
the surviving spouse or child remaining eligible shall receive the 1325
full death benefit amount. 1326

(2)(a) If there is a surviving spouse and more than one 1327
child, the spouse shall receive an amount each month equal to 1328
one-third of the full death benefit amount and the children shall 1329
receive an amount, equally divided among them, equal to two-thirds 1330
of the full death benefit amount. 1331

(b) If a spouse and more than one child each are receiving a 1332
death benefit under division (D)(2)(a) of this section and the 1333
spouse becomes ineligible to receive a benefit due to remarriage 1334
or death, the children shall receive an amount each month, equally 1335
divided among them, equal to the full death benefit amount. 1336

(c) If a spouse and more than one child each are receiving a 1337
benefit under division (D)(2)(a) of this section and any of the 1338
children becomes ineligible to receive a benefit as provided in 1339
division (H) of this section, the spouse and remaining eligible 1340
child or children shall receive a death benefit as follows: 1341

(i) If there are two or more remaining eligible children, the 1342
spouse shall receive an amount each month equal to one-third of 1343
the full death benefit amount and the children shall receive an 1344
amount each month, equally divided among them, equal to two-thirds 1345
of the full death benefit amount; 1346

(ii) If there is one remaining eligible child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount, and the child shall receive an amount each month equal to one-half of the full death benefit amount.

(d) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and all of the children become ineligible to receive a benefit as provided in division (H) of this section, the spouse shall receive the full death benefit amount.

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate on the earlier of the member's retirement eligibility date or the spouse's remarriage. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (H) of this section.

(E) If a member, on or after January 1, 1980, is killed in the line of duty as a firefighter or police officer and is survived by only a parent or parents dependent upon the member for support, the parent or parents shall receive an amount each month equal to the full death benefit amount. If there is more than one surviving parent dependent upon the deceased member for support, the death benefit amount shall be divided equally among the surviving parents. On the death of one of the surviving parents, the full death benefit amount shall be paid to the other parent.

(F) A surviving spouse whose benefits are terminated in accordance with division (B) or (D)(3) of this section on the deceased member's retirement eligibility date, or who would qualify for a benefit under division (B) or (D) of this section except that the deceased member reached the member's retirement eligibility date prior to the member's death, shall receive a

monthly death benefit under this division. The monthly death 1378
benefit shall be one-half of an amount equal to the monthly salary 1379
received by the deceased member prior to the member's death, plus 1380
any salary increases the deceased member would have received prior 1381
to the member's retirement eligibility date. The benefit shall 1382
terminate on the surviving spouse's remarriage or death. A death 1383
benefit payable under this division shall be reduced by an amount 1384
equal to any allowance or benefit payable to the surviving spouse 1385
under section 742.3714 of the Revised Code. 1386

(G)(1) If there is not a surviving spouse eligible to receive 1387
a death benefit under division (F) of this section or the 1388
surviving spouse receiving a death benefit under that division 1389
becomes ineligible to receive the benefit due to remarriage or 1390
death, a surviving child or children whose benefits under division 1391
(C) or (D) of this section are or have been terminated pursuant to 1392
division (C)(3) or (D)(3) of this section or who would qualify for 1393
a benefit under division (C) or (D) of this section except that 1394
the deceased member reached the member's retirement eligibility 1395
date prior to the member's death shall receive a monthly death 1396
benefit under this division. The monthly death benefit shall be 1397
one-half of an amount equal to the monthly salary received by the 1398
deceased member prior to the member's death, plus any salary 1399
increases the member would have received prior to the member's 1400
retirement eligibility date. If there is more than one surviving 1401
child, the benefit shall be divided equally among the surviving 1402
children. 1403

(2) If two or more surviving children each are receiving a 1404
benefit under this division and any of those children becomes 1405
ineligible to continue receiving a benefit as provided in division 1406
(H) of this section, the remaining eligible child or children 1407
shall receive an amount equal to one-half of the monthly salary 1408
received by the deceased member prior to death, plus any salary 1409

increases the deceased member would have received prior to the 1410
retirement eligibility date. If there is more than one remaining 1411
eligible child, the benefit shall be divided equally among the 1412
eligible children. 1413

(3) A death benefit, or portion of a death benefit, payable 1414
to a surviving child under this division shall be reduced by an 1415
amount equal to any allowance or benefit payable to that child 1416
under section 742.3714 of the Revised Code, but the reduction in 1417
that child's benefit shall not affect the amount payable to any 1418
other surviving child entitled to a portion of the death benefit. 1419

(H) A death benefit paid to a surviving child under division 1420
(C), (D), or (G) of this section shall terminate on the death of 1421
the child or, unless one of the following is the case, when the 1422
child reaches age eighteen: 1423

(1) The child, because of physical or mental disability, is 1424
unable to provide the child's own support, in which case the death 1425
benefit shall terminate when the disability is removed; 1426

(2) The child is unmarried, under age twenty-two, and a 1427
student in and attending an institution of learning or training 1428
pursuant to a program designed to complete in each school year the 1429
equivalent of at least two-thirds of the full-time curriculum 1430
requirements of the institution, as determined by the trustees of 1431
the fund. 1432

(I) Acceptance of any death benefit under this section does 1433
not prohibit a spouse or child from receiving other benefits 1434
provided under the police and firemen's disability and pension 1435
fund, the state highway patrol retirement system, the public 1436
employees retirement system, or a retirement system operated by a 1437
municipal corporation. 1438

(J) No person shall receive a benefit under this section if 1439
any of the following occur: 1440

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

(2) The member's accumulated contributions under this chapter or Chapter 145. or 5505. of the Revised Code are refunded unless the member had been a member of the public employees retirement system and had fewer than eighteen months of total service credit at the time of death.

(3) In the case of a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal corporation, or a member of a retirement system operated by a municipal corporation who at the time of the member's death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation, the member died prior to April 9, 1981, in the case of a benefit under division (B), (C), or (D) of this section, or prior to January 1, 1980, in the case of a benefit under division (E) of this section.

(4) In the case of a full-time department of public safety enforcement agent who prior to the effective date of this amendment was a liquor control investigator of the department of public safety, the member died prior to December 23, 1986;

(5) In the case of a full-time department of public safety enforcement agent other than an enforcement agent who, prior to the effective date of this amendment, was a liquor control investigator, the member died prior to the effective date of this amendment. 1472
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1475
1476

Sec. 2925.44. (A) If property is seized pursuant to section 1477
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 1478
custody of the head of the law enforcement agency that seized it, 1479
and the head of that agency may do any of the following with 1480
respect to that property prior to its disposition in accordance 1481
with division (A)(4) or (B) of this section: 1482

(1) Place the property under seal; 1483

(2) Remove the property to a place that the head of that 1484
agency designates; 1485

(3) Request the issuance of a court order that requires any 1486
other appropriate municipal corporation, county, township, park 1487
district created pursuant to section 511.18 or 1545.01 of the 1488
Revised Code, or state law enforcement officer or other officer to 1489
take custody of the property and, if practicable, remove it to an 1490
appropriate location for eventual disposition in accordance with 1491
division (B) of this section; 1492

(4)(a) Seek forfeiture of the property pursuant to federal 1493
law. If the head of that agency seeks its forfeiture pursuant to 1494
federal law, the law enforcement agency shall deposit, use, and 1495
account for proceeds from a sale of the property upon its 1496
forfeiture, proceeds from another disposition of the property upon 1497
its forfeiture, or forfeited moneys it receives, in accordance 1498
with the applicable federal law and otherwise shall comply with 1499
that law. 1500

(b) If the state highway patrol seized the property and if 1501

the superintendent of the state highway patrol seeks its 1502
forfeiture pursuant to federal law, the appropriate governmental 1503
officials shall deposit into the state highway patrol contraband, 1504
forfeiture, and other fund all interest or other earnings derived 1505
from the investment of the proceeds from a sale of the property 1506
upon its forfeiture, the proceeds from another disposition of the 1507
property upon its forfeiture, or the forfeited moneys. The state 1508
highway patrol shall use and account for that interest or other 1509
earnings in accordance with the applicable federal law. 1510

(c) If the ~~liquor enforcement~~ investigative unit of the 1511
department of public safety seized the property and if the 1512
director of public safety seeks its forfeiture pursuant to federal 1513
law, the appropriate governmental officials shall deposit into the 1514
~~liquor enforcement~~ department of public safety investigative unit 1515
contraband, forfeiture, and other fund all interest or other 1516
earnings derived from the investment of the proceeds from a sale 1517
of the property upon its forfeiture, the proceeds from another 1518
disposition of the property upon its forfeiture, or the forfeited 1519
moneys. The department shall use and account for that interest or 1520
other earnings in accordance with the applicable federal law. 1521

~~(d) If the food stamp fraud unit of the department of public 1522
safety seized the property and if the director of public safety 1523
seeks its forfeiture pursuant to federal law, the appropriate 1524
governmental officials shall deposit into the food stamp 1525
contraband, forfeiture, and other fund all interest or other 1526
earnings derived from the investment of the proceeds from a sale 1527
of the property upon its forfeiture, the proceeds from another 1528
disposition of the property upon its forfeiture, or the forfeited 1529
moneys. The department shall use and account for that interest or 1530
other earnings in accordance with the applicable federal law. 1531~~

~~(e) Division (B) of this section and divisions (D)(1) to (3) 1532
of section 2933.43 of the Revised Code do not apply to proceeds or 1533~~

forfeited moneys received pursuant to federal law or to the 1534
interest or other earnings that are derived from the investment of 1535
proceeds or forfeited moneys received pursuant to federal law and 1536
that are described in division (A)(4)(b) of this section. 1537

(B) In addition to complying with any requirements imposed by 1538
a court pursuant to section 2925.42 or 2925.43 of the Revised 1539
Code, and the requirements imposed by those sections, in relation 1540
to the disposition of property forfeited to the state under either 1541
of those sections, the prosecuting attorney who is responsible for 1542
its disposition shall dispose of the property as follows: 1543

(1) Any vehicle, as defined in section 4501.01 of the Revised 1544
Code, that was used in a felony drug abuse offense or in an act 1545
that, if committed by an adult, would be a felony drug abuse 1546
offense shall be given to the law enforcement agency of the 1547
municipal corporation or county in which the offense occurred if 1548
that agency desires to have the vehicle, except that, if the 1549
offense occurred in a township or in a park district created 1550
pursuant to section 511.18 or 1545.01 of the Revised Code and a 1551
law enforcement officer employed by the township or the park 1552
district was involved in the seizure of the vehicle, the vehicle 1553
may be given to the law enforcement agency of that township or 1554
park district if that agency desires to have the vehicle, and 1555
except that, if the state highway patrol made the seizure of the 1556
vehicle, the vehicle may be given to the state highway patrol if 1557
it desires to have the vehicle. 1558

(2) Any drug paraphernalia that was used, possessed, sold, or 1559
manufactured in a violation of section 2925.14 of the Revised Code 1560
that would be a felony drug abuse offense or in a violation of 1561
that section committed by a juvenile that, if committed by an 1562
adult, would be a felony drug abuse offense, may be given to the 1563
law enforcement agency of the municipal corporation or county in 1564
which the offense occurred if that agency desires to have and can 1565

use the drug paraphernalia, except that, if the offense occurred 1566
in a township or in a park district created pursuant to section 1567
511.18 or 1545.01 of the Revised Code and a law enforcement 1568
officer employed by the township or the park district was involved 1569
in the seizure of the drug paraphernalia, the drug paraphernalia 1570
may be given to the law enforcement agency of that township or 1571
park district if that agency desires to have and can use the drug 1572
paraphernalia. If the drug paraphernalia is not so given, it shall 1573
be disposed of by sale pursuant to division (B)(8) of this section 1574
or disposed of in another manner that the court that issued the 1575
order of forfeiture considers proper under the circumstances. 1576
1577

(3) Drugs shall be disposed of pursuant to section 3719.11 of 1578
the Revised Code or placed in the custody of the secretary of the 1579
treasury of the United States for disposal or use for medical or 1580
scientific purposes under applicable federal law. 1581

(4) Firearms and dangerous ordnance suitable for police work 1582
may be given to a law enforcement agency for that purpose. 1583
Firearms suitable for sporting use, or as museum pieces or 1584
collectors' items, may be disposed of by sale pursuant to division 1585
(B)(8) of this section. Other firearms and dangerous ordnance 1586
shall be destroyed by a law enforcement agency or shall be sent to 1587
the bureau of criminal identification and investigation for 1588
destruction by it. As used in this division, "firearms" and 1589
"dangerous ordnance" have the same meanings as in section 2923.11 1590
of the Revised Code. 1591

(5) Computers, computer networks, computer systems, and 1592
computer software suitable for police work may be given to a law 1593
enforcement agency for that purpose. Other computers, computer 1594
networks, computer systems, and computer software shall be 1595
disposed of by sale pursuant to division (B)(8) of this section or 1596
disposed of in another manner that the court that issued the order 1597

of forfeiture considers proper under the circumstances. As used in 1598
this division, "computers," "computer networks," "computer 1599
systems," and "computer software" have the same meanings as in 1600
section 2913.01 of the Revised Code. 1601

(6) Obscene materials shall be destroyed. 1602

(7) Beer, intoxicating liquor, and alcohol shall be disposed 1603
of in accordance with division (D)(4) of section 2933.41 of the 1604
Revised Code. 1605

(8) In the case of property not described in divisions (B)(1) 1606
to (7) of this section and of property described in those 1607
divisions but not disposed of pursuant to them, the property shall 1608
be sold in accordance with division (B)(8) of this section or, in 1609
the case of forfeited moneys, disposed of in accordance with 1610
division (B)(8) of this section. If the property is to be sold, 1611
the prosecuting attorney shall cause a notice of the proposed sale 1612
of the property to be given in accordance with law, and the 1613
property shall be sold, without appraisal, at a public auction to 1614
the highest bidder for cash. The proceeds of a sale and forfeited 1615
moneys shall be applied in the following order: 1616

(a) First, to the payment of the costs incurred in connection 1617
with the seizure of, storage of, maintenance of, and provision of 1618
security for the property, the forfeiture proceeding or civil 1619
action, and, if any, the sale; 1620

(b) Second, the remaining proceeds or forfeited moneys after 1621
compliance with division (B)(8)(a) of this section, to the payment 1622
of the value of any legal right, title, or interest in the 1623
property that is possessed by a person who, pursuant to division 1624
(F) of section 2925.42 of the Revised Code or division (E) of 1625
section 2925.43 of the Revised Code, established the validity of 1626
and consequently preserved that legal right, title, or interest, 1627
including, but not limited to, any mortgage, perfected or other 1628

security interest, or other lien in the property. The value of 1629
these rights, titles, or interests shall be paid according to 1630
their record or other order of priority. 1631

(c) Third, the remaining proceeds or forfeited moneys after 1632
compliance with divisions (B)(8)(a) and (b) of this section, as 1633
follows: 1634

(i) If the forfeiture was ordered in a juvenile court, ten 1635
per cent to one or more alcohol and drug addiction treatment 1636
programs that are certified by the department of alcohol and drug 1637
addiction services under section 3793.06 of the Revised Code and 1638
that are specified in the order of forfeiture. A juvenile court 1639
shall not specify an alcohol or drug addiction treatment program 1640
in the order of forfeiture unless the program is a certified 1641
alcohol and drug addiction treatment program and, except as 1642
provided in division (B)(8)(c)(i) of this section, unless the 1643
program is located in the county in which the court that orders 1644
the forfeiture is located or in a contiguous county. If no 1645
certified alcohol and drug addiction treatment program is located 1646
in any of those counties, the juvenile court may specify in the 1647
order a certified alcohol and drug addiction treatment program 1648
located anywhere within this state. 1649

(ii) If the forfeiture was ordered in a juvenile court, 1650
ninety per cent, and if the forfeiture was ordered in a court 1651
other than a juvenile court, one hundred per cent to appropriate 1652
funds in accordance with divisions (D)(1)(c) and (2) of section 1653
2933.43 of the Revised Code. The remaining proceeds or forfeited 1654
moneys so deposited shall be used only for the purposes authorized 1655
by those divisions and division (D)(3)(a)(ii) of that section. 1656

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not 1657
preclude a financial institution that possessed a valid mortgage, 1658
security interest, or lien that is not satisfied prior to a sale 1659

under division (B)(8) of this section or following a sale by 1660
application of division (B)(8)(b) of this section, from commencing 1661
a civil action in any appropriate court in this or another state 1662
to obtain a deficiency judgment against the debtor if the 1663
financial institution otherwise would have been entitled to do so 1664
in this or another state. 1665

(2) Any law enforcement agency that obtains any vehicle 1666
pursuant to division (B)(1) of this section shall take the vehicle 1667
subject to the outstanding amount of any security interest or lien 1668
that attaches to the vehicle. 1669

(3) Nothing in this section impairs a mortgage, security 1670
interest, lien, or other interest of a financial institution in 1671
property that was the subject of a forfeiture order under section 1672
2925.42 or 2925.43 of the Revised Code and that was sold or 1673
otherwise disposed of in a manner that does not conform to the 1674
requirements of division (B) of this section, or any right of a 1675
financial institution of that nature to commence a civil action in 1676
any appropriate court in this or another state to obtain a 1677
deficiency judgment against the debtor. 1678

(4) Following the sale under division (B)(8) of this section 1679
of any property that is required to be titled or registered under 1680
the law of this state, the prosecuting attorney responsible for 1681
the disposition of the property shall cause the state to issue an 1682
appropriate certificate of title or registration to the purchaser 1683
of the property. Additionally, if, in a disposition of property 1684
pursuant to division (B) of this section, the state or a political 1685
subdivision is given any property that is required to be titled or 1686
registered under the law of this state, the prosecuting attorney 1687
responsible for the disposition of the property shall cause the 1688
state to issue an appropriate certificate of title or registration 1689
to itself or to the political subdivision. 1690

(D) Property that has been forfeited to the state pursuant to 1691
an order of criminal forfeiture under section 2925.42 of the 1692
Revised Code or an order of civil forfeiture under section 2925.43 1693
of the Revised Code shall not be available for use to pay any fine 1694
imposed upon a person who is convicted of or pleads guilty to a 1695
felony drug abuse offense or upon any juvenile who is found by a 1696
juvenile court to be a delinquent child for an act that, if 1697
committed by an adult, would be a felony drug abuse offense. 1698

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 1699
prohibit a law enforcement officer from seeking the forfeiture of 1700
contraband associated with a felony drug abuse offense pursuant to 1701
section 2933.43 of the Revised Code. 1702

Sec. 2933.43. (A)(1) Except as provided in this division or 1703
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 1704
2925.45 of the Revised Code, a law enforcement officer shall seize 1705
any contraband that has been, is being, or is intended to be used 1706
in violation of division (A) of section 2933.42 of the Revised 1707
Code. A law enforcement officer shall seize contraband that is a 1708
watercraft, motor vehicle, or aircraft and that has been, is 1709
being, or is intended to be used in violation of division (A) of 1710
section 2933.42 of the Revised Code only if the watercraft, motor 1711
vehicle, or aircraft is contraband because of its relationship to 1712
an underlying criminal offense that is a felony. 1713

Additionally, a law enforcement officer shall seize any 1714
watercraft, motor vehicle, aircraft, or other personal property 1715
that is classified as contraband under division (B) of section 1716
2933.42 of the Revised Code if the underlying offense involved in 1717
the violation of division (A) of that section that resulted in the 1718
watercraft, motor vehicle, aircraft, or personal property being 1719
classified as contraband, is a felony. 1720

(2) If a law enforcement officer seizes property that is 1721

titled or registered under law, including a motor vehicle, 1722
pursuant to division (A)(1) of this section, the officer or the 1723
officer's employing law enforcement agency shall notify the owner 1724
of the seizure. The notification shall be given to the owner at 1725
the owner's last known address within seventy-two hours after the 1726
seizure, and may be given orally by any means, including 1727
telephone, or by certified mail, return receipt requested. 1728

If the officer or the officer's agency is unable to provide 1729
the notice required by this division despite reasonable, good 1730
faith efforts to do so, the exercise of the reasonable, good faith 1731
efforts constitutes fulfillment of the notice requirement imposed 1732
by this division. 1733

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 1734
this section and the contents of the vehicle may be retained for a 1735
reasonable period of time, not to exceed seventy-two hours, for 1736
the purpose of inspection, investigation, and the gathering of 1737
evidence of any offense or illegal use. 1738

At any time prior to the expiration of the seventy-two-hour 1739
period, the law enforcement agency that seized the motor vehicle 1740
may petition the court of common pleas of the county that has 1741
jurisdiction over the underlying criminal case or administrative 1742
proceeding involved in the forfeiture for an extension of the 1743
seventy-two-hour period if the motor vehicle or its contents are 1744
needed as evidence or if additional time is needed for the 1745
inspection, investigation, or gathering of evidence. Upon the 1746
filing of such a petition, the court immediately shall schedule a 1747
hearing to be held at a time as soon as possible after the filing, 1748
but in no event at a time later than the end of the next business 1749
day subsequent to the day on which the petition was filed, and 1750
upon scheduling the hearing, immediately shall notify the owner of 1751
the vehicle, at the address at which notification of the seizure 1752
was provided under division (A) of this section, of the date, 1753

time, and place of the hearing. If the court, at the hearing, 1754
determines that the vehicle or its contents, or both, are needed 1755
as evidence or that additional time is needed for the inspection, 1756
investigation, or gathering of evidence, the court may grant the 1757
petition and issue an order authorizing the retention of the 1758
vehicle or its contents, or both, for an extended period as 1759
specified by the court in its order. An order extending a period 1760
of retention issued under this division may be renewed. 1761

If no petition for the extension of the initial 1762
seventy-two-hour period has been filed, prior to the expiration of 1763
that period, under this division, if the vehicle was not in the 1764
custody and control of the owner at the time of its seizure, and 1765
if, at the end of that seventy-two-hour period, the owner of the 1766
vehicle has not been charged with an offense or administrative 1767
violation that includes the use of the vehicle as an element and 1768
has not been charged with any other offense or administrative 1769
violation in the actual commission of which the motor vehicle was 1770
used, the vehicle and its contents shall be released to its owner 1771
or the owner's agent, provided that the law enforcement agency 1772
that seized the vehicle may require proof of ownership of the 1773
vehicle, proof of ownership or legal possession of the contents, 1774
and an affidavit of the owner that the owner neither knew of nor 1775
expressly or impliedly consented to the use of the vehicle that 1776
resulted in its forfeiture as conditions precedent to release. If 1777
a petition for the extension of the initial seventy-two-hour 1778
period has been filed, prior to the expiration of that period, 1779
under this division but the court does not grant the petition, if 1780
the vehicle was not in the custody and control of the owner at the 1781
time of its seizure, and if, at the end of that seventy-two-hour 1782
period, the owner of the vehicle has not been charged with an 1783
offense or administrative violation that includes the use of the 1784
vehicle as an element and has not been charged with any other 1785

offense or administrative violation in the actual commission of 1786
which the motor vehicle was used, the vehicle and its contents 1787
shall be released to its owner or the owner's agent, provided that 1788
the court may require the proof and affidavit described in the 1789
preceding sentence as conditions precedent to release. If the 1790
initial seventy-two-hour period has been extended under this 1791
division, the vehicle and its contents to which the extension 1792
applies may be retained in accordance with the extension order. 1793
If, at the end of that extended period, the owner of the vehicle 1794
has not been charged with an offense or administrative violation 1795
that includes the use of the vehicle as an element and has not 1796
been charged with any other offense or administrative violation in 1797
the actual commission of which the motor vehicle was used, and if 1798
the vehicle was not in the custody and control of the owner at the 1799
time of its seizure, the vehicle and its contents shall be 1800
released to its owner or the owner's agent, provided that the 1801
court may require the proof and affidavit described in the third 1802
preceding sentence as conditions precedent to release. In cases in 1803
which the court may require proof and affidavits as conditions 1804
precedent to release, the court also may require the posting of a 1805
bond, with sufficient sureties approved by the court, in an amount 1806
equal to the value of the property to be released, as determined 1807
by the court, and conditioned upon the return of the property to 1808
the court if it is forfeited under this section, as a further 1809
condition to release. If, at the end of the initial 1810
seventy-two-hour period or at the end of any extended period 1811
granted under this section, the owner has been charged with an 1812
offense or administrative violation that includes the use of the 1813
vehicle as an element or has been charged with another offense or 1814
administrative violation in the actual commission of which the 1815
motor vehicle was used, or if the vehicle was in the custody and 1816
control of the owner at the time of its seizure, the vehicle and 1817
its contents shall be retained pending disposition of the charge, 1818

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. Not later than the fifteenth day of
April in the calendar year in which the reports are received, the
attorney general shall send to the president of the senate and the
speaker of the house of representatives a written notification
that does all of the following:

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(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 1978
the court shall deliver a copy of the order to the owner or send a 1979
copy of it by certified mail, return receipt requested, to the 1980
owner at the address to which notice of the seizure was given 1981
under division (A)(2) of this section. Except as otherwise 1982
provided in this division, all rights, interest, and title to the 1983
forfeited contraband vests in the state, effective from the date 1984
of seizure. 1985

No property shall be forfeited pursuant to this division if 1986
the owner of the property establishes, by a preponderance of the 1987
evidence, that the owner neither knew, nor should have known after 1988
a reasonable inquiry, that the property was used, or was likely to 1989
be used, in a crime or administrative violation. No bona fide 1990
security interest shall be forfeited pursuant to this division if 1991
the holder of the interest establishes, by a preponderance of the 1992
evidence, that the holder of the interest neither knew, nor should 1993
have known after a reasonable inquiry, that the property was used, 1994
or likely to be used, in a crime or administrative violation, that 1995
the holder of the interest did not expressly or impliedly consent 1996
to the use of the property in a crime or administrative violation, 1997
and that the security interest was perfected pursuant to law prior 1998
to the seizure. If the holder of the interest satisfies the court 1999
that these requirements are met, the interest shall be preserved 2000
by the court. In a case of that nature, the court shall either 2001
order that the agency to which the property is forfeited reimburse 2002
the holder of the interest to the extent of the preserved interest 2003
or order that the holder be paid for the interest from the 2004
proceeds of any sale pursuant to division (D) of this section. 2005

(D)(1) Contraband ordered forfeited pursuant to this section 2006
shall be disposed of pursuant to divisions (D)(1) to (7) of 2007
section 2933.41 of the Revised Code or, if the contraband is not 2008
described in those divisions, may be used, with the approval of 2009

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~~
department of public safety investigative unit contraband,
forfeiture, and other fund if the ~~liquor enforcement~~ investigative
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

investigative unit of the department of public safety, or the 2073
state board of pharmacy, made the seizure. The prosecuting 2074
attorney may decline to accept any of the remaining proceeds or 2075
forfeited moneys, and, if the prosecuting attorney so declines, 2076
the remaining proceeds or forfeited moneys shall be applied to the 2077
fund described in this division that relates to the law 2078
enforcement agency that made the seizure. 2079

A law enforcement trust fund shall be established by the 2080
prosecuting attorney of each county who intends to receive any 2081
remaining proceeds or forfeited moneys pursuant to this division, 2082
by the sheriff of each county, by the legislative authority of 2083
each municipal corporation, by the board of township trustees of 2084
each township that has a township police department, township 2085
police district police force, or office of the constable, and by 2086
the board of park commissioners of each park district created 2087
pursuant to section 511.18 or 1545.01 of the Revised Code that has 2088
a park district police force or law enforcement department, for 2089
the purposes of this division. There is hereby created in the 2090
state treasury the state highway patrol contraband, forfeiture, 2091
and other fund, the ~~liquor enforcement~~ department of public safety 2092
investigative unit contraband, forfeiture, and other fund, ~~the~~ 2093
~~food stamp contraband, forfeiture, and other fund,~~ and the peace 2094
officer training commission fund, for the purposes described in 2095
this division. 2096

Proceeds or forfeited moneys distributed to any municipal 2097
corporation, township, or park district law enforcement trust fund 2098
shall be allocated from the fund by the legislative authority only 2099
to the police department of the municipal corporation, by the 2100
board of township trustees only to the township police department, 2101
township police district police force, or office of the constable, 2102
and by the board of park commissioners only to the park district 2103
police force or law enforcement department. 2104

Additionally, no proceeds or forfeited moneys shall be 2105
allocated to or used by the state highway patrol, the ~~food stamp~~ 2106
~~trafficking unit or liquor enforcement unit~~ of the department of 2107
public safety, the state board of pharmacy, or a county sheriff, 2108
prosecuting attorney, municipal corporation police department, 2109
township police department, township police district police force, 2110
office of the constable, or park district police force or law 2111
enforcement department unless the state highway patrol, department 2112
of public safety, state board of pharmacy, sheriff, prosecuting 2113
attorney, municipal corporation police department, township police 2114
department, township police district police force, office of the 2115
constable, or park district police force or law enforcement 2116
department has adopted a written internal control policy under 2117
division (D)(3) of this section that addresses the use of moneys 2118
received from the state highway patrol contraband, forfeiture, and 2119
other fund, the ~~liquor enforcement~~ department of public safety 2120
investigative unit contraband, forfeiture, and other fund, ~~the~~ 2121
~~food stamp~~ contraband, forfeiture, and other fund, the board of 2122
pharmacy drug law enforcement fund, or the appropriate law 2123
enforcement trust fund. The state highway patrol contraband, 2124
forfeiture, and other fund, the ~~liquor enforcement~~ department of 2125
public safety investigative unit contraband, forfeiture, and other 2126
fund, ~~the food stamp~~ contraband, forfeiture, and other fund, and a 2127
law enforcement trust fund shall be expended only in accordance 2128
with the written internal control policy so adopted by the 2129
recipient, and, subject to the requirements specified in division 2130
(D)(3)(a)(ii) of this section, only to pay the costs of protracted 2131
or complex investigations or prosecutions, to provide reasonable 2132
technical training or expertise, to provide matching funds to 2133
obtain federal grants to aid law enforcement, in the support of 2134
DARE programs or other programs designed to educate adults or 2135
children with respect to the dangers associated with the use of 2136
drugs of abuse, or for other law enforcement purposes that the 2137

superintendent of the state highway patrol, department of public 2138
safety, prosecuting attorney, county sheriff, legislative 2139
authority, board of township trustees, or board of park 2140
commissioners determines to be appropriate. The board of pharmacy 2141
drug law enforcement fund shall be expended only in accordance 2142
with the written internal control policy so adopted by the board 2143
and only in accordance with section 4729.65 of the Revised Code. 2144
The state highway patrol contraband, forfeiture, and other fund, 2145
the ~~liquor enforcement~~ department of public safety investigative 2146
unit contraband, ~~seizure~~ forfeiture, and other fund, ~~the food~~ 2147
~~stamp contraband, forfeiture, and other fund,~~ the board of 2148
pharmacy drug law enforcement fund, and a law enforcement trust 2149
fund shall not be used to meet the operating costs of the state 2150
highway patrol, of the ~~food stamp trafficking unit or liquor~~ 2151
~~enforcement~~ investigative unit of the department of public safety, 2152
of the state board of pharmacy, of any political subdivision, or 2153
of any office of a prosecuting attorney or county sheriff that are 2154
unrelated to law enforcement. 2155

Proceeds and forfeited moneys that are paid into the state 2156
treasury to be deposited into the peace officer training 2157
commission fund shall be used by the commission only to pay the 2158
costs of peace officer training. 2159

Any sheriff or prosecuting attorney who receives proceeds or 2160
forfeited moneys pursuant to this division during any calendar 2161
year shall file a report with the county auditor, no later than 2162
the thirty-first day of January of the next calendar year, 2163
verifying that the proceeds and forfeited moneys were expended 2164
only for the purposes authorized by this division and division 2165
(D)(3)(a)(ii) of this section and specifying the amounts expended 2166
for each authorized purpose. Any municipal corporation police 2167
department that is allocated proceeds or forfeited moneys from a 2168
municipal corporation law enforcement trust fund pursuant to this 2169

division during any calendar year shall file a report with the 2170
legislative authority of the municipal corporation, no later than 2171
the thirty-first day of January of the next calendar year, 2172
verifying that the proceeds and forfeited moneys were expended 2173
only for the purposes authorized by this division and division 2174
(D)(3)(a)(ii) of this section and specifying the amounts expended 2175
for each authorized purpose. Any township police department, 2176
township police district police force, or office of the constable 2177
that is allocated proceeds or forfeited moneys from a township law 2178
enforcement trust fund pursuant to this division during any 2179
calendar year shall file a report with the board of township 2180
trustees of the township, no later than the thirty-first day of 2181
January of the next calendar year, verifying that the proceeds and 2182
forfeited moneys were expended only for the purposes authorized by 2183
this division and division (D)(3)(a)(ii) of this section and 2184
specifying the amounts expended for each authorized purpose. Any 2185
park district police force or law enforcement department that is 2186
allocated proceeds or forfeited moneys from a park district law 2187
enforcement trust fund pursuant to this division during any 2188
calendar year shall file a report with the board of park 2189
commissioners of the park district, no later than the thirty-first 2190
day of January of the next calendar year, verifying that the 2191
proceeds and forfeited moneys were expended only for the purposes 2192
authorized by this division and division (D)(3)(a)(ii) of this 2193
section and specifying the amounts expended for each authorized 2194
purpose. The superintendent of the state highway patrol shall file 2195
a report with the attorney general, no later than the thirty-first 2196
day of January of each calendar year, verifying that proceeds and 2197
forfeited moneys paid into the state highway patrol contraband, 2198
forfeiture, and other fund pursuant to this division during the 2199
prior calendar year were used by the state highway patrol during 2200
the prior calendar year only for the purposes authorized by this 2201
division and specifying the amounts expended for each authorized 2202

purpose. The executive director of the state board of pharmacy 2203
shall file a report with the attorney general, no later than the 2204
thirty-first day of January of each calendar year, verifying that 2205
proceeds and forfeited moneys paid into the board of pharmacy drug 2206
law enforcement fund during the prior calendar year were used only 2207
in accordance with section 4729.65 of the Revised Code and 2208
specifying the amounts expended for each authorized purpose. The 2209
peace officer training commission shall file a report with the 2210
attorney general, no later than the thirty-first day of January of 2211
each calendar year, verifying that proceeds and forfeited moneys 2212
paid into the peace officer training commission fund pursuant to 2213
this division during the prior calendar year were used by the 2214
commission during the prior calendar year only to pay the costs of 2215
peace officer training and specifying the amount used for that 2216
purpose. 2217

(2) If more than one law enforcement agency is substantially 2218
involved in the seizure of contraband that is forfeited pursuant 2219
to this section, the court ordering the forfeiture shall equitably 2220
divide the proceeds or forfeited moneys, after calculating any 2221
distribution to the law enforcement trust fund of the prosecuting 2222
attorney pursuant to division (D)(1)(c) of this section, among any 2223
county sheriff whose office is determined by the court to be 2224
substantially involved in the seizure, any legislative authority 2225
of a municipal corporation whose police department is determined 2226
by the court to be substantially involved in the seizure, any 2227
board of township trustees whose law enforcement agency is 2228
determined by the court to be substantially involved in the 2229
seizure, any board of park commissioners of a park district whose 2230
police force or law enforcement department is determined by the 2231
court to be substantially involved in the seizure, the state board 2232
of pharmacy if it is determined by the court to be substantially 2233
involved in the seizure, the ~~food stamp trafficking unit or liquor~~ 2234

~~enforcement~~ investigative unit of the department of public safety 2235
if it is determined by the court to be substantially involved in 2236
the seizure, and the state highway patrol if it is determined by 2237
the court to be substantially involved in the seizure. The 2238
proceeds or forfeited moneys shall be deposited in the respective 2239
law enforcement trust funds of the county sheriff, municipal 2240
corporation, township, and park district, the board of pharmacy 2241
drug law enforcement fund, the ~~liquor enforcement~~ department of 2242
public safety investigative unit contraband, forfeiture, and other 2243
fund, ~~the food stamp contraband, forfeiture, and other fund,~~ or 2244
the state highway patrol contraband, forfeiture, and other fund, 2245
in accordance with division (D)(1)(c) of this section. If a state 2246
law enforcement agency, other than the state highway patrol, the 2247
~~food stamp trafficking unit or liquor enforcement~~ investigative 2248
unit of the department of public safety, or the state board of 2249
pharmacy, is determined by the court to be substantially involved 2250
in the seizure, the state agency's equitable share of the proceeds 2251
and forfeited moneys shall be paid to the treasurer of state for 2252
deposit into the peace officer training commission fund. 2253

(3)(a)(i) Prior to being allocated or using any proceeds or 2254
forfeited moneys out of the state highway patrol contraband, 2255
forfeiture, and other fund, the ~~liquor enforcement~~ department of 2256
public safety investigative unit contraband, forfeiture, and other 2257
fund, ~~the food stamp contraband, seizure, and other fund,~~ the 2258
board of pharmacy drug law enforcement fund, or a law enforcement 2259
trust fund under division (D)(1)(c) of this section, the state 2260
highway patrol, the department of public safety, the state board 2261
of pharmacy, and a county sheriff, prosecuting attorney, municipal 2262
corporation police department, township police department, 2263
township police district police force, office of the constable, or 2264
park district police force or law enforcement department shall 2265
adopt a written internal control policy that addresses the state 2266
highway patrol's, department of public safety's, state board of 2267

pharmacy's, sheriff's, prosecuting attorney's, police 2268
department's, police force's, office of the constable's, or law 2269
enforcement department's use and disposition of all the proceeds 2270
and forfeited moneys received and that provides for the keeping of 2271
detailed financial records of the receipts of the proceeds and 2272
forfeited moneys, the general types of expenditures made out of 2273
the proceeds and forfeited moneys, the specific amount of each 2274
general type of expenditure, and the amounts, portions, and 2275
programs described in division (D)(3)(a)(ii) of this section. The 2276
policy shall not provide for or permit the identification of any 2277
specific expenditure that is made in an ongoing investigation. 2278

All financial records of the receipts of the proceeds and 2279
forfeited moneys, the general types of expenditures made out of 2280
the proceeds and forfeited moneys, the specific amount of each 2281
general type of expenditure by the state highway patrol, by the 2282
department of public safety, by the state board of pharmacy, and 2283
by a sheriff, prosecuting attorney, municipal corporation police 2284
department, township police department, township police district 2285
police force, office of the constable, or park district police 2286
force or law enforcement department, and the amounts, portions, 2287
and programs described in division (D)(3)(a)(ii) of this section 2288
are public records open for inspection under section 149.43 of the 2289
Revised Code. Additionally, a written internal control policy 2290
adopted under this division is a public record of that nature, and 2291
the state highway patrol, the department of public safety, the 2292
state board of pharmacy, or the sheriff, prosecuting attorney, 2293
municipal corporation police department, township police 2294
department, township police district police force, office of the 2295
constable, or park district police force or law enforcement 2296
department that adopted it shall comply with it. 2297

(ii) The written internal control policy of a county sheriff, 2298
prosecuting attorney, municipal corporation police department, 2299

township police department, township police district police force, 2300
office of the constable, or park district police force or law 2301
enforcement department shall provide that at least ten per cent of 2302
the first one hundred thousand dollars of proceeds and forfeited 2303
moneys deposited during each calendar year in the sheriff's, 2304
prosecuting attorney's, municipal corporation's, township's, or 2305
park district's law enforcement trust fund pursuant to division 2306
(B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of 2307
section 2925.44 of the Revised Code, and at least twenty per cent 2308
of the proceeds and forfeited moneys exceeding one hundred 2309
thousand dollars that are so deposited, shall be used in 2310
connection with community preventive education programs. The 2311
manner in which the described percentages are so used shall be 2312
determined by the sheriff, prosecuting attorney, department, 2313
police force, or office of the constable after the receipt and 2314
consideration of advice on appropriate community preventive 2315
education programs from the county's board of alcohol, drug 2316
addiction, and mental health services, from the county's alcohol 2317
and drug addiction services board, or through appropriate 2318
community dialogue. The financial records described in division 2319
(D)(3)(a)(i) of this section shall specify the amount of the 2320
proceeds and forfeited moneys deposited during each calendar year 2321
in the sheriff's, prosecuting attorney's, municipal corporation's, 2322
township's, or park district's law enforcement trust fund pursuant 2323
to division (B)(7)(c)(ii) of section 2923.46 or division 2324
(B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion 2325
of that amount that was used pursuant to the requirements of this 2326
division, and the community preventive education programs in 2327
connection with which the portion of that amount was so used. 2328

As used in this division, "community preventive education 2329
programs" includes, but is not limited to, DARE programs and other 2330
programs designed to educate adults or children with respect to 2331

the dangers associated with the use of drugs of abuse. 2332

(b) Each sheriff, prosecuting attorney, municipal corporation 2333
police department, township police department, township police 2334
district police force, office of the constable, or park district 2335
police force or law enforcement department that receives in any 2336
calendar year any proceeds or forfeited moneys out of a law 2337
enforcement trust fund under division (D)(1)(c) of this section or 2338
uses any proceeds or forfeited moneys in its law enforcement trust 2339
fund in any calendar year shall prepare a report covering the 2340
calendar year that cumulates all of the information contained in 2341
all of the public financial records kept by the sheriff, 2342
prosecuting attorney, municipal corporation police department, 2343
township police department, township police district police force, 2344
office of the constable, or park district police force or law 2345
enforcement department pursuant to division (D)(3)(a) of this 2346
section for that calendar year, and shall send a copy of the 2347
cumulative report, no later than the first day of March in the 2348
calendar year following the calendar year covered by the report, 2349
to the attorney general. 2350

The superintendent of the state highway patrol shall prepare 2351
a report covering each calendar year in which the state highway 2352
patrol uses any proceeds or forfeited moneys in the state highway 2353
patrol contraband, forfeiture, and other fund under division 2354
(D)(1)(c) of this section, that cumulates all of the information 2355
contained in all of the public financial records kept by the state 2356
highway patrol pursuant to division (D)(3)(a) of this section for 2357
that calendar year, and shall send a copy of the cumulative 2358
report, no later than the first day of March in the calendar year 2359
following the calendar year covered by the report, to the attorney 2360
general. 2361

The department of public safety shall prepare a report 2362
covering each fiscal year in which the department uses any 2363

proceeds or forfeited moneys in the ~~liquor enforcement contraband,~~ 2364
~~seizure, and other fund and the food stamp~~ department of public 2365
safety investigative unit contraband, forfeiture, and other fund 2366
under division (D)(1)(c) of this section that cumulates all of the 2367
information contained in all of the public financial records kept 2368
by the department pursuant to division (D)(3)(a) of this section 2369
for that fiscal year. The department shall send a copy of the 2370
cumulative report to the attorney general no later than the first 2371
day of August in the fiscal year following the fiscal year covered 2372
by the report. The director of public safety shall include in the 2373
report a verification that proceeds and forfeited moneys paid into 2374
the ~~liquor enforcement contraband, seizure, and other fund and the~~ 2375
~~food stamp~~ department of public safety investigative unit 2376
contraband, forfeiture, and other fund under division (D)(1)(c) of 2377
this section during the preceding fiscal year were used by the 2378
department during that fiscal year only for the purposes 2379
authorized by that division and shall specify the amount used for 2380
each authorized purpose. 2381

The executive director of the state board of pharmacy shall 2382
prepare a report covering each calendar year in which the board 2383
uses any proceeds or forfeited moneys in the board of pharmacy 2384
drug law enforcement fund under division (D)(1)(c) of this 2385
section, that cumulates all of the information contained in all of 2386
the public financial records kept by the board pursuant to 2387
division (D)(3)(a) of this section for that calendar year, and 2388
shall send a copy of the cumulative report, no later than the 2389
first day of March in the calendar year following the calendar 2390
year covered by the report, to the attorney general. Each report 2391
received by the attorney general is a public record open for 2392
inspection under section 149.43 of the Revised Code. Not later 2393
than the fifteenth day of April in the calendar year in which the 2394
reports are received, the attorney general shall send to the 2395

president of the senate and the speaker of the house of	2396
representatives a written notification that does all of the	2397
following:	2398
(i) Indicates that the attorney general has received from	2399
entities or persons specified in this division reports of the type	2400
described in this division that cover the previous calendar year	2401
and indicates that the reports were received under this division;	2402
(ii) Indicates that the reports are open for inspection under	2403
section 149.43 of the Revised Code;	2404
(iii) Indicates that the attorney general will provide a copy	2405
of any or all of the reports to the president of the senate or the	2406
speaker of the house of representatives upon request.	2407
(4)(a) A law enforcement agency that receives pursuant to	2408
federal law proceeds from a sale of forfeited contraband, proceeds	2409
from another disposition of forfeited contraband, or forfeited	2410
contraband moneys shall deposit, use, and account for the proceeds	2411
or forfeited moneys in accordance with, and otherwise comply with,	2412
the applicable federal law.	2413
(b) If the state highway patrol receives pursuant to federal	2414
law proceeds from a sale of forfeited contraband, proceeds from	2415
another disposition of forfeited contraband, or forfeited	2416
contraband moneys, the appropriate governmental officials shall	2417
deposit into the state highway patrol contraband, forfeiture, and	2418
other fund all interest or other earnings derived from the	2419
investment of the proceeds or forfeited moneys. The state highway	2420
patrol shall use and account for that interest or other earnings	2421
in accordance with the applicable federal law.	2422
(c) If the liquor enforcement <u>investigative</u> unit of the	2423
department of public safety receives pursuant to federal law	2424
proceeds from a sale of forfeited contraband, proceeds from	2425
another disposition of forfeited contraband, or forfeited	2426

contraband moneys, the appropriate governmental officials shall 2427
deposit into the ~~liquor enforcement~~ department of public safety 2428
investigative unit contraband, forfeiture, and other fund all 2429
interest or other earnings derived from the investment of the 2430
proceeds or forfeited moneys. The department shall use and account 2431
for that interest or other earnings in accordance with the 2432
applicable federal law. 2433

~~(d) If the food stamp fraud unit of the department of public 2434
safety receives pursuant to federal law proceeds from a sale of 2435
forfeited contraband, proceeds from another disposition of 2436
forfeited contraband, or forfeited contraband moneys, the 2437
appropriate governmental officials shall deposit into the food 2438
stamp contraband, forfeiture, and other fund all interest or other 2439
earnings derived from the investment of the proceeds or forfeited 2440
moneys. The department shall use and account for that interest or 2441
other earnings in accordance with the applicable federal law. 2442~~

~~(e) Divisions (D)(1) to (3) of this section do not apply to 2443
proceeds or forfeited moneys received pursuant to federal law or 2444
to the interest or other earnings that are derived from the 2445
investment of proceeds or forfeited moneys received pursuant to 2446
federal law and that are described in division (D)(4)(b) of this 2447
section. 2448~~

(E) Upon the sale pursuant to this section of any property 2449
that is required to be titled or registered under law, the state 2450
shall issue an appropriate certificate of title or registration to 2451
the purchaser. If the state is vested with title pursuant to 2452
division (C) of this section and elects to retain property that is 2453
required to be titled or registered under law, the state shall 2454
issue an appropriate certificate of title or registration. 2455

(F) Notwithstanding any provisions of this section to the 2456
contrary, any property that is lawfully seized in relation to a 2457
violation of section 2923.32 of the Revised Code shall be subject 2458

to forfeiture and disposition in accordance with sections 2923.32 2459
to 2923.36 of the Revised Code; any property that is forfeited 2460
pursuant to section 2923.44 or 2923.45 of the Revised Code in 2461
relation to a violation of section 2923.42 of the Revised Code or 2462
in relation to an act of a juvenile that is a violation of section 2463
2923.42 of the Revised Code may be subject to forfeiture and 2464
disposition in accordance with sections 2923.44 to 2923.47 of the 2465
Revised Code; and any property that is forfeited pursuant to 2466
section 2925.42 or 2925.43 of the Revised Code in relation to a 2467
felony drug abuse offense, as defined in section 2925.01 of the 2468
Revised Code, or in relation to an act that, if committed by an 2469
adult, would be a felony drug abuse offense of that nature, may be 2470
subject to forfeiture and disposition in accordance with sections 2471
2925.41 to 2925.45 of the Revised Code or this section. 2472

(G) Any failure of a law enforcement officer or agency, a 2473
prosecuting attorney, village solicitor, city director of law, or 2474
similar chief legal officer, a court, or the attorney general to 2475
comply with any duty imposed by this section in relation to any 2476
property seized or with any other provision of this section in 2477
relation to any property seized does not affect the validity of 2478
the seizure of the property, provided the seizure itself was made 2479
in accordance with law, and is not and shall not be considered to 2480
be the basis for the suppression of any evidence resulting from 2481
the seizure of the property, provided the seizure itself was made 2482
in accordance with law. 2483

(H) Contraband that has been forfeited pursuant to division 2484
(C) of this section shall not be available for use to pay any fine 2485
imposed upon a person who is convicted of or pleads guilty to an 2486
underlying criminal offense or a different offense arising out of 2487
the same facts and circumstances. 2488

Sec. 2935.01. As used in this chapter: 2489

(A) "Magistrate" has the same meaning as in section 2931.01	2490
of the Revised Code.	2491
(B) "Peace officer" includes, except as provided in section	2492
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal;	2493
deputy marshal; member of the organized police department of any	2494
municipal corporation, including a member of the organized police	2495
department of a municipal corporation in an adjoining state	2496
serving in Ohio under a contract pursuant to section 737.04 of the	2497
Revised Code; member of a police force employed by a metropolitan	2498
housing authority under division (D) of section 3735.31 of the	2499
Revised Code; member of a police force employed by a regional	2500
transit authority under division (Y) of section 306.05 of the	2501
Revised Code; state university law enforcement officer appointed	2502
under section 3345.04 of the Revised Code; liquor control	2503
investigator or food stamp trafficking <u>enforcement</u> agent of the	2504
department of public safety <u>designated under section 5502.14 of</u>	2505
<u>the Revised Code</u> ; employee of the department of natural resources	2506
who is a natural resources law enforcement staff officer	2507
designated pursuant to section 1501.013 of the Revised Code, a	2508
forest officer designated pursuant to section 1503.29 of the	2509
Revised Code, a preserve officer designated pursuant to section	2510
1517.10 of the Revised Code, a wildlife officer designated	2511
pursuant to section 1531.13 of the Revised Code, a park officer	2512
designated pursuant to section 1541.10 of the Revised Code, or a	2513
state watercraft officer designated pursuant to section 1547.521	2514
of the Revised Code; individual designated to perform law	2515
enforcement duties under section 511.232, 1545.13, or 6101.75 of	2516
the Revised Code; Ohio veterans' home police officer appointed	2517
under section 5907.02 of the Revised Code; police constable of any	2518
township; and police officer of a township or joint township	2519
police district; and, for the purpose of arrests within those	2520
areas, and for the purposes of Chapter 5503. of the Revised Code,	2521

and the filing of and service of process relating to those 2522
offenses witnessed or investigated by them, includes the 2523
superintendent and troopers of the state highway patrol. 2524

(C) "Prosecutor" includes the county prosecuting attorney and 2525
any assistant prosecutor designated to assist the county 2526
prosecuting attorney, and, in the case of courts inferior to 2527
courts of common pleas, includes the village solicitor, city 2528
director of law, or similar chief legal officer of a municipal 2529
corporation, any such officer's assistants, or any attorney 2530
designated by the prosecuting attorney of the county to appear for 2531
the prosecution of a given case. 2532

(D) "Offense," except where the context specifically 2533
indicates otherwise, includes felonies, misdemeanors, and 2534
violations of ordinances of municipal corporations and other 2535
public bodies authorized by law to adopt penal regulations. 2536

Sec. 4301.021. ~~The director or, beginning on July 1, 1997,~~ 2537
~~the~~ superintendent of liquor control shall exercise all powers and 2538
perform all duties created and enjoined by Chapters 4301. and 2539
4303. of the Revised Code, except for the powers and duties vested 2540
in and enjoined upon the liquor control commission by section 2541
4301.022 of the Revised Code and all chapters and sections of the 2542
Revised Code referred to in that section, and except for the 2543
powers and duties vested in the department of public safety under 2544
sections ~~5502.61 and 5502.62~~ 5502.13 to 5502.19 of the Revised 2545
Code and all provisions of the Revised Code referred to in those 2546
sections that relate to liquor control enforcement. 2547

Sec. 4301.10. (A) ~~The department or, beginning on July 1,~~ 2548
~~1997, the~~ division of liquor control shall do all of the 2549
following: 2550

(1) Control the traffic in beer and intoxicating liquor in 2551

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 2584
shall be a charge only upon the moneys received by the ~~department~~ 2585
~~or~~ division from the sale of spirituous liquor and its other 2586
business transactions in connection with the sale of spirituous 2587
liquor, and shall not be general obligations of the state; 2588

(4) Enforce the administrative provisions of this chapter and 2589
Chapter 4303. of the Revised Code, and the rules and orders of the 2590
liquor control commission and the ~~director~~ or superintendent 2591
relating to the manufacture, importation, transportation, 2592
distribution, and sale of beer and intoxicating liquors; and the 2593
attorney general, any prosecuting attorney, and any prosecuting 2594
officer of a municipal corporation or a municipal court shall, at 2595
the request of the ~~department~~ or division of liquor control or the 2596
department of public safety, prosecute any person charged with the 2597
violation of any provision in those chapters or of any section of 2598
the Revised Code relating to the manufacture, importation, 2599
transportation, distribution, and sale of beer and intoxicating 2600
liquor; 2601

(5) Determine the locations of all state liquor stores and 2602
manufacturing, distributing, and bottling plants required in 2603
connection therewith, subject to this chapter and Chapter 4303. of 2604
the Revised Code; 2605

(6) Conduct inspections of liquor permit premises to 2606
determine compliance with the administrative provisions of this 2607
chapter and Chapter 4303. of the Revised Code and the rules 2608
adopted under those provisions by the liquor control commission. 2609

Except as otherwise provided in division (A)(6) of this 2610
section, those inspections may be conducted only during those 2611
hours in which the permit holder is open for business and only by 2612
authorized agents or employees of the ~~department~~ or division or by 2613
any peace officer, as ~~this term is~~ defined in section 2935.01 of 2614
the Revised Code. Inspections may be conducted at other hours only 2615

to determine compliance with laws or commission rules that 2616
regulate the hours of sale of beer and intoxicating liquor and 2617
only if the investigator has reasonable cause to believe that 2618
those laws or rules are being violated. Any inspection conducted 2619
pursuant to division (A)(6) of this section is subject to all of 2620
the following requirements: 2621

(a) The only property that may be confiscated is contraband, 2622
as defined in section 2901.01 of the Revised Code, or property 2623
that is otherwise necessary for evidentiary purposes. 2624

(b) A complete inventory of all property confiscated from the 2625
premises shall be given to the permit holder or the permit 2626
holder's agent or employee by the confiscating agent or officer at 2627
the conclusion of the inspection. At that time, the inventory 2628
shall be signed by the confiscating agent or officer and the agent 2629
or officer shall give the permit holder or the permit holder's 2630
agent or employee the opportunity to sign the inventory. 2631

(c) Inspections conducted pursuant to division (A)(6) of this 2632
section shall be conducted in a reasonable manner. A finding by 2633
any court of competent jurisdiction that the inspection was not 2634
conducted in a reasonable manner in accordance with this section 2635
or any rules promulgated by the commission may be considered 2636
grounds for suppression of evidence. A finding by the liquor 2637
control commission that the inspection was not conducted in a 2638
reasonable manner in accordance with this section or any rules 2639
promulgated by the commission may be considered grounds for 2640
dismissal of the commission case. 2641

If any court of competent jurisdiction finds that property 2642
confiscated as the result of an administrative inspection is not 2643
necessary for evidentiary purposes and is not contraband, as 2644
defined in section 2901.01 of the Revised Code, the court shall 2645
order the immediate return of the confiscated property, provided 2646
that property is not ~~contraband or~~ otherwise subject to 2647

forfeiture, to the permit holder. However, the return of this 2648
property is not grounds for dismissal of the case. The commission 2649
likewise may order the return of confiscated property if no 2650
criminal prosecution is pending or anticipated. 2651

(7) Delegate to any of its agents or employees any power of 2652
investigation that the ~~department or~~ division possesses with 2653
respect to the enforcement of any of the administrative laws 2654
relating to beer and ~~to~~ intoxicating liquor, provided that this 2655
division does not authorize the ~~department or~~ division to 2656
designate any agent or employee to serve as a ~~liquor control~~
~~investigator~~ an enforcement agent. The employment and designation 2657
of ~~liquor control investigators~~ enforcement agents shall be within 2658
the exclusive authority of the director of public safety pursuant 2659
to sections 5502.13 ~~and 5502.61~~ to 5502.19 of the Revised Code. 2660
2661

(8) Except as otherwise provided in division (A)(8) of this 2662
section, collect the following fees: 2663

(a) An annual twenty-five-dollar registration fee for each 2664
representative, registered pursuant to section 4303.25 of the 2665
Revised Code, of a beer or intoxicating liquor manufacturer doing 2666
business in this state; 2667

(b) A fifty-dollar product registration fee for each new beer 2668
or intoxicating liquor product sold in this state. The product 2669
registration fee shall be accompanied by a copy of the federal 2670
label and product approval for the new product. 2671

(c) An annual three-hundred-dollar out-of-state supplier 2672
consent-to-import fee from each manufacturer or supplier not 2673
subject to division (A)(8)(e) of this section, in addition to an 2674
initial application fee of one hundred dollars; 2675

(d) An annual twenty-five-dollar registration fee for coil 2676
cleaners of beer dispensing equipment doing business in this 2677
state. 2678

(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.

(B) The ~~department or~~ division may do all of the following:

(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 2710
acquire and transfer title to personal property with regard to the 2711
sale, distribution, and storage of spirituous liquor within the 2712
state; 2713

(3) Terminate at will any lease entered into pursuant to 2714
division (B)(2) of this section upon first giving ninety days' 2715
notice in writing to the lessor of its intention to do so; 2716

(4) Fix the wholesale and retail prices at which the various 2717
classes, varieties, and brands of spirituous liquor shall be sold 2718
by the ~~department~~ division. Those retail prices shall be the same 2719
at all state liquor stores, except to the extent that a price 2720
differential is required to collect a county sales tax levied 2721
pursuant to section 5739.021 of the Revised Code and for which tax 2722
the tax commissioner has authorized prepayment pursuant to section 2723
5739.05 of the Revised Code. In fixing selling prices, the 2724
~~department~~ or division shall compute an anticipated gross profit 2725
at least sufficient to provide in each calendar year all costs and 2726
expenses of the ~~department~~ or division and also an adequate 2727
working capital reserve for the ~~department~~ or division. The gross 2728
profit shall not exceed forty per cent of the retail selling price 2729
based on costs of the ~~department~~ or division, and in addition the 2730
sum required by section 4301.12 of the Revised Code to be paid 2731
into the state treasury. An amount equal to one and one-half per 2732
cent of that gross profit shall be paid into the 2733
alcoholism-detoxification centers fund created under section 2734
4301.30 of the Revised Code and be appropriated by the general 2735
assembly from the fund to the department of alcohol and drug 2736
addiction services as provided in section 4301.30 of the Revised 2737
Code. 2738

On spirituous liquor manufactured in Ohio from the juice of 2739
grapes or fruits grown in Ohio, the ~~department~~ or division shall 2740
compute an anticipated gross profit of not to exceed ten per cent. 2741

The wholesale prices shall be at a discount of not less than 2742
twelve and one-half per cent of the retail selling prices as 2743
determined by the ~~department~~ or division in accordance with this 2744
section. 2745

(C) The ~~department~~ or division may approve the expansion or 2746
diminution of a premises to which a liquor permit has been issued 2747
and may adopt standards governing such an expansion or diminution. 2748

Sec. 4301.21. The sale of beer or intoxicating liquor for 2749
consumption on the premises is subject to the following 2750
restrictions, in addition to those imposed by the rules and orders 2751
of the ~~department~~ or, ~~beginning on July 1, 1997,~~ the division of 2752
liquor control: 2753

(A) Except as otherwise provided in this chapter, beer or 2754
intoxicating liquor may be served to a person not seated at a 2755
table unless there is reason to believe that the beer or 2756
intoxicating liquor so served will be consumed by a person under 2757
twenty-one years of age. 2758

(B) Beer or intoxicating liquor may be served by a hotel in 2759
the room of a bona fide guest, and may be sold by a hotel holding 2760
a D-5a permit, or a hotel holding a D-3 or D-5 permit that 2761
otherwise meets all of the requirements for holding a D-5a permit, 2762
by means of a controlled access alcohol and beverage cabinet ~~which~~ 2763
that shall be located only in the hotel room of a registered 2764
guest. A hotel may sell beer or intoxicating liquor as authorized 2765
by its permit to a registered guest by means of a controlled 2766
access alcohol and beverage cabinet in accordance with the 2767
following requirements: 2768

(1) Only a person twenty-one years of age or older who is a 2769
guest registered to stay in a guestroom shall be provided a key, 2770
magnetic card, or other similar device necessary to obtain access 2771
to the contents of a controlled access alcohol and beverage 2772

cabinet in that guestroom. 2773

(2) The hotel shall comply with section 4301.22 of the 2774
Revised Code in connection with the handling, restocking, and 2775
replenishing of the beer and intoxicating liquor in the controlled 2776
access alcohol and beverage cabinet. 2777

(3) The hotel shall replenish or restock beer and 2778
intoxicating liquor in any controlled access alcohol and beverage 2779
cabinet only during the hours during which the hotel may serve or 2780
sell beer and intoxicating liquor. 2781

(4) The registered guest shall verify in writing that ~~he~~ the 2782
guest has read and understands the language ~~which~~ that shall be 2783
posted on the controlled access alcohol and beverage cabinet as 2784
required by division (B)(5) of this section. 2785

(5) A hotel authorized to sell beer and intoxicating liquor 2786
pursuant to division (B) of this section shall post on the 2787
controlled access alcohol and beverage cabinet, in conspicuous 2788
language, the following notice: 2789

"The alcoholic beverages contained in this cabinet shall not 2790
be removed from the premises." 2791

(6) The hotel shall maintain a record of each sale of beer or 2792
intoxicating liquor made by the hotel by means of a controlled 2793
access alcohol and beverage cabinet for any period in which the 2794
permit holder is authorized to hold the permit pursuant to 2795
sections 4303.26 and 4303.27 of the Revised Code and any 2796
additional period during which an applicant exercises its right to 2797
appeal a rejection by the department or division of liquor control 2798
to renew a permit pursuant to section 4303.271 of the Revised 2799
Code. The records maintained by the hotel shall comply with both 2800
of the following: 2801

(a) Include the name, address, age, and signature of each 2802

hotel guest who is provided access by the hotel to a controlled
access alcohol and beverage cabinet pursuant to division (B)(1) of
this section;

(b) Be made available during business hours to authorized
agents of the ~~department or~~ division of liquor control pursuant to
division (A)(6) of section 4301.10 of the Revised Code or to
~~liquor control investigators~~ enforcement agents of the department
of public safety pursuant to ~~section 5502.26~~ sections 5502.13 to
5502.19 of the Revised Code.

(7) The hotel shall observe all other applicable rules
adopted by the ~~department or~~ division of liquor control and the
liquor control commission.

(C) Neither the seller nor the liquor control commission by
its regulations shall require the purchase of food with the
purchase of beer or intoxicating liquor; nor shall the seller of
beer or intoxicating liquor give away food of any kind in
connection with the sale of beer or intoxicating liquor, except as
authorized by rule of the liquor control commission.

(D) The seller shall not permit the purchaser to remove beer
or intoxicating liquor so sold from the premises.

(E) A hotel authorized to sell beer and intoxicating liquor
pursuant to division (B) of this section shall provide a
registered guest with the opportunity to refuse to accept a key,
magnetic card, or other similar device necessary to obtain access
to the contents of a controlled access alcohol and beverage
cabinet in that guest room. If a registered guest refuses to
accept such key, magnetic card, or other similar device, the hotel
shall not assess any charges on the registered guest for use of
the controlled access alcohol and beverage cabinet in that guest
room.

Sec. 4301.31. Except as provided in section 4301.28 of the 2833
Revised Code, no court, other than the court of common pleas of 2834
Franklin county, has jurisdiction of any action against the liquor 2835
control commission, ~~liquor control investigators~~ enforcement 2836
agents of the department of public safety, the ~~director or,~~ 2837
~~beginning on July 1, 1997,~~ the superintendent of liquor control, 2838
or the ~~department or,~~ ~~beginning on July 1, 1997,~~ the division of 2839
liquor control, to restrain the exercise of any power or to compel 2840
the performance of any duty under Chapters 4301. and 4303. of the 2841
Revised Code. Neither the ~~department or~~ division, the members of 2842
the commission, the ~~liquor control investigators~~ enforcement 2843
agents, nor the ~~director or~~ superintendent is personally liable in 2844
any action at law for damages sustained by any person because of 2845
any acts done by the ~~department or~~ division, the commission, the 2846
~~liquor control investigators~~ enforcement agents, or the ~~director~~ 2847
~~or~~ superintendent, or any employee of the ~~department or~~ division, 2848
in the performance of ~~his~~ official duties and the administration 2849
of ~~such~~ those chapters. 2850

Sec. 4301.53. The judge of a court of record may issue 2851
warrants to search a house, building, place, vehicle, watercraft, 2852
aircraft, or conveyance for beer, alcohol, or intoxicating liquor 2853
manufactured, possessed, stored, concealed, sold, furnished, given 2854
away, or transported in violation of Chapters 4301. and 4303. of 2855
the Revised Code, and the containers in which the same is found, 2856
or machinery, tools, implements, equipment, supplies, and 2857
materials used or kept for use in manufacturing beer or 2858
intoxicating liquor in violation of ~~such~~ those chapters, and to 2859
seize any of ~~such~~ that property and things found ~~therein in it,~~ 2860
together with the vehicle, watercraft, aircraft, or conveyance in 2861
which the same is found. The issuance of ~~such~~ those warrants is 2862
subject in all respects to sections 2933.22 to 2933.27 of the 2863

Revised Code; except that any such vehicle, watercraft, aircraft, 2864
or other conveyance shall be returned to its owner upon execution 2865
by ~~him~~ the owner of a bond with surety to the satisfaction of the 2866
~~liquor control investigator~~ enforcement agent of the department of 2867
public safety or other law enforcement officer making the seizure 2868
in an equal amount to its value, conditioned upon its return to 2869
the custody of such agent or officer on the day of trial to abide 2870
by the judgment of the court. Upon conviction of any violation of 2871
Chapters 4301. and 4303. of the Revised Code, any property found 2872
in the possession of the person convicted or the person's agent or 2873
employee shall be disposed of as provided in section 4301.45 of 2874
the Revised Code. If the accused is discharged by the judge or 2875
magistrate, such vehicle, watercraft, aircraft, or other 2876
conveyance shall be returned to its owner, and any bond given 2877
pursuant to this section shall be canceled. If the accused is the 2878
holder of a permit issued under Chapters 4301. and 4303. of the 2879
Revised Code, any beer, intoxicating liquor, or alcohol seized 2880
shall be disposed of as provided in section 4301.29 of the Revised 2881
Code, and any other property seized shall be returned to its owner 2882
by the officer having the custody or possession of such property. 2883
If the accused is not the holder of such a permit in force at the 2884
time, any beer, intoxicating liquor, or alcohol that was not 2885
illegally manufactured shall be forfeited to the state and shall 2886
forthwith be disposed of under section 2933.41 of the Revised 2887
Code. Illegally manufactured beer, intoxicating liquor, or 2888
alcohol, and other property, except as provided in this section, 2889
shall be destroyed, and any such beer, intoxicating liquor, or 2890
alcohol, or other property is hereby declared to be a public 2891
nuisance. 2892

Sec. 4301.66. No person shall hinder or obstruct any agent or 2893
employee of the ~~department or, beginning on July 1, 1997, the~~ 2894

division of liquor control, any ~~liquor control investigator~~ 2895
enforcement agent of the department of public safety, or any 2896
officer of the law, from making inspection or search of any place, 2897
other than a bona fide private residence, where beer or 2898
intoxicating liquor is possessed, kept, sold, or given away. 2899

Sec. 4501.10. ~~All (A) Except as provided in division (B) of~~ 2900
this section, money received by the department of public safety 2901
from the sale of motor vehicles and related equipment pursuant to 2902
section 125.13 of the Revised Code shall be transferred to the 2903
highway safety salvage and exchange administration fund, ~~highway~~ 2904
~~safety salvage and exchange bureau of motor vehicles fund,~~ or 2905
highway safety salvage and exchange highway patrol fund, as 2906
appropriate. Such funds are hereby created in the state treasury. 2907
The money shall be used only to purchase replacement motor 2908
vehicles and related equipment. All investment earnings of these 2909
funds shall be credited to the funds, respectively. 2910

(B) Money received by the department of public safety from 2911
the sale of motor vehicles and related equipment of the bureau of 2912
motor vehicles pursuant to section 125.13 of the Revised Code 2913
shall be transferred to the state bureau of motor vehicles fund 2914
created by section 4501.25 of the Revised Code. 2915

Sec. 4501.27. (A) Except as provided in division (B) of this 2916
section, on and after September 13, 1997, the registrar of motor 2917
vehicles, and any employee or contractor of the bureau of motor 2918
vehicles, shall not knowingly disclose or otherwise make available 2919
to any person or entity any personal information about an 2920
individual that the bureau obtained in connection with a motor 2921
vehicle record. 2922

(B)(1) On and after September 13, 1997, the registrar ~~of~~ 2923
~~motor vehicles,~~ or an employee or contractor of the bureau of 2924

motor vehicles, shall disclose personal information about an 2925
individual that the bureau obtained in connection with a motor 2926
vehicle record, for use in connection with any of the following 2927
matters to carry out the purposes of any specified federal 2928
automobile-related act: 2929

(a) Motor vehicle or driver safety and theft; 2930

(b) Motor vehicle emissions; 2931

(c) Motor vehicle product alterations, recalls, or 2932
advisories; 2933

(d) Performance monitoring of motor vehicles and dealers by 2934
motor vehicle manufacturers; 2935

(e) Removal of non-owner records from the original owner 2936
records of motor vehicle manufacturers. 2937

(2) In addition to the disclosure required under division 2938
(B)(1) of this section, on and after September 13, 1997, the 2939
registrar, or an employee or contractor of the bureau of motor 2940
vehicles, may disclose personal information about an individual 2941
that the bureau obtained in connection with a motor vehicle 2942
record, as follows: 2943

(a) For the use of a government agency, including, but not 2944
limited to, a court or law enforcement agency, in carrying out its 2945
functions, or for the use of a private person or entity acting on 2946
behalf of an agency of this state, another state, the United 2947
States, or a political subdivision of this state or another state 2948
in carrying out its functions; 2949

(b) For use in connection with matters regarding motor 2950
vehicle or driver safety and theft; motor vehicle emissions; motor 2951
vehicle product alterations, recalls, or advisories; performance 2952
monitoring of motor vehicles, motor vehicle parts, and dealers; 2953
motor vehicle market research activities, including, but not 2954

limited to, survey research; and removal of non-owner records from 2955
the original owner records of motor vehicle manufacturers; 2956

(c) For use in the normal course of business by a legitimate 2957
business or an agent, employee, or contractor of a legitimate 2958
business, but only for one of the following purposes: 2959

(i) To verify the accuracy of personal information submitted 2960
to the business, agent, employee, or contractor by an individual; 2961

(ii) If personal information submitted to the business, 2962
agent, employee, or contractor by an individual is incorrect or no 2963
longer is correct, to obtain the correct information, but only for 2964
the purpose of preventing fraud, by pursuing legal remedies 2965
against, or recovering on a debt or security interest against, the 2966
individual. 2967

(d) For use in connection with a civil, criminal, 2968
administrative, or arbitral proceeding in a court or agency of 2969
this state, another state, the United States, or a political 2970
subdivision of this state or another state or before a 2971
self-regulatory body, including, but not limited to, use in 2972
connection with the service of process, investigation in 2973
anticipation of litigation, or the execution or enforcement of a 2974
judgment or order; 2975

(e) Pursuant to an order of a court of this state, another 2976
state, the United States, or a political subdivision of this state 2977
or another state; 2978

(f) For use in research activities or in producing 2979
statistical reports, provided the personal information is not 2980
published, redisclosed, or used to contact an individual; 2981

(g) For use by an insurer, insurance support organization, or 2982
self-insured entity, or by an agent, employee, or contractor of 2983
that type of entity, in connection with any claims investigation 2984

activity, anti-fraud activity, rating, or underwriting;	2985
(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;	2986 2987
(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of this section;	2988 2989 2990
(j) For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver's license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended;	2991 2992 2993 2994 2995
(k) For use in connection with the operation of a private toll transportation facility;	2996 2997
(l) For any use not otherwise identified in division (B)(2) of this section that is in response to a request for individual motor vehicle records, if the bureau of motor vehicles has provided both of the following in a clear and conspicuous manner on forms for the issuance or renewal of driver's or commercial driver's licenses, motor vehicle certificates of title, motor vehicle registrations and identification license plates, and identification cards:	2998 2999 3000 3001 3002 3003 3004 3005
(i) Notice that personal information collected by the bureau on or in relation to the forms may be disclosed to any person;	3006 3007
(ii) An opportunity for an individual who completes and submits any of the forms to prohibit disclosures.	3008 3009
(m) For bulk distribution for surveys, marketing, or solicitations, if the bureau of motor vehicles has implemented methods and procedures to ensure both of the following:	3010 3011 3012
(i) That individuals are provided, <u>both of the following:</u> <u>written notice,</u> in a clear and conspicuous manner, <u>on forms for</u>	3013 3014

the issuance or renewal of driver's or commercial driver's 3015
licenses, motor vehicle certificates of title, motor vehicle 3016
registrations and license plates, and identification cards, and 3017
verbal notice when a transaction is performed in person, that 3018
personal information collected by the bureau on or in relation to 3019
the forms may be disclosed for uses of this nature; and an 3020
opportunity to prohibit uses of this nature by completing and 3021
submitting forms provided by the bureau; 3022

(ii) The information will be used, rented, or sold solely for 3023
bulk distribution for surveys, marketing, or solicitations, and 3024
that those surveys, marketing, and solicitations will not be 3025
directed at an individual who has requested in a timely fashion 3026
that the surveys, marketing, and solicitations not be directed at 3027
that individual. 3028

(n) For use by a person, state, or state agency that requests 3029
the information, if the person, state, or state agency 3030
demonstrates that it has obtained the written consent of the 3031
individual to whom the information pertains; 3032

(o) For any other use specifically authorized by law that is 3033
related to the operation of a motor vehicle or to public safety. 3034

(C) On and after September 13, 1997, an authorized recipient 3035
of personal information about an individual that the bureau of 3036
motor vehicles obtained in connection with a motor vehicle record, 3037
other than a recipient under division (B)(2)(l) or (m) of this 3038
section, may resell or redisclose the personal information only 3039
for a use permitted under division (B)(1), (B)(2)(a) to (k), 3040
(B)(2)(n), or (B)(2)(o) of this section. On and after September 3041
13, 1997, an authorized recipient of personal information about an 3042
individual under division (B)(2)(l) of this section may resell or 3043
redisclose the information for any purpose. On and after September 3044
13, 1997, an authorized recipient of personal information under 3045
division (B)(2)(m) of this section may resell or redisclose the 3046

information as specified pursuant to that division. On and after 3047
September 13, 1997, an authorized recipient of personal 3048
information about an individual under division (B) of this 3049
section, other than a recipient under division (B)(2)(1) of this 3050
section, that resells or rediscloses any personal information 3051
covered by this section must keep for a period of five years a 3052
record that identifies each person or entity that receives any of 3053
the personal information and the permitted purpose for which the 3054
information is to be used, and must make all such records 3055
available to the registrar of motor vehicles upon the registrar's 3056
request. 3057

(D) The registrar ~~of motor vehicles~~ may establish and carry 3058
out procedures under which the registrar or the registrar's 3059
agents, upon receipt of a request for personal information on or 3060
after September 13, 1997, that does not satisfy any of the 3061
criteria for disclosure of the information that are set forth in 3062
division (B)(1) or (2) of this section, may notify the individual 3063
about whom the information was requested, by regular mail, that 3064
the request was made. Any procedures so adopted shall provide 3065
that, if the registrar or an agent of the registrar mails the 3066
notice to the individual, the registrar or agent shall include 3067
with the notice a copy of the request and conspicuously shall 3068
include in the notice a statement that the information will not be 3069
released unless the individual waives the individual's right to 3070
privacy regarding the information that is granted under this 3071
section. 3072

(E) The registrar of motor vehicles may adopt any forms and 3073
rules, consistent with but no more restrictive than the 3074
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 3075
2721-2725, that are necessary to carry out the registrar's duties 3076
under this section on and after September 13, 1997. 3077

(F) Divisions (A) to (E) of this section do not apply to the 3078

release of any personal information prior to September 13, 1997. 3079

(G) As used in this section: 3080

(1) "Motor vehicle record" means a record that pertains to a 3081
motor vehicle driver's or commercial driver's license or permit, a 3082
motor vehicle certificate of title, a motor vehicle registration 3083
or motor vehicle identification license plates, or an 3084
identification card issued by the bureau of motor vehicles. 3085

(2) "Person" has the same meaning as in section 1.59 of the 3086
Revised Code and does not include this state, another state, or an 3087
agency of this state or another state. 3088

(3) "Personal information" means information that identifies 3089
an individual, including, but not limited to, an individual's 3090
photograph or digital image, social security number, driver or 3091
driver's license identification number, name, telephone number, or 3092
medical or disability information, or an individual's address 3093
other than the five-digit zip code number. "Personal information" 3094
does not include information pertaining to a vehicular accident, 3095
driving or traffic violation, or driver's status. 3096

(4) "Specified federal automobile-related act" means the 3097
"automobile information disclosure act," 72 Stat. 325, 15 U.S.C. 3098
1231-1233, the "Motor Vehicle Information and Cost Saving Act," 86 3099
Stat. 947, 15 U.S.C. 1901, et seq., the "National Traffic and 3100
Motor Vehicle Safety Act of 1966," 80 Stat. 718, 15 U.S.C. 1381, 3101
et seq., the "Anti-car Theft Act of 1992," 106 Stat. 3384, 15 3102
U.S.C. 2021, et seq., and the "Clean Air Act," 69 Stat. 322, 42 3103
U.S.C. 7401, et seq., all as now or hereafter amended. 3104

Sec. 4503.19. Upon the filing of an application for 3105
registration and the payment of the tax ~~therefor~~ for registration, 3106
the registrar of motor vehicles or a deputy registrar shall 3107
determine whether the owner previously has ~~previously~~ been issued 3108

license plates for the motor vehicle described in the application. 3109
If no license plates previously have ~~previously~~ been issued to the 3110
owner for that motor vehicle, the registrar or deputy registrar 3111
shall assign to the motor vehicle a distinctive number and issue 3112
and deliver to the owner in ~~such the~~ manner as that the registrar 3113
may select a certificate of registration, in ~~such the~~ form as that 3114
the registrar shall prescribe, and, except as otherwise provided 3115
in this section, two license plates, duplicates of each other, and 3116
a validation sticker, or a validation sticker alone, to be 3117
attached to the number plates as provided in section 4503.191 of 3118
the Revised Code. The registrar or deputy registrar also shall 3119
charge the owner any fees required under division (C) of section 3120
4503.10 of the Revised Code. Trailers, manufactured homes, mobile 3121
homes, semitrailers, the manufacturer thereof, the dealer, or in 3122
transit companies therein, shall be issued one license plate only 3123
and one validation sticker, or a validation sticker alone, ~~which~~ 3124
and the license plate and validation sticker shall be displayed 3125
only on the rear of such vehicles. A commercial tractor that does 3126
not receive an apportioned license plate under the international 3127
registration plan shall be issued two license plates and one 3128
validation sticker, ~~which~~ and the validation sticker shall be 3129
displayed on the front of the commercial tractor. An apportioned 3130
vehicle receiving an apportioned license plate under the 3131
international registration plan shall be issued one license plate 3132
only and one validation sticker, or a validation sticker alone; 3133
the license plate shall be displayed only on the front of a 3134
semitractor and on the rear of all other vehicles. School buses 3135
shall not be issued license plates, but shall bear identifying 3136
numbers in the manner prescribed by section 4511.764 of the 3137
Revised Code. The certificate of registration and license plates 3138
and validation stickers, or validation stickers alone, shall be 3139
issued and delivered to the owner in person or by mail. 3140

Chauffeured limousines shall be issued license plates, a 3141
validation sticker, and a livery sticker as provided in section 3142
4503.24 of the Revised Code. In the event of the loss, mutilation, 3143
or destruction of any certificate of registration, or of any 3144
license plates or validation stickers, or ~~in the event~~ if the 3145
owner chooses to replace license plates previously issued for a 3146
motor vehicle, or if the registration certificate and license 3147
plates have been impounded as provided by division (F)(1) of 3148
section 4507.02 and division (A)(2) of section 4507.16 of the 3149
Revised Code, the owner of a motor vehicle, or manufacturer or 3150
dealer, may obtain from the registrar, or from a deputy registrar 3151
if authorized by the registrar, a duplicate thereof or new license 3152
plates bearing a different number, if the registrar considers it 3153
advisable, upon filing an application prescribed by the registrar, 3154
and upon paying a fee of one dollar for such certificate of 3155
registration, a fee of ~~five~~ two dollars for each set of two 3156
license plates, or ~~three dollars~~ one dollar for each single 3157
license plate or validation sticker. In addition, each applicant 3158
for a replacement certificate of registration, license plate, or 3159
validation sticker shall pay the fees provided in divisions (C) 3160
and (D) of section 4503.10 of the Revised Code. 3161

Additionally, the registrar and each deputy registrar who 3162
either issues license plates and a validation sticker for use on 3163
any vehicle other than a commercial tractor, semitrailer, or 3164
apportioned vehicle, or who issues a validation sticker alone for 3165
use on such a vehicle and the owner has changed the owner's county 3166
of residence since the owner last was issued county identification 3167
stickers, also shall issue and deliver to the owner either one or 3168
two county identification stickers, as appropriate, which shall be 3169
attached to the license plates in a manner prescribed by the 3170
director of public safety. The county identification stickers 3171
shall ~~prominently~~ identify prominently by name or number the 3172

county in which the owner of the vehicle resides at the time of 3173
registration. 3174

Sec. 4507.02. (A)(1) No person, except those expressly 3175
exempted under sections 4507.03, 4507.04, and 4507.05 of the 3176
Revised Code, shall operate any motor vehicle upon a highway or 3177
any public or private property used by the public for purposes of 3178
vehicular travel or parking in this state unless the person has a 3179
valid driver's license issued under this chapter or a commercial 3180
driver's license issued under Chapter 4506. of the Revised Code. 3181

(2) No person shall permit the operation of a motor vehicle 3182
upon any public or private property used by the public for 3183
purposes of vehicular travel or parking knowing the operator does 3184
not have a valid driver's license issued to the operator by the 3185
registrar of motor vehicles under this chapter or a valid 3186
commercial driver's license issued under Chapter 4506. of the 3187
Revised Code. 3188

(3) No person, except a person expressly exempted under 3189
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 3190
operate any motorcycle upon a highway or any public or private 3191
property used by the public for purposes of vehicular travel or 3192
parking in this state unless the person has a valid license as a 3193
motorcycle operator, that was issued upon application by the 3194
registrar under this chapter. The license shall be in the form of 3195
an endorsement, as determined by the registrar, upon a driver's or 3196
commercial driver's license, if the person has a valid license to 3197
operate a motor vehicle or commercial motor vehicle, or in the 3198
form of a restricted license as provided in section 4507.14 of the 3199
Revised Code, if the person does not have a valid license to 3200
operate a motor vehicle or commercial motor vehicle. 3201

(4) No person shall receive a driver's license, or a 3202
motorcycle operator's endorsement of a driver's or commercial 3203

driver's license, unless and until the person surrenders to the registrar all valid licenses issued to the person by another jurisdiction recognized by this state. All surrendered licenses shall be returned by the registrar to the issuing authority, together with information that a license is now issued in this state. No person shall be permitted to have more than one valid license at any time.

(B)(1) No person, whose driver's or commercial driver's license or permit or nonresident's operating privilege has been suspended or revoked pursuant to Chapter 4509. of the Revised Code, shall operate any motor vehicle within this state, or knowingly permit any motor vehicle owned by the person to be operated by another person in the state, during the period of the suspension or revocation, except as specifically authorized by Chapter 4509. of the Revised Code. No person shall operate a motor vehicle within this state, or knowingly permit any motor vehicle owned by the person to be operated by another person in the state, during the period in which the person is required by section 4509.45 of the Revised Code to file and maintain proof of financial responsibility for a violation of section 4509.101 of the Revised Code, unless proof of financial responsibility is maintained with respect to that vehicle.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this state in violation of any restriction of the person's driver's or commercial driver's license imposed under division (D) of section 4506.10 or section 4507.14 of the Revised Code.

(C) No person, whose driver's or commercial driver's license or permit has been suspended pursuant to section 4511.191, section 4511.196, or division (B) of section 4507.16 of the Revised Code, shall operate any motor vehicle within this state until the person

has paid the license reinstatement fee required pursuant to 3236
division (L) of section 4511.191 of the Revised Code and the 3237
license or permit has been returned to the person or a new license 3238
or permit has been issued to the person. 3239

(D)(1) No person, whose driver's or commercial driver's 3240
license or permit or nonresident operating privilege has been 3241
suspended or revoked under any provision of the Revised Code other 3242
than Chapter 4509. of the Revised Code or under any applicable law 3243
in any other jurisdiction in which the person's license or permit 3244
was issued, shall operate any motor vehicle upon the highways or 3245
streets within this state during the period of the suspension or 3246
within one year after the date of the revocation. No person who is 3247
granted occupational driving privileges by any court shall operate 3248
any motor vehicle upon the highways or streets in this state 3249
except in accordance with the terms of the privileges. 3250

(2) No person, whose driver's or commercial driver's license 3251
or permit or nonresident operating privilege has been suspended 3252
under division (B) of section 4507.16 of the Revised Code, shall 3253
operate any motor vehicle upon the highways or streets within this 3254
state during the period of suspension. No person who is granted 3255
occupational driving privileges by any court shall operate any 3256
motor vehicle upon the highways or streets in this state except in 3257
accordance with the terms of those privileges. 3258

(E)(1) It is an affirmative defense to any prosecution 3259
brought pursuant to division (B), (C), or (D) of this section that 3260
the alleged offender drove under suspension or in violation of a 3261
restriction because of a substantial emergency, provided that no 3262
other person was reasonably available to drive in response to the 3263
emergency. 3264

(2) It is an affirmative defense to any prosecution brought 3265
pursuant to division (B)(1) of this section that the order of 3266

suspension resulted from the failure of the alleged offender to 3267
respond to a financial responsibility random verification request 3268
under division (A)(3)(c) of section 4509.101 of the Revised Code 3269
and that, upon a showing of proof of financial responsibility, the 3270
alleged offender was in compliance with division (A)(1) of section 3271
4509.101 of the Revised Code at the time of the initial financial 3272
responsibility random verification request. 3273

(F)(1) If a person is convicted of a violation of division 3274
(B), (C), or (D) of this section, the trial judge of any court, in 3275
addition to or independent of, any other penalties provided by law 3276
or ordinance, shall impound the identification license plates of 3277
any motor vehicle registered in the name of the person. The court 3278
shall send the impounded license plates to the registrar, who may 3279
retain the license plates until the driver's or commercial 3280
driver's license of the owner has been reinstated or destroy them 3281
pursuant to section 4503.232 of the Revised Code. 3282

If the license plates of a person convicted of a violation of 3283
division (B), (C), or (D) of this section have been impounded in 3284
accordance with the provisions of this division, the court shall 3285
notify the registrar of that action. The notice shall contain the 3286
name and address of the driver, the serial number of the driver's 3287
driver's or commercial driver's license, the serial numbers of the 3288
license plates of the motor vehicle, and the length of time for 3289
which the license plates have been impounded. The registrar shall 3290
record the data in the notice as part of the driver's permanent 3291
record. 3292

(2) Any motor vehicle owner who has had the license plates of 3293
a motor vehicle impounded pursuant to division (F)(1) of this 3294
section may apply to the registrar, or to a deputy registrar, for 3295
special license plates which shall conform to the requirements of 3296
section 4503.231 of the Revised Code. The registrar or deputy 3297
registrar forthwith shall notify the court of the application and, 3298

upon approval of the court, shall issue special license plates to 3299
the applicant. Until the driver's or commercial driver's license 3300
of the owner is reinstated, any new license plates issued to the 3301
owner also shall conform to the requirements of section 4503.231 3302
of the Revised Code. 3303

The registrar or deputy registrar shall charge the owner of a 3304
vehicle the fees provided in section 4503.19 of the Revised Code 3305
for special license plates that are issued in accordance with this 3306
division, except upon renewal as specified in section 4503.10 of 3307
the Revised Code, when the regular fee as provided in section 3308
4503.04 of the Revised Code shall be charged. The registrar or 3309
deputy registrar shall charge the owner of a vehicle the fees 3310
provided in section 4503.19 of the Revised Code whenever special 3311
license plates are exchanged, by reason of the reinstatement of 3312
the driver's or commercial driver's license of the owner, for 3313
those ordinarily issued. 3314

(3) If an owner wishes to sell a motor vehicle during the 3315
time the special license plates provided under division (F)(2) of 3316
this section are in use, the owner may apply to the court that 3317
impounded the license plates of the motor vehicle for permission 3318
to transfer title to the motor vehicle. If the court is satisfied 3319
that the sale will be made in good faith and not for the purpose 3320
of circumventing the provisions of this section, it may certify 3321
its consent to the owner and to the registrar of motor vehicles 3322
who shall enter notice of the transfer of the title of the motor 3323
vehicle in the vehicle registration record. 3324

If, during the time the special license plates provided under 3325
division (F)(2) of this section are in use, the title to a motor 3326
vehicle is transferred by the foreclosure of a chattel mortgage, a 3327
sale upon execution, the cancellation of a conditional sales 3328
contract, or by order of a court, the court shall notify the 3329
registrar of the action and the registrar shall enter notice of 3330

the transfer of the title to the motor vehicle in the vehicle 3331
registration record. 3332

(G) This section is not intended to change or modify any 3333
provision of Chapter 4503. of the Revised Code with respect to the 3334
taxation of motor vehicles or the time within which the taxes on 3335
motor vehicles shall be paid. 3336

Sec. 4509.101. (A)(1) No person shall operate, or permit the 3337
operation of, a motor vehicle in this state, unless proof of 3338
financial responsibility is maintained continuously throughout the 3339
registration period with respect to that vehicle, or, in the case 3340
of a driver who is not the owner, with respect to that driver's 3341
operation of that vehicle. 3342

(2) Whoever violates division (A)(1) of this section shall be 3343
subject to the following civil penalties: 3344

(a) Suspension of the person's operating privileges and 3345
impoundment of the person's license until the person complies with 3346
division (A)(5) of this section. The suspension shall be for a 3347
period of not less than ninety days except that if, within five 3348
years of the violation, the person's operating privileges are 3349
again suspended and the person's license is impounded one or more 3350
times for a violation of division (A)(1) of this section, the 3351
suspension shall be for a period of not less than one year. Except 3352
as provided by section 4509.105 of the Revised Code, the 3353
suspension is not subject to revocation, suspension, or 3354
occupational or other limited operating privileges. 3355

(b) In addition to the suspension of an owner's license under 3356
division (A)(2)(a) of this section, the suspension of the rights 3357
of the owner to register the motor vehicle and the impoundment of 3358
the owner's certificate of registration and license plates until 3359
the owner complies with division (A)(5) of this section. 3360

3361
(3) A person to whom this state has issued a certificate of 3362
registration for a motor vehicle or a license to operate a motor 3363
vehicle or who is determined to have operated any motor vehicle or 3364
permitted the operation in this state of a motor vehicle owned by 3365
the person shall be required to verify the existence of proof of 3366
financial responsibility covering the operation of the motor 3367
vehicle or the person's operation of the motor vehicle under any 3368
of the following circumstances: 3369

(a) The person or a motor vehicle owned by the person is 3370
involved in a traffic accident that requires the filing of an 3371
accident report under section 4509.06 of the Revised Code. 3372

(b) The person receives a traffic ticket indicating that 3373
proof of the maintenance of financial responsibility was not 3374
produced upon the request of a peace officer or state highway 3375
patrol trooper made in accordance with division (D)(2) of this 3376
section. 3377

(c) Whenever, in accordance with rules adopted by the 3378
registrar, the person is randomly selected by the registrar and 3379
requested to provide such verification. 3380

(4) An order of the registrar that suspends and impounds a 3381
license or registration, or both, shall state the date on or 3382
before which the person is required to surrender the person's 3383
license or certificate of registration and license plates. The 3384
person is deemed to have surrendered the license or certificate of 3385
registration and license plates, in compliance with the order, if 3386
the person does either of the following: 3387

(a) On or before the date specified in the order, personally 3388
delivers the license or certificate of registration and license 3389
plates, or causes the delivery of the items, to the registrar; 3390

(b) Mails the license or certificate of registration and 3391

license plates to the registrar in an envelope or container 3392
bearing a postmark showing a date no later than the date specified 3393
in the order. 3394

(5) The Except as provided in division (A)(6) of this 3395
section, the registrar shall not restore any operating privileges 3396
or registration rights suspended under this section, return any 3397
license, certificate of registration, or license plates impounded 3398
under this section, or reissue license plates under section 3399
4503.232 of the Revised Code, if the registrar destroyed the 3400
impounded license plates under that section, or reissue a license 3401
under section 4507.54 of the Revised Code, if the registrar 3402
destroyed the suspended license under that section, unless the 3403
rights are not subject to suspension or revocation under any other 3404
law and unless the person, in addition to complying with all other 3405
conditions required by law for reinstatement of the operating 3406
privileges or registration rights, complies with all of the 3407
following: 3408

(a) Pays a financial responsibility reinstatement fee of 3409
seventy-five dollars for the first violation of division (A)(1) of 3410
this section, two hundred fifty dollars for a second violation of 3411
that division, and five hundred dollars for a third or subsequent 3412
violation of that division; 3413

(b) If the person has not voluntarily surrendered the 3414
license, certificate, or license plates in compliance with the 3415
order, pays a financial responsibility nonvoluntary compliance fee 3416
in an amount, not to exceed fifty dollars, determined by the 3417
registrar; 3418

(c) Files and continuously maintains proof of financial 3419
responsibility under sections 4509.44 to 4509.65 of the Revised 3420
Code. 3421

(6) If the registrar issues an order under division (A)(2) of 3422

this section resulting from the failure of a person to respond to 3423
a financial responsibility random verification request under 3424
division (A)(3)(c) of this section and the person successfully 3425
maintains an affirmative defense to a violation of section 4507.02 3426
of the Revised Code or is determined by the Registrar or a deputy 3427
registrar to have been in compliance with division (A)(1) of this 3428
section at the time of the initial financial responsibility random 3429
verification request, the registrar shall do both of the 3430
following: 3431

(a) Terminate the order of suspension or impoundment; 3432

(b) Restore the operating privileges and registration rights 3433
of the person without payment of the fees established in divisions 3434
(A)(5)(a) and (b) of this section and without a requirement to 3435
file proof of financial responsibility. 3436

(B)(1) Every party required to file an accident report under 3437
section 4509.06 of the Revised Code also shall include with the 3438
report a document described in division (G)(1) of this section. 3439

If the registrar determines, within forty-five days after the 3440
report is filed, that an operator or owner has violated division 3441
(A)(1) of this section, the registrar shall do all of the 3442
following: 3443

(a) Order the impoundment, with respect to the motor vehicle 3444
involved, required under division (A)(2)(b) of this section, of 3445
the certificate of registration and license plates of any owner 3446
who has violated division (A)(1) of this section; 3447

(b) Order the suspension required under division (A)(2)(a) of 3448
this section of the license of any operator or owner who has 3449
violated division (A)(1) of this section; 3450

(c) Record the name and address of the person whose 3451
certificate of registration and license plates have been impounded 3452
or are under an order of impoundment, or whose license has been 3453

suspended or is under an order of suspension; the serial number of
the person's license; the serial numbers of the person's
certificate of registration and license plates; and the person's
social security account number, if assigned, or, where the motor
vehicle is used for hire or principally in connection with any
established business, the person's federal taxpayer identification
number. The information shall be recorded in such a manner that it
becomes a part of the person's permanent record, and assists the
registrar in monitoring compliance with the orders of suspension
or impoundment.

(d) Send written notification to every person to whom the
order pertains, at the person's last known address as shown on the
records of the bureau. The person, within ten days after the date
of the mailing of the notification, shall surrender to the
registrar, in a manner set forth in division (A)(4) of this
section, any certificate of registration and registration plates
under an order of impoundment, or any license under an order of
suspension.

(2) The registrar shall issue any order under division (B)(1)
of this section without a hearing. Any person adversely affected
by the order, within ten days after the issuance of the order, may
request an administrative hearing before the registrar, who shall
provide the person with an opportunity for a hearing in accordance
with this paragraph. A request for a hearing does not operate as a
suspension of the order. The scope of the hearing shall be limited
to whether the person in fact demonstrated to the registrar proof
of financial responsibility in accordance with this section. The
registrar shall determine the date, time, and place of any
hearing, provided that the hearing shall be held, and an order
issued or findings made, within thirty days after the registrar
receives a request for a hearing. If requested by the person in
writing, the registrar may designate as the place of hearing the

county seat of the county in which the person resides or a place 3486
within fifty miles of the person's residence. The person shall pay 3487
the cost of the hearing before the registrar, if the registrar's 3488
order of suspension or impoundment is upheld. 3489

(C) Any order of suspension or impoundment issued under this 3490
section or division (B) of section 4509.37 of the Revised Code may 3491
be terminated at any time if the registrar determines upon a 3492
showing of proof of financial responsibility that the operator or 3493
owner of the motor vehicle was in compliance with division (A)(1) 3494
of this section at the time of the traffic offense, motor vehicle 3495
inspection, or accident that resulted in the order against the 3496
person. A determination may be made without a hearing. This 3497
division does not apply unless the person shows good cause for the 3498
person's failure to present satisfactory proof of financial 3499
responsibility to the registrar prior to the issuance of the 3500
order. 3501

(D)(1) For the purpose of enforcing this section, every peace 3502
officer is deemed an agent of the registrar. ~~Any~~ 3503

(a) Except as provided in division (D)(1)(b) of this section, 3504
any peace officer who, in the performance of the peace officer's 3505
duties as authorized by law, becomes aware of a person whose 3506
license is under an order of suspension, or whose certificate of 3507
registration and license plates are under an order of impoundment, 3508
pursuant to this section, may confiscate the license, certificate 3509
of registration, and license plates, and return them to the 3510
registrar. 3511

(b) Any peace officer who, in the performance of the peace 3512
officer's duties as authorized by law, becomes aware of a person 3513
whose license is under an order of suspension, or whose 3514
certificate of registration and license plates are under an order 3515
of impoundment resulting from failure to respond to a financial 3516

responsibility random verification, shall not, for that reason, 3517
arrest the owner or operator or seize the vehicle or license 3518
plates. Instead, the peace officer shall issue a citation for a 3519
violation of division (B)(1) of section 4507.02 of the Revised 3520
Code specifying the circumstances as failure to respond to a 3521
financial responsibility random verification. 3522

(2) A peace officer shall request the owner or operator of a 3523
motor vehicle to produce proof of financial responsibility in a 3524
manner described in division (G) of this section at the time the 3525
peace officer acts to enforce the traffic laws of this state and 3526
during motor vehicle inspections conducted pursuant to section 3527
4513.02 of the Revised Code. 3528

(3) A peace officer shall indicate on every traffic ticket 3529
whether the person receiving the traffic ticket produced proof of 3530
the maintenance of financial responsibility in response to the 3531
officer's request under division (D)(2) of this section. The peace 3532
officer shall inform every person who receives a traffic ticket 3533
and who has failed to produce proof of the maintenance of 3534
financial responsibility that the person must submit proof to the 3535
traffic violations bureau with any payment of a fine and costs for 3536
the ticketed violation or, if the person is to appear in court for 3537
the violation, the person must submit proof to the court. 3538

(4)(a) If a person who has failed to produce proof of the 3539
maintenance of financial responsibility appears in court for a 3540
ticketed violation, the court may permit the defendant to present 3541
evidence of proof of financial responsibility to the court at such 3542
time and in such manner as the court determines to be necessary or 3543
appropriate. The clerk of courts shall provide the registrar with 3544
the identity of any person who fails to submit proof of the 3545
maintenance of financial responsibility pursuant to division 3546
(D)(3) of this section. 3547

(b) If a person who has failed to produce proof of the 3548

maintenance of financial responsibility also fails to submit that 3549
proof to the traffic violations bureau with payment of a fine and 3550
costs for the ticketed violation, the traffic violations bureau 3551
shall notify the registrar of the identity of that person. 3552

(5)(a) Upon receiving notice from a clerk of courts or 3553
traffic violations bureau pursuant to division (D)(4) of this 3554
section, the registrar shall order the suspension of the license 3555
of the person required under division (A)(2)(a) of this section 3556
and the impoundment of the person's certificate of registration 3557
and license plates required under division (A)(2)(b) of this 3558
section, effective thirty days after the date of the mailing of 3559
notification. The registrar also shall notify the person that the 3560
person must present the registrar with proof of financial 3561
responsibility in accordance with this section, surrender to the 3562
registrar the person's certificate of registration, license 3563
plates, and license, or submit a statement subject to section 3564
2921.13 of the Revised Code that the person did not operate or 3565
permit the operation of the motor vehicle at the time of the 3566
offense. Notification shall be in writing and shall be sent to the 3567
person at the person's last known address as shown on the records 3568
of the bureau of motor vehicles. The person, within fifteen days 3569
after the date of the mailing of notification, shall present proof 3570
of financial responsibility, surrender the certificate of 3571
registration, license plates, and license to the registrar in a 3572
manner set forth in division (A)(4) of this section, or submit the 3573
statement required under this section together with other 3574
information the person considers appropriate. 3575

If the registrar does not receive proof or the person does 3576
not surrender the certificate of registration, license plates, and 3577
license, in accordance with this division, the registrar shall 3578
permit the order for the suspension of the license of the person 3579
and the impoundment of the person's certificate of registration 3580

and license plates to take effect. 3581

(b) In the case of a person who presents, within the 3582
fifteen-day period, documents to show proof of financial 3583
responsibility, the registrar shall terminate the order of 3584
suspension and the impoundment of the registration and license 3585
plates required under division (A)(2)(b) of this section and shall 3586
send written notification to the person, at the person's last 3587
known address as shown on the records of the bureau. ~~license~~ 3588

(c) Any person adversely affected by the order of the 3589
registrar under division (D)(5)(a) or (b) of this section, within 3590
ten days after the issuance of the order, may request an 3591
administrative hearing before the registrar, who shall provide the 3592
person with an opportunity for a hearing in accordance with this 3593
paragraph. A request for a hearing does not operate as a 3594
suspension of the order. The scope of the hearing shall be limited 3595
to whether the person in fact demonstrated to the registrar proof 3596
of financial responsibility in accordance with this section. The 3597
registrar shall determine the date, time, and place of any 3598
hearing; provided, that the hearing shall be held, and an order 3599
issued or findings made, within thirty days after the registrar 3600
receives a request for a hearing. If requested by the person in 3601
writing, the registrar may designate as the place of hearing the 3602
county seat of the county in which the person resides or a place 3603
within fifty miles of the person's residence. Such person shall 3604
pay the cost of the hearing before the registrar, if the 3605
registrar's order of suspension or impoundment under division 3606
(D)(5)(a) or (b) of this section is upheld. 3607

(6) A peace officer may charge an owner or operator of a 3608
motor vehicle with a violation of division (B)(1) of section 3609
4507.02 of the Revised Code when the owner or operator fails to 3610
show proof of the maintenance of financial responsibility pursuant 3611
to a peace officer's request under division (D)(2) of this 3612

section, if a check of the owner or operator's driving record 3613
indicates that the owner or operator, at the time of the operation 3614
of the motor vehicle, is required to file and maintain proof of 3615
financial responsibility under section 4509.45 of the Revised Code 3616
for a previous violation of this chapter. 3617

(7) Any forms used by law enforcement agencies in 3618
administering this section shall be prescribed, supplied, and paid 3619
for by the registrar. 3620

(8) No peace officer, law enforcement agency employing a 3621
peace officer, or political subdivision or governmental agency 3622
that employs a peace officer shall be liable in a civil action for 3623
damages or loss to persons arising out of the performance of any 3624
duty required or authorized by this section. 3625

(9) As used in this division and divisions (E) and (G) of 3626
this section, "peace officer" has the meaning set forth in section 3627
2935.01 of the Revised Code. 3628

(E) All fees, except court costs, collected under this 3629
section shall be paid into the state treasury to the credit of the 3630
financial responsibility compliance fund. The financial 3631
responsibility compliance fund shall be used exclusively to cover 3632
costs incurred by the bureau in the administration of this section 3633
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 3634
and by any law enforcement agency employing any peace officer who 3635
returns any license, certificate of registration, and license 3636
plates to the registrar pursuant to division (C) of this section, 3637
except that the director of budget and management may transfer 3638
excess money from the financial responsibility compliance fund to 3639
the state bureau of motor vehicles fund if the registrar 3640
determines that the amount of money in the financial 3641
responsibility compliance fund exceeds the amount required to 3642
cover such costs incurred by the bureau or a law enforcement 3643

agency and requests the director to make the transfer. 3644

All investment earnings of the financial responsibility 3645
compliance fund shall be credited to the fund. 3646

(F) Chapter 119. of the Revised Code applies to this section 3647
only to the extent that any provision in that chapter is not 3648
clearly inconsistent with this section. 3649

(G)(1) The registrar, court, traffic violations bureau, or 3650
peace officer may require proof of financial responsibility to be 3651
demonstrated by use of a standard form prescribed by the 3652
registrar. If the use of a standard form is not required, a person 3653
may demonstrate proof of financial responsibility under this 3654
section by presenting to the traffic violations bureau, court, 3655
registrar, or peace officer any of the following documents or a 3656
copy of the documents: 3657

(a) A financial responsibility identification card as 3658
provided in section 4509.104 of the Revised Code; 3659

(b) A certificate of proof of financial responsibility on a 3660
form provided and approved by the registrar for the filing of an 3661
accident report required to be filed under section 4509.06 of the 3662
Revised Code; 3663

(c) A policy of liability insurance, a declaration page of a 3664
policy of liability insurance, or liability bond, if the policy or 3665
bond complies with section 4509.20 or sections 4509.49 to 4509.61 3666
of the Revised Code; 3667

(d) A bond or certification of the issuance of a bond as 3668
provided in section 4509.59 of the Revised Code; 3669

(e) A certificate of deposit of money or securities as 3670
provided in section 4509.62 of the Revised Code; 3671

(f) A certificate of self-insurance as provided in section 3672
4509.72 of the Revised Code. 3673

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility under this division does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety

bond or by reason of the preparation and delivery of a document 3705
for use as proof of financial responsibility. 3706

(c) Whenever it is determined by a final judgment in a 3707
judicial proceeding that an insurer or surety, which has been 3708
named on a document accepted by a court or the registrar as proof 3709
of financial responsibility covering the operation of a motor 3710
vehicle at the time of an accident or offense, is not liable to 3711
pay a judgment for injuries or damages resulting from such 3712
operation, the registrar, notwithstanding any previous contrary 3713
finding, shall forthwith suspend the operating privileges and 3714
registration rights of the person against whom the judgment was 3715
rendered as provided in division (A)(2) of this section. 3716

(H) In order for any document described in division (G)(1)(b) 3717
of this section to be used for the demonstration of proof of 3718
financial responsibility under this section, the document shall 3719
state the name of the insured or obligor, the name of the insurer 3720
or surety company, and the effective and expiration dates of the 3721
financial responsibility, and designate by explicit description or 3722
by appropriate reference all motor vehicles covered which may 3723
include a reference to fleet insurance coverage. 3724

(I) For purposes of this section, "owner" does not include a 3725
licensed motor vehicle leasing dealer as defined in section 3726
4517.01 of the Revised Code, but does include a motor vehicle 3727
renting dealer as defined in section 4549.65 of the Revised Code. 3728
Nothing in this section or in section 4509.51 of the Revised Code 3729
shall be construed to prohibit a motor vehicle renting dealer from 3730
entering into a contractual agreement with a person whereby the 3731
person renting the motor vehicle agrees to be solely responsible 3732
for maintaining proof of financial responsibility, in accordance 3733
with this section, with respect to the operation, maintenance, or 3734
use of the motor vehicle during the period of the motor vehicle's 3735
rental. 3736

(J) The purpose of this section is to require the maintenance of proof of financial responsibility with respect to the operation of motor vehicles on the highways of this state, so as to minimize those situations in which persons are not compensated for injuries and damages sustained in motor vehicle accidents. The general assembly finds that this section contains reasonable civil penalties and procedures for achieving this purpose.

(K) Nothing in this section shall be construed to be subject to section 4509.78 of the Revised Code.

(L) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

Sec. 4561.021. There is hereby created in the division of ~~transportation assistance~~ multi-modal planning and programs of the department of transportation the office of aviation. The director of transportation shall appoint the administrator of the office of aviation, who shall serve at the pleasure of the director. The administrator of the office of aviation shall be responsible to the director for the organization, direction, and supervision of the work of the office and the exercise of the powers and the performance of the duties assigned to the office. Subject to Chapter 124. of the Revised Code and civil service regulations, the administrator, with the approval of the director, shall select and appoint the necessary employees. The director also may employ experts for assistance in any specific matter at a reasonable rate

of compensation. 3768

Sec. 4561.20. Upon transfer of the title to any aircraft upon 3769
which the current license tax has been paid, ~~the transferor shall~~ 3770
~~deliver to the transferee~~ the certificate of registration for ~~such~~ 3771
~~the aircraft. The expires, and the~~ transferee shall ~~within~~ 3772
~~forty eight hours thereafter, return such~~ submit an application 3773
for a new certificate of registration to the director of 3774
transportation, ~~together with an.~~ The application for ~~transfer the~~ 3775
new certificate of registration ~~on a form prepared by the~~ 3776
~~department of transportation showing the date of transfer of title~~ 3777
~~and the transferee's name and address. A transfer fee of one~~ 3778
dollar shall ~~accompany such application~~ be made in accordance with 3779
section 4561.18 of the Revised Code, and the transferee shall pay 3780
the applicable license tax specified in that section. 3781

Sec. 4561.341. Pursuant to any consultation with the power 3782
siting board regarding an application for certification under 3783
section 4906.03 or 4906.10 of the Revised Code, the office of 3784
aviation of the division of ~~transportation assistance~~ multi-modal 3785
planning and programs of the department of transportation shall 3786
review the application to determine whether the facility 3787
constitutes or will constitute an obstruction to air navigation 3788
based upon the rules adopted under section 4561.32 of the Revised 3789
Code. Upon review of the application, if the office determines 3790
that the facility constitutes or will constitute an obstruction to 3791
air navigation, it shall provide, in writing, this determination 3792
and either the terms, conditions, and modifications that are 3793
necessary for the applicant to eliminate the obstruction or a 3794
statement that compliance with the obstruction standards may be 3795
waived, to the power siting board under section 4906.03 or 4906.10 3796
of the Revised Code, as appropriate. 3797

Sec. 4563.01. As used in sections 4563.01 to 4563.21 of the 3798
Revised Code: 3799

(A) "Airport" means any area of land designed and set aside 3800
for the landing and taking off of aircraft, and for that purpose 3801
possessing one or more hard surfaced runways of a length of not 3802
less than three thousand five hundred feet, and designed for the 3803
storing, repair, and operation of aircraft, and utilized or to be 3804
utilized in the interest of the public for such purposes, and any 3805
area of land designed for such purposes for which designs, plans, 3806
and specifications conforming to the above requirements have been 3807
approved by the office of aviation of the division of 3808
~~transportation assistance~~ multi-modal planning and programs of the 3809
department of transportation and for which not less than seventy 3810
per cent of the area shown by such designs and plans to constitute 3811
the total area has been acquired. An airport is "publicly owned" 3812
if the portion thereof used for the landing and taking off of 3813
aircraft is owned, operated, leased to, or leased by the United 3814
States, any agency or department thereof, this state or any other 3815
state, or any political subdivision of this state or any other 3816
state, or any other governmental body, public agency, or public 3817
corporation, or any combination thereof. 3818

(B) "Airport hazard" means any structure or object of natural 3819
growth or use of land within an airport hazard area that obstructs 3820
the air space required for the flight of aircraft in landing or 3821
taking off at any airport or is otherwise hazardous to such 3822
landing or taking off of aircraft. 3823

(C) "Airport hazard area" means any area of land adjacent to 3824
an airport that has been declared to be an "airport hazard area" 3825
by the office of aviation in connection with any airport approach 3826
plan recommended by the office. 3827

(D) "Political subdivision" means any municipal corporation, 3828

township, or county. 3829

(E) "Person" means any individual, firm, copartnership, 3830
corporation, company, association, joint stock association, or 3831
body politic and includes any trustee, receiver, assignee, or 3832
other similar representative thereof. 3833

(F) "Structure" means any erected object, including, without 3834
limitation, buildings, towers, smokestacks, and overhead 3835
transmission lines. 3836

Sec. 4906.10. (A) The power siting board shall render a 3837
decision upon the record either granting or denying the 3838
application as filed, or granting it upon such terms, conditions, 3839
or modifications of the construction, operation, or maintenance of 3840
the major utility facility as the board considers appropriate. The 3841
certificate shall be conditioned upon the facility being in 3842
compliance with standards and rules adopted under sections 3843
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 3844
of the Revised Code. The period of initial operation~~7~~ under a 3845
certificate~~7~~ shall expire two years after the date on which 3846
electric power is first generated by the facility. During the 3847
period of initial operation, the facility shall be subject to the 3848
enforcement and monitoring powers of the director of environmental 3849
protection under Chapters 3704., 3734., and 6111. of the Revised 3850
Code and to the emergency provisions ~~thereunder~~ under those 3851
chapters. If a major utility facility constructed in accordance 3852
with the terms and conditions of its certificate is unable to 3853
operate in compliance with all applicable requirements of state 3854
laws, rules, and standards pertaining to air pollution, the 3855
facility may apply to the director of environmental protection for 3856
a conditional operating permit under division (G) of section 3857
3704.03 of the Revised Code and the rules adopted thereunder. The 3858
operation of a major utility facility in compliance with ~~such~~ a 3859

conditional operating permit is not in violation of its 3860
certificate. After the expiration of the period of initial 3861
operation of a major utility facility, the facility shall be under 3862
the jurisdiction of the environmental protection agency and shall 3863
comply with all laws, rules, and standards pertaining to air 3864
pollution, water pollution, and solid and hazardous waste 3865
disposal. 3866

The board shall not grant a certificate for the construction, 3867
operation, and maintenance of a major utility facility, either as 3868
proposed or as modified by the board, unless it finds and 3869
determines all of the following: 3870

(1) The basis of the need for the facility; 3871

(2) The nature of the probable environmental impact; 3872

(3) That the facility represents the minimum adverse 3873
environmental impact, considering the state of available 3874
technology and the nature and economics of the various 3875
alternatives, and other pertinent considerations; 3876

(4) In the case of an electric transmission line, that the 3877
facility is consistent with regional plans for expansion of the 3878
electric power grid of the electric systems serving this state and 3879
interconnected utility systems and that the facility will serve 3880
the interests of electric system economy and reliability; 3881

(5) That the facility will comply with Chapters 3704., 3734., 3882
and 6111. of the Revised Code and all rules and standards adopted 3883
under those chapters and under sections 1501.33, 1501.34, and 3884
4561.32 of the Revised Code. In determining whether the facility 3885
will comply with all rules and standards adopted under section 3886
4561.32 of the Revised Code, the board shall consult with the 3887
office of aviation of the division of ~~transportation assistance~~ 3888
multi-modal planning and programs of the department of 3889

transportation under section 4561.341 of the Revised Code.	3890
(6) That the facility will serve the public interest,	3891
convenience, and necessity;	3892
(7) In addition to the provisions contained in divisions	3893
(A)(1) to (6) of this section, and rules adopted thereunder <u>under</u>	3894
<u>those divisions</u> , what its impact will be on the viability as	3895
agricultural land of any land in an existing agricultural district	3896
established under Chapter 929. of the Revised Code that is located	3897
within the site and alternative site of the proposed major utility	3898
facility. Rules adopted to evaluate impact under division (A)(7)	3899
of this section shall not require the compilation, creation,	3900
submission, or production of any information, document, or other	3901
data pertaining to land not located within the site and	3902
alternative site.	3903
(8) That the facility incorporates maximum feasible water	3904
conservation practices as determined by the board, considering	3905
available technology and the nature and economics of the various	3906
alternatives.	3907
(B) If the board determines that the location of all or a	3908
part of the proposed facility should be modified, it may condition	3909
its certificate upon that modification, provided that the	3910
municipal corporations and counties, and persons residing therein,	3911
affected by the modification shall have been given reasonable	3912
notice thereof.	3913
(C) A copy of the decision and any opinion issued therewith	3914
shall be served upon each party.	3915
Sec. 5501.03. (A) The department of transportation shall:	3916
(1) Exercise and perform such other duties, powers, and	3917
functions as are conferred by law on the director, the department,	3918
the assistant directors, the deputy directors, or on the divisions	3919

of the department;	3920
(2) Coordinate and develop, in cooperation with local,	3921
regional, state, and federal planning agencies and authorities,	3922
comprehensive and balanced state policy and planning to meet	3923
present and future needs for adequate transportation facilities in	3924
this state, including recommendations for adequate funding of the	3925
implementation of such planning;	3926
(3) Coordinate its activities with those of other appropriate	3927
state departments, public agencies, and authorities, and enter	3928
into any contracts with such departments, agencies, and	3929
authorities as may be necessary to carry out its duties, powers,	3930
and functions;	3931
(4) Cooperate with and assist the public utilities commission	3932
in the commission's administration of sections 4907.47 to 4907.476	3933
of the Revised Code, particularly with respect to the federal	3934
highway administration.	3935
(5) Give particular consideration to the development of	3936
policy and planning for public transportation facilities, and to	3937
the coordination of associated activities relating thereto, as	3938
prescribed under divisions (A)(2) and (3) of this section;	3939
(6) Conduct, in cooperation with the Ohio legislative service	3940
commission, any studies or comparisons of state traffic laws and	3941
local traffic ordinances with model laws and ordinances that may	3942
be required to meet program standards adopted by the United States	3943
department of transportation pursuant to the "Highway Safety Act	3944
of 1966," 80 Stat. 731, U.S.C.A. 401;	3945
(7) Prepare, print, distribute, and advertise books, maps,	3946
pamphlets, and other information that, in the judgment of the	3947
director, will inform the public and other governmental	3948
departments, agencies, and authorities as to the duties, powers,	3949
and functions of the department;	3950

(8) In its research and development program, consider technologies for improving roadways, including construction techniques and materials to prolong project life, being used or developed by other states that have geographic, geologic, or climatic features similar to this state's, and collaborate with those states in that development.

Nothing contained in division (A)(1) of this section shall be held to in any manner affect, limit, restrict, or otherwise interfere with the exercise of powers relating to transportation facilities by appropriate agencies of the federal government, or by counties, municipal corporations, or other political subdivisions or special districts in this state authorized by law to exercise such powers.

(B) The department may use all appropriate sources of revenue to assist in the development and implementation of rail service as defined by division (C) of section 4981.01 of the Revised Code.

(C) The director of transportation may enter into contracts with public agencies including political subdivisions, other state agencies, boards, commissions, regional transit authorities, county transit boards, and port authorities, to administer the design, qualification of bidders, competitive bid letting, construction inspection, and acceptance of any projects administered by the department, provided the administration of such projects is performed in accordance with all applicable state and federal laws and regulations with oversight by the department.

Sec. 5501.04. The following divisions are hereby established in the department of transportation:

(A) The division of business services;

(B) The division of engineering policy;

- (C) The division of finance; 3981
- (D) The division of human resources; 3982
- (E) The division of information technology; 3983
- (F) The division of multi-modal planning and programs; 3984
- (G) The division of project management; 3985
- ~~(H) The division of transportation assistance.~~ 3986

The director of transportation shall distribute the duties, 3987
powers, and functions of the department among the divisions of the 3988
department. 3989

Each division shall be headed by a deputy director, whose 3990
title shall be designated by the director, and shall include ~~such~~ 3991
those other officers and employees as may be necessary to carry 3992
out the work of the division. The director shall appoint the 3993
deputy director of each division, who shall be in the unclassified 3994
civil service of the state and shall serve at the pleasure of the 3995
director. The director shall supervise the work of each division 3996
and shall be responsible for the determination of general policies 3997
in the performance of the duties, powers, and functions of the 3998
department and of each division. The director shall have complete 3999
executive charge of the department, ~~and~~ shall be responsible for 4000
the organization, direction, and supervision of the work of the 4001
department and the performance of the duties, powers, and 4002
functions assigned to each division, and may establish necessary 4003
administrative units therein. The deputy director of each 4004
division, with the approval of the director and subject to Chapter 4005
124. of the Revised Code, shall appoint the necessary employees of 4006
the division, and may remove such employees for cause. 4007

Sec. 5501.07. In addition to those duties, powers, and 4008
functions the director of transportation assigns to it, the office 4009
of public transportation of the division of ~~transportation~~ 4010

assistance <u>multi-modal planning and programs:</u>	4011
(A) May issue grants from any public transportation grant	4012
appropriation to county transit boards, regional transit	4013
authorities, regional transit commissions, counties, municipal	4014
corporations, and private nonprofit organizations that operate or	4015
will operate a public transportation system.	4016
The director shall establish criteria for the distribution of	4017
such grants. These criteria may include and the director may	4018
consider each of the following:	4019
(1) The degree to which comprehensive regional transportation	4020
planning goals may be attained through a program for which a grant	4021
will be used;	4022
(2) The amount of local financial or other support of public	4023
transportation operations and facilities affected by the program;	4024
(3) The levels of existing service and fare;	4025
(4) The degree to which the proposed plan demonstrates	4026
approaches of potential value to other local transit boards,	4027
authorities, commissions, counties, municipal corporations, and	4028
private nonprofit organizations operating public transportation	4029
systems;	4030
(5) The degree to which the grant applicant will use state	4031
and local funds to match a federal grant;	4032
(6) Such other factors as the director determines.	4033
Any criteria established by the director for the distribution	4034
of such grants shall be consistent with the requirements of the	4035
United States department of transportation, or any administration	4036
in the department, including, but not limited to, the federal	4037
transit administration. The director may designate in the criteria	4038
certain dates after which applications for specified portions of	4039
the appropriations made for this purpose will not be accepted.	4040

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(B) May issue grants from any elderly and handicapped transit 4042
fare assistance grant appropriation to county transit boards, 4043
regional transit authorities, regional transit commissions, 4044
counties, municipal corporations, and private nonprofit 4045
organizations that operate or will operate public transportation 4046
systems for the purpose of reducing the transit or paratransit 4047
fares of elderly or handicapped persons. The director shall 4048
establish criteria for the distribution of such grants. 4049

(C) May administer provisions of federal public 4050
transportation acts or programs applicable within the state, 4051
pursuant to an agreement entered into by the director with an 4052
appropriate official of the federal agency responsible for 4053
implementation of the federal acts or programs. The federal acts 4054
or programs shall include, but are not limited to, programs 4055
authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 4056
U.S.C.A. 5301, as amended. 4057

(D) Shall furnish, upon request and within the limits of 4058
appropriated funds, guidance in technical or policy matters to a 4059
county transit board, regional transit authority, regional transit 4060
commission, county, municipal corporation, or private nonprofit 4061
organization that operates or proposes to operate a public 4062
transportation system, and provide assistance and liaison in the 4063
preparation and submission of applications for federal and state 4064
funds; 4065

(E) May apply for and accept grants or loans from any federal 4066
agency for the purpose of providing for the development or 4067
improvement of public transportation facilities or for the 4068
coordination of any activities related to the development or 4069
improvement of such facilities, and may provide any consideration 4070
from any public transportation grant appropriation and enter into 4071
any contracts that may be required in order to obtain such grants 4072

or loans from a federal agency.

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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.

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The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes ~~thereof~~ of them, 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.

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

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(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.

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(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.

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(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.

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(F) The department of public safety shall enforce compliance 4103
with orders and rules of the public utilities commission and 4104
applicable laws in accordance with Chapters 4919., 4921., and 4105
4923. of the Revised Code regarding commercial motor vehicle 4106
transportation safety, economic, and hazardous materials 4107
requirements. 4108

(G) Notwithstanding Chapter 4117. of the Revised Code, the 4109
department of public safety may establish requirements for its 4110
enforcement personnel, including its enforcement agents described 4111
in section 5502.14 of the Revised Code, that include standards of 4112
conduct, work rules and procedures, and criteria for eligibility 4113
as law enforcement personnel. 4114

(H) The department shall administer, maintain, and operate 4115
the Ohio criminal justice network. The Ohio criminal justice 4116
network shall be a computer network that supports state and local 4117
criminal justice activities. The network shall be an electronic 4118
repository for various data, which may include arrest warrants, 4119
notices of persons wanted by law enforcement agencies, criminal 4120
records, prison inmate records, stolen vehicle records, vehicle 4121
operator's licenses, and vehicle registrations and titles. 4122

(I) The statistics the department COMPILES, analyzes, and 4123
publishes pursuant to division (A) of this section shall include 4124
specific information on the number of accidents in which cellular 4125
telephone use was the primary or an important contributing cause 4126
of the accident. 4127

Sec. 5502.13. The department of public safety shall maintain 4128
an investigations investigative unit in order to conduct ~~such~~ 4129
investigations and other enforcement activity ~~as are~~ authorized by 4130
Chapters 4301., 4303., 5101., 5107., and 5108. and ~~section~~ 4131
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 4132
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 4133

2925.13, 2927.02, 4507.30, and 5115.03 of the Revised Code. The 4134
director of public safety shall appoint ~~such~~ the employees of the 4135
unit ~~as~~ who are necessary, designate the activities to be 4136
performed by those employees, and prescribe their titles and 4137
duties. 4138

Sec. 5502.14. (A)~~(1)~~ As used in this section, "felony" has 4139
the same meaning as in section 109.511 of the Revised Code. 4140

~~(2)~~(B)(1) Any person who is employed by the department of 4141
public safety and designated by the director of public safety ~~for~~ 4142
~~the enforcement of~~ to enforce Title XLIII of the Revised Code, the 4143
rules adopted under it, and the laws and ~~administrative~~ rules 4144
regulating the use of food stamps shall be known as ~~a food stamp~~ 4145
~~trafficking~~ an enforcement agent. The employment by the department 4146
of public safety and the designation by the director of public 4147
safety of a person as ~~a food stamp trafficking~~ an enforcement 4148
agent shall be subject to division (D) of this section. ~~A food~~ 4149
~~stamp trafficking~~ An enforcement agent has the authority vested in 4150
peace officers pursuant to section 2935.03 of the Revised Code, ~~on~~ 4151
~~public or private property,~~ to keep the peace and to enforce all 4152
applicable laws and rules on any retail liquor permit premises, or 4153
on any other premises of public or private property, where a 4154
violation of Title XLIII of the Revised Code or any rule adopted 4155
under it is occurring, and to enforce all laws and rules governing 4156
the use of food stamp coupons⁺, women, infants, and children's 4157
coupons⁺, electronically transferred benefits⁺, or any other 4158
access device that is used alone or in conjunction with another 4159
access device to obtain payments, allotments, benefits, money, 4160
goods, or other things of value, or that can be used to initiate a 4161
transfer of funds, pursuant to the food stamp program established 4162
under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, 4163
as amended, or any supplemental food program administered by any 4164

department of this state pursuant to the "Child Nutrition Act of 4165
1966," 80 Stat. 885, 42 U.S.C.A. 1786. ~~Food stamp trafficking~~ 4166
Enforcement agents, in enforcing compliance with the laws and 4167
rules described in this division, may keep the peace and make 4168
arrests for violations of those laws and rules. 4169

~~(B) A food stamp trafficking~~ (2) In addition to the authority 4171
conferred by division (B)(1) of this section, an enforcement agent 4172
~~may~~ also may execute search warrants and seize and take into 4173
custody any contraband, as defined in section 2901.01 of the 4174
Revised Code, or any property that is otherwise necessary for 4175
evidentiary purposes related to any violations of the laws or 4176
rules described in division ~~(A)(2)(B)(1)~~ of this section. ~~A food~~ 4177
~~stamp trafficking~~ An enforcement agent may enter public or private 4178
premises where activity alleged to violate the laws or rules 4179
described in division ~~(A)(2)(B)(1)~~ of this section ~~are~~ is 4180
occurring. ~~Agents~~ 4181

(3) Enforcement agents who are ~~in~~ on, immediately adjacent 4182
to, or across from retail liquor permit premises and who are 4183
performing investigative duties relating to that premises, 4184
enforcement agents who are on premises that are not liquor permit 4185
premises but on which a violation of Title XLIII of the Revised 4186
Code or any rule adopted under it allegedly is occurring, and 4187
enforcement agents who view ~~of~~ a suspected violation of Title 4188
XLIII of the Revised Code, of a rule adopted under it, or of 4189
another law or rule described in division (B)(1) of this section 4190
have the authority to enforce ~~Title XXIX and sections 2913.46 and~~ 4191
~~5101.54 of the Revised Code~~ the laws and rules described in 4192
division (B)(1) of this section, authority to enforce any section 4193
in Title XXIX of the Revised Code or any other section of the 4194
Revised Code listed in section 5502.13 of the Revised Code if they 4195
witness a violation of the section under any of the circumstances 4196

described in this division, and authority to make arrests for 4197
violations of ~~those~~ the laws and rules described in division 4198
(B)(1) of this section and violations of any of those sections ~~The~~ 4199

(4) The jurisdiction of a ~~food stamp trafficking~~ an 4200
enforcement agent under division (B) of this section shall be 4201
concurrent with that of the peace officers of the county, 4202
township, or municipal corporation in which the violation occurs. 4203

(C) ~~Food stamp trafficking~~ Enforcement agents of the 4204
department of public safety who are engaged in the enforcement of 4205
the laws and rules described in division (A)(2)(B)(1) of this 4206
section may carry concealed weapons when conducting undercover 4207
investigations pursuant to their authority as law enforcement 4208
officers and while acting within the scope of their authority 4209
pursuant to this chapter. 4210

(D)(1) The department of public safety shall not employ, and 4211
the director of public safety shall not designate, a person as a 4212
~~food stamp trafficking~~ an enforcement agent on a permanent basis, 4213
on a temporary basis, for a probationary term, or on other than a 4214
permanent basis if the person previously has been convicted of or 4215
has pleaded guilty to a felony. 4216

(2)(a) The department of public safety shall terminate the 4217
employment of a person who is designated as a ~~food stamp~~ 4218
~~trafficking~~ an enforcement agent and who does either of the 4219
following: 4220

(i) Pleads guilty to a felony; 4221

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 4222
plea agreement as provided in division (D) of section 2929.29 of 4223
the Revised Code in which the ~~food stamp trafficking~~ enforcement 4224
agent agrees to surrender the certificate awarded to that agent 4225
under section 109.77 of the Revised Code. 4226

(b) The department shall suspend the employment of a person 4227

who is designated as a ~~food stamp trafficking~~ an enforcement agent 4228
if the person is convicted, after trial, of a felony. If the ~~food~~ 4229
~~stamp trafficking~~ enforcement agent files an appeal from that 4230
conviction and the conviction is upheld by the highest court to 4231
which the appeal is taken or if no timely appeal is filed, the 4232
department shall terminate the employment of that agent. If the 4233
~~food stamp trafficking~~ enforcement agent files an appeal that 4234
results in that agent's acquittal of the felony or conviction of a 4235
misdemeanor, or in the dismissal of the felony charge against the 4236
agent, the department shall reinstate the ~~food stamp trafficking~~ 4237
agent. ~~A food stamp trafficking~~ An enforcement agent who is 4238
reinstated under division (D)(2)(b) of this section shall not 4239
receive any back pay unless the conviction of that agent of the 4240
felony was reversed on appeal, or the felony charge was dismissed, 4241
because the court found insufficient evidence to convict the ~~food~~ 4242
~~stamp trafficking~~ agent of the felony. 4243

(3) Division (D) of this section does not apply regarding an 4244
offense that was committed prior to January 1, 1997. 4245

(4) The suspension or termination of the employment of a 4246
person designated as a ~~food stamp trafficking~~ an enforcement agent 4247
under division (D)(2) of this section shall be in accordance with 4248
Chapter 119. of the Revised Code. 4249

Sec. 5502.141. In addition to the enforcement and arrest 4250
authority that division (B) of section 5502.14 of the Revised Code 4251
confers upon an enforcement agent of the department of public 4252
safety and whether or not any of the circumstances described in 4253
that division that authorize an enforcement agent to enforce or 4254
make an arrest for violations of specified laws or rules applies, 4255
an enforcement agent who is lawfully on any premises and who 4256
witnesses a violation of section 2927.02 of the Revised Code on 4257
those premises has the same authority as a peace officer having 4258

jurisdiction with respect to the political subdivision in which 4259
those premises are located, to arrest and detain, without a 4260
warrant, the person who committed that violation. 4261

As used in this section, "peace officer" has the same meaning 4262
as in section 2935.01 of the Revised Code. 4263

Sec. 5502.16. The director of public safety, on behalf of 4264
~~food stamp trafficking enforcement~~ agents, may enter into 4265
cooperative or contractual arrangements with the United States ~~or,~~ 4266
any agency or department ~~thereof~~ of the United States, other 4267
states, other departments and political subdivisions of this 4268
state, or any other person or body politic to accomplish the 4269
purposes of the ~~investigations~~ investigative unit of the 4270
department of public safety. The director shall cooperate with and 4271
not infringe upon the rights of other state departments, 4272
divisions, boards, commissions, and agencies, and private 4273
agencies, in the conduct of enforcement plans and other matters in 4274
which the department of public safety and ~~such~~ those departments 4275
and agencies have common interests. 4276

Sec. 5502.17. ~~Food stamp trafficking~~ Enforcement agents of 4277
the department of public safety shall comply with the 4278
certification requirements established in section 109.77 of the 4279
Revised Code, take an oath of office, and receive from the 4280
governor, upon recommendation of the director of public safety, a 4281
commission indicating authority to make arrests as provided in 4282
section 5502.14 ~~or 5502.141~~ of the Revised Code. 4283

Sec. 5502.18. ~~Food stamp trafficking~~ Enforcement agents of 4284
the department of public safety may render assistance to a state 4285
or local law enforcement officer at the request of that officer or 4286
may render assistance to a state or local law enforcement officer 4287

in the event of an emergency. ~~A food stamp trafficking~~ An 4288
enforcement agent who serves outside the department under this 4289
section shall be considered as performing services within the 4290
agent's regular employment for purposes of compensation, indemnity 4291
fund rights, workers' compensation, and any other rights and 4292
benefits to which the agent may be entitled as incidents of the 4293
agent's regular employment. Such an enforcement agent retains 4294
personal immunity from civil liability under section 9.86 of the 4295
Revised Code and shall not be considered an employee of a 4296
political subdivision for purposes of Chapter 2744. of the Revised 4297
Code. 4298

A political subdivision that receives the assistance of a 4299
~~food stamp trafficking~~ an enforcement agent under this ~~division~~ 4300
section is not subject to civil liability under Chapter 2744. of 4301
the Revised Code as a result of any action or omission of the 4302
agent. 4303

Sec. ~~5502.62~~ 5502.19. The department of public safety shall 4304
conduct inspections of retail liquor permit premises to determine 4305
their compliance with ~~the provisions of~~ Chapters 4301. and 4303. 4306
of the Revised Code, and the rules adopted under ~~those provisions~~ 4307
them by the liquor control commission pertaining to retail liquor 4308
permit holders. 4309

Except as otherwise provided in this section, ~~such~~ those 4310
inspections may be conducted only during those hours in which the 4311
permit holder is open for business and only by authorized ~~liquor~~ 4312
~~control investigators~~ enforcement agents of the department of 4313
public safety or by any peace officer, as ~~this term is~~ defined in 4314
section 2935.01 of the Revised Code. Inspections may be conducted 4315
at other hours only to determine compliance with laws or 4316
commission rules that regulate the hours of sale of beer and 4317
intoxicating liquor and only if the ~~liquor control investigator~~ 4318

enforcement agent or peace officer involved has reasonable cause 4319
to believe that ~~such~~ those laws or rules are being violated. Any 4320
inspection conducted pursuant to this section is subject to all of 4321
the following requirements: 4322

(A) The only property that may be confiscated is contraband, 4323
as ~~this term is~~ defined in section 2901.01 of the Revised Code, or 4324
property that is otherwise necessary for evidentiary purposes. 4325

(B) A complete inventory of all property confiscated from the 4326
premises shall be given to the permit holder or the permit 4327
holder's agent or employee by the confiscating enforcement agent 4328
or peace officer at the conclusion of the inspection. At that 4329
time, the inventory shall be signed by the confiscating ~~liquor~~ 4330
~~control investigator~~ enforcement agent or peace officer, and the 4331
~~liquor control investigator~~ enforcement agent or peace officer 4332
shall give the permit holder or the permit holder's agent or 4333
employee the opportunity to sign the inventory. 4334

(C) Inspections conducted pursuant to this section shall be 4335
conducted in a reasonable manner. A finding by any court of 4336
competent jurisdiction that the inspection was not conducted in a 4337
reasonable manner in accordance with this section or any rules 4338
promulgated by the liquor control commission may be considered 4339
grounds for suppression of evidence. A finding by the liquor 4340
control commission that the inspection was not conducted in a 4341
reasonable manner in accordance with this section or any rules 4342
promulgated by the commission may be considered grounds for 4343
dismissal of the commission case. 4344

If any court of competent jurisdiction finds that property 4345
confiscated as the result of an inspection is not necessary for 4346
evidentiary purposes and is not contraband, as ~~this term is~~ 4347
defined in section 2901.01 of the Revised Code, the court shall 4348
order the immediate return of the confiscated property, if such 4349
property is not ~~contraband or~~ otherwise subject to forfeiture, to 4350

the permit holder. However, the return of this property is not 4351
grounds for dismissal of the case. The commission likewise may 4352
order the return of confiscated property if no criminal 4353
prosecution is pending or anticipated. 4354

Sec. 5512.10. This section applies if a political subdivision 4355
outside the jurisdiction of a metropolitan planning organization 4356
submits a request to the department of transportation for an 4357
interchange to be constructed on an interstate highway or a 4358
multi-lane, fully controlled-access highway under the jurisdiction 4359
of the department. When reviewing such a request, the department 4360
or the transportation review advisory council shall consider 4361
whether the proposal promotes farmland preservation and efforts to 4362
control urban sprawl. 4363

Sec. 5517.011. (A)(1) Notwithstanding section 5517.01 of the 4364
Revised Code, the director of transportation may establish a pilot 4365
program to expedite the sale and construction of no more than six 4366
special projects by combining the design and construction elements 4367
of a highway or bridge project into a single contract. Except in 4368
regard to those requirements relating to providing plans, the 4369
director shall award contracts under this section in accordance 4370
with section 5525.01 of the Revised Code. 4371

~~Within one year of the completion of the sixth special 4372~~
~~project under this section 4373~~

(2) On or before December 31, 2000, the director shall 4374
prepare and submit to the general assembly a report evaluating the 4375
experience of the department of transportation with each project 4376
under this division and contract under division (B) of this 4377
section, including whether the department realized any cost or 4378
time savings. Regarding those projects and contracts, the report 4379
shall include a discussion of the number and cost of change 4380

orders, the quality of work performed, the number of bids 4381
received, the impact on minority and female contract 4382
participation, and other issues the director considers 4383
appropriate. The director also may make recommendations regarding 4384
the continuation of the program, including the need for any 4385
changes. ~~After~~ 4386

(3) After completion of the sixth project ~~and preparation of~~ 4387
~~the report,~~ no projects shall be commenced under this ~~section~~ 4388
division unless the general assembly either approves additional 4389
projects to further study the effectiveness of the procedures or 4390
makes the program permanent. 4391

(B) In addition to the six projects under division (A) of 4392
this section, during the period beginning July 1, 1999, and ending 4393
June 30, 2001, the director may expand the pilot program to more 4394
contracts combining the design and construction elements of 4395
highway or bridge projects. The total dollar value of contracts 4396
made under this division shall not exceed two hundred fifty 4397
million dollars. The director may seek either bids or technical 4398
proposals for contracts under this division. 4399

(1) When the director determines to award a single contract 4400
for a design-build project under this division through the receipt 4401
of bids, except for those requirements relating to providing 4402
plans, the director shall award contracts in accordance with 4403
Chapter 5525. of the Revised Code. When the director determines to 4404
award a single contract for a design-build project under this 4405
division through the receipt of technical proposals, the director 4406
shall advertise and select the design-build team using a 4407
value-based selection process combining technical qualifications 4408
and competitive bidding elements. 4409

(2) If the director elects to utilize the competitive bid 4410
option for design-build projects, the director shall prepare and 4411
distribute a scope of work document upon which the bidders shall 4412

base their bids. 4413

(3)(a) If the director elects to utilize a value-based 4414
selection process for design-build projects through the receipt of 4415
technical proposals, the director shall restrict usage of this 4416
method to no more than six projects, whose per-project estimate 4417
must exceed ten million dollars. The director shall prepare 4418
conceptual documents for review by interested parties, accept 4419
letters of interest, and select the three most qualified 4420
design-build teams to submit a technical proposal. 4421

The criteria for selecting the three finalists shall include 4422
the qualifications and experience of the design-build team, 4423
including the proposed personnel to be utilized, equipment usage, 4424
and general proposed project approach. The schedule of activities 4425
and financial resources of the design-build team also shall be 4426
factors in the selection process. 4427

(b) After the director selects the three finalists, the 4428
finalists shall prepare both a technical proposal and a price 4429
proposal. The technical proposal shall state the finalist's 4430
qualifications and experience, including prior performance by the 4431
design-build team on similar projects, the identity of the members 4432
of each team, and a detailed project approach and schedule, 4433
including innovative design and construction techniques. The 4434
finalists shall submit the price proposal separately as requested 4435
by the director. 4436

The director first shall review the submitted technical 4437
proposals and ascribe a numerical score to each proposal. The 4438
technical numerical scores shall be equated to a percentage 4439
adjustment to be applied to the finalists' price proposals, using 4440
a predetermined schedule of adjustment made known to the finalists 4441
at the time of advertising. In no case shall the technical 4442
proposal rating exceed twenty-five per cent of the value-based 4443
technical and price selection criteria. The director shall reserve 4444

the right to consider a technical proposal as being nonresponsive,
thereby eliminating that finalist from further consideration.

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Upon completion of the rating of technical proposals, the
director shall apply to the price proposals the percentage
adjustments predetermined from the numerical scores assigned to
the technical proposals. Unless all proposals are rejected, the
director shall select the finalist with the lowest adjusted price.
The adjusted price shall be used for selection only. The contract
shall be based on the price proposal as submitted.

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The department shall compensate each responsive finalist not
selected in an amount generally equal to one-fourth of one per
cent of the unadjusted price proposal amount submitted by the
selected finalist or by an amount the director establishes at the
time of advertising.

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Sec. 5525.01. Before entering into a contract, the director
of transportation shall advertise for bids for ~~two consecutive~~
~~weeks in one newspaper of general circulation published in the~~
~~county in which the improvement or part thereof is located, but if~~
~~there is no such newspaper then in one newspaper having general~~
~~circulation in an adjacent county. The director may advertise for~~
~~bids in such other publications as the director considers~~
advisable highway construction projects by preparing and
submitting to all potential bidders prequalified under this
chapter, a schedule of projects to be let four weeks before each
bid-letting. The director may furnish the information either in
writing or electronically. For non-highway construction projects,
the director shall advertise for bids in appropriate publications
two consecutive weeks prior to the bid-letting. Such notices
Project information furnished by the director shall state that
plans and specifications for the ~~improvement~~ project are on file

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in the office of the director and the district deputy director of 4476
the district in which the ~~improvement~~ project or part thereof of a 4477
project is located and the time within which bids ~~therefor~~ for the 4478
project or part of the project will be received. 4479

Each bidder shall be required to file with the bidder's bid a 4480
bid guaranty in the form of a certified check or cashier's check 4481
for an amount equal to five per cent of the bidder's bid, but in 4482
no event more than fifty thousand dollars, or a bid bond for ten 4483
per cent of the bidder's bid, payable to the director, which check 4484
or bond shall be forthwith returned to the bidder in case the 4485
contract is awarded to another bidder, or, in case of a successful 4486
bidder, when the bidder has entered into a contract and furnished 4487
the bonds required by section 5525.16 of the Revised Code. ~~In the~~ 4488
~~event~~ If the contract is awarded to a bidder, and the bidder fails 4489
or refuses to furnish the bonds as required by section 5525.16 of 4490
the Revised Code, the check or bid bond filed with the bidder's 4491
bid shall be forfeited as liquidated damages. No bidder shall be 4492
required either to file a signed contract with the bidder's bid, 4493
to enter into a contract, or to furnish the contract performance 4494
bond and the payment bond required by that section until the bids 4495
have been opened and the bidder has been notified by the director 4496
that the bidder is awarded the contract. 4497

The director shall permit a bidder to withdraw the bidder's 4498
bid from consideration, without forfeiture of the certified check 4499
or bid bond filed with the bid, providing a written request 4500
together with a sworn statement of the grounds for such withdrawal 4501
is delivered within forty-eight hours after the time established 4502
for the receipt of bids, and if the price bid was substantially 4503
lower than the other bids, providing the bid was submitted in good 4504
faith, and the reason for the price bid being substantially lower 4505
was a clerical mistake evident on the face of the bid, as opposed 4506
to a judgment mistake, and was actually due to an unintentional 4507

and substantial arithmetic error or an unintentional omission of a 4508
substantial quantity of work, labor, or material made directly in 4509
the compilation of the bid. ~~In the event~~ If the director decides 4510
the conditions for withdrawal have not been met, the director may 4511
award the contract to such bidder. If such bidder does not then 4512
enter into a contract and furnish the contract bond as required by 4513
law, the director may declare forfeited the certified check or bid 4514
bond as liquidated damages and award the contract to the next 4515
higher bidder or reject the remaining bids and readvertise the 4516
project for bids. Such bidder may, within thirty days, appeal the 4517
decision of the director to the court of common pleas of Franklin 4518
county and the court may affirm or reverse the decision of the 4519
director and may order the director to refund the amount of the 4520
forfeiture. At the hearing before the common pleas court evidence 4521
may be introduced for and against the decision of the director. 4522
The decision of the common pleas court may be appealed as in other 4523
cases. 4524

The director shall require all bidders to furnish the 4525
director under oath, upon such printed forms as the director may 4526
prescribe, detailed information with respect to all pending work 4527
of the bidder, whether with the department of transportation or 4528
otherwise, together with such other information as the director 4529
considers necessary. 4530

~~In the event~~ If a bidder fails to submit anything required to 4531
be submitted with the bid and then fails or refuses to so submit 4532
such at the request of the director, the failure or refusal 4533
constitutes grounds for the director, in the director's 4534
discretion, to declare as forfeited the bid guaranty submitted 4535
with the bid. 4536

The director may reject any or all bids. Except in regard to 4537
contracts for environmental remediation and specialty work for 4538
which there are no classes of work set out in the rules adopted by 4539

the director, if the director awards the contract, the director
shall award it to the lowest competent and responsible bidder as
defined by rules adopted by the director under section 5525.05 of
the Revised Code, who is qualified to bid under sections 5525.02
to 5525.09 of the Revised Code. In regard to contracts for
environmental remediation and specialty work for which there are
no classes of work set out in the rules adopted by the director,
the director shall competitively bid the projects in accordance
with this chapter and shall award the contracts to the lowest and
best bidder.

The award for all projects competitively let by the director
under this section shall be made within ten days after the date on
which the bids are opened, and the successful bidder shall enter
into a contract and furnish a contract performance bond and a
payment bond, as provided for in section 5525.16 of the Revised
Code, within ten days after the bidder is notified that the bidder
has been awarded the contract.

The director may insert in any contract awarded under this
chapter a clause providing for value engineering change proposals,
under which a contractor who has been awarded a contract may
propose a change in the plans and specifications of the project
that saves the department time or money on the project without
impairing any of the essential functions and characteristics of
the project such as service life, reliability, economy of
operation, ease of maintenance, safety, and necessary standardized
features. If the director adopts the value engineering proposal,
the savings from the proposal shall be divided between the
department and the contractor according to guidelines established
by the director, provided that the contractor shall receive at
least fifty per cent of the savings from the proposal. The
adoption of a value engineering proposal does not invalidate the
award of the contract or require the director to rebid the

project. 4572

Sec. 5525.25. (A) In making contracts, the director of 4573
transportation shall comply with the following requirements for 4574
each fiscal year: 4575

(1) At least one-fifth of the department of transportation's 4576
capital construction projects shall be bid requiring a warranty as 4577
specified in the bidding documents and in division (B) of this 4578
section. 4579

(2) At least one-tenth of the department's capital 4580
construction program shall be bid requiring a pavement warranty as 4581
specified in the bidding documents and in division (B) of this 4582
section. 4583

(B) A warranty period under this section shall be: 4584

(1) Not less than seven years, for pavement in the case of 4585
new construction; 4586

(2) Not less than five years, in the case of pavement 4587
resurfacing and rehabilitation; 4588

(3) Not less than two years, in the case of pavement 4589
preventative maintenance, bridge painting, pavement markings, 4590
raised pavement markers, guardrail, and other project items as 4591
determined by the director. 4592

(C) This section does not apply to contracts the director 4593
makes on behalf of a political subdivision. 4594

Sec. 5735.051. The general assembly finds as a fact that, of 4595
the revenues which occur from excises imposed by sections 5735.05, 4596
5735.25, 5735.29, and 5735.30 of the Revised Code, ~~one-half~~ 4597
three-fourths of one per cent are attributable to the operation of 4598
motor vehicles upon waters within the boundaries of this state and 4599
shall be used for the purposes of sections 1547.71 to 1547.78 of 4600

the Revised Code. 4601

Section 2. That existing sections 109.71, 109.77, 145.01, 4602
145.33, 742.63, 2925.44, 2933.43, 2935.01, 4301.021, 4301.10, 4603
4301.21, 4301.31, 4301.53, 4301.66, 4501.10, 4501.27, 4503.19, 4604
4507.02, 4509.101, 4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 4605
5501.03, 5501.04, 5501.07, 5502.01, 5502.13, 5502.14, 5502.16, 4606
5502.17, 5502.18, 5502.62, 5517.011, 5525.01, and 5735.051 and 4607
section 5502.61 of the Revised Code are hereby repealed. 4608

Section 3. Except as otherwise provided, all appropriation 4609
line items (ALI) in this act are hereby appropriated out of any 4610
moneys in the state treasury to the credit of the designated fund, 4611
which are not otherwise appropriated. For all appropriations made 4612
in this act, those amounts in the first column are for fiscal year 4613
2000 and those amounts in the second column are for fiscal year 4614
2001. 4615

SECTION 7 OF AM. SUB. H.B. 210/122nd GA 4616

AS AMENDED BY AM. SUB. S.B. 230/122nd GA 4617

Section 4. DOT DEPARTMENT OF TRANSPORTATION 4618

<u>FND</u>	<u>ALI</u>	<u>ALI TITLE</u>	<u>FY 2000</u>	<u>FY 2001</u>	
		Transportation Planning and Research			4619
		Highway Operating Fund Group			4620
002	771-411	Planning and Research	\$ 11,817,700	\$ 12,106,000	4621
		- State			4622
002	771-412	Planning and Research	\$ 25,424,800	\$ 25,510,000	4623
		- Federal			4624
		TOTAL HOF Highway Operating			4625
		Fund Group	\$ 37,242,500	\$ 37,616,000	4626
		TOTAL ALL BUDGET FUND GROUPS -			4627
		Transportation Planning			4628

and Research		\$ 37,242,500	\$ 37,616,000	4628
	Highway Construction			4629
Highway Operating Fund Group				4630
002 772-421	Highway Construction - State	\$ 366,422,300	\$ 377,232,400	4631
002 772-422	Highway Construction - Federal	\$ 859,575,200	\$ 874,490,000	4632
002 772-424	Highway Construction - Other	\$ 50,000,000	\$ 50,000,000	4633
212 770-005	Infrastructure Debt Service - Federal	\$ 16,100,000	\$ 16,300,000	4634
212 772-423	Infrastructure Lease Payments - Federal	\$ 12,534,463	\$ 12,535,063	4635
212 772-426	Highway Infrastructure Bank - Federal	\$ 5,000,000	\$ 5,000,000	4636
212 772-427	Highway Infrastructure Bank - State	\$ 32,030,000	\$ 32,030,000	4637
TOTAL HOF Highway Operating Fund Group		\$ 1,341,661,963	\$ 1,367,587,463	4638
Highway Capital Improvement Fund Group				4639
042 772-723	Highway Construction - Bonds	\$ 225,000,000	\$ 102,500,000	4641
TOTAL 042 Capital Highway Improvement Fund Group		\$ 225,000,000	\$ 102,500,000	4642
Infrastructure Bank Obligations Fund Group				4643
045 772-428	Highway Infrastructure Bank - Bonds	\$ 30,000,000	\$ 0	4644
TOTAL 045 Infrastructure Bank Obligations Fund Group		\$ 30,000,000	\$ 0	4645
TOTAL ALL BUDGET FUND GROUPS -				4646

Highway Construction	\$ 1,596,661,963	\$ 1,470,087,463	4649
Highway Maintenance			4650
Highway Operating Fund Group			4651
002 773-431 Highway Maintenance -	\$ 361,614,800	\$ 361,027,000	4652
State			
TOTAL HOF Highway Operating			4653
Fund Group	\$ 361,614,800	\$ 361,027,000	4654
TOTAL ALL BUDGET FUND GROUPS -			4655
Highway Maintenance	\$ 361,614,800	\$ 361,027,000	4656
Intermodal Transportation			4657
State Special Revenue Fund Group			4658
4Y2 774-446 Congestion Mitigation	\$ 50,000	\$ 50,000	4659
Revolving Fund			
4T5 770-609 Administration	\$ 5,000	\$ 5,000	4660
Memorial Fund			
TOTAL SSR State Special Revenue			4661
Fund Group	\$ 55,000	\$ 55,000	4662
TOTAL ALL BUDGET FUND GROUPS -			4663
Intermodal Transportation	\$ 55,000	\$ 55,000	4664
Public Transportation			4665
Highway Operating Fund Group			4666
002 775-452 Public Transportation	\$ 43,375,000	\$ 43,375,000	4667
- Federal			
002 775-454 Public Transportation	\$ 1,002,000	\$ 1,002,000	4668
- Other			
002 775-459 Elderly and Disabled	\$ 3,510,000	\$ 3,510,000	4669
Special Equipment -			
Federal			
TOTAL HOF Highway Operating			4670
Fund Group	\$ 47,887,000	\$ 47,887,000	4671
TOTAL ALL BUDGET FUND GROUPS -			4672
Public Transportation	\$ 47,887,000	\$ 47,887,000	4673

				Rail Transportation	4674
				Highway Operating Fund Group	4675
002	776-462	Grade Crossings -	\$ 15,000,000	\$ 15,000,000	4676
		Federal			
		TOTAL HOF Highway Operating			4677
		Fund Group	\$ 15,000,000	\$ 15,000,000	4678
		TOTAL ALL BUDGET FUND GROUPS -			4679
		Rail Transportation	\$ 15,000,000	\$ 15,000,000	4680
				Aviation	4681
		Highway Operating Fund Group			4682
002	777-472	Airport Improvements -	\$ 405,000	\$ 405,000	4683
		Federal			
002	777-475	Aviation	\$ 4,540,716	\$ 4,557,140	4684
		Administration			
		TOTAL HOF Highway Operating			4685
		Fund Group	\$ 4,945,716	\$ 4,962,140	4686
		TOTAL ALL BUDGET FUND GROUPS -			4687
		Aviation	\$ 4,945,716	\$ 4,962,140	4688
				Administration	4689
		Highway Operating Fund Group			4690
002	779-491	Administration - State	\$ 107,561,200	\$ 107,686,500	4691
		TOTAL HOF Highway Operating			4692
		Fund Group	\$ 107,561,200	\$ 107,686,500	4693
		TOTAL ALL BUDGET FUND GROUPS -			4694
		Administration	\$ 107,561,200	\$ 107,686,500	4695
				Debt Service	4696
		Highway Operating Fund Group			4697
002	770-003	Administration - State	\$ 18,000,000	\$ 21,100,000	4698
		- Debt Service			
		TOTAL HOF Highway Operating			4699
		Fund Group	\$ 18,000,000	\$ 21,100,000	4700
		TOTAL ALL BUDGET FUND GROUPS -			4701

Debt Service	\$ 18,000,000	\$ 21,100,000	4702
TOTAL Department of Transportation			4703
TOTAL HOF Highway Operating			4704
Fund Group	\$ 1,933,913,179	\$ 1,962,866,103	4705
TOTAL 042 Highway Capital			4706
Improvement Fund Group	\$ 225,000,000	\$ 102,500,000	4707
TOTAL 045 Infrastructure Bank			4708
Obligations Fund Group	\$ 30,000,000	\$ 0	4709
TOTAL SSR State Special Revenue			4710
Fund Group	\$ 55,000	\$ 55,000	4711
TOTAL ALL BUDGET FUND GROUPS			4712
SECTION 7.01 OF AM. SUB. H.B. 210/122nd GA			4713
AS AMENDED BY AM. SUB. S.B. 230/122nd GA			4714

Section 4.01. 4715

Issuance of Bonds

The Commissioners of the Sinking Fund, upon the request of 4716
the Director of Transportation, are hereby authorized to issue and 4717
sell, in accordance with the provisions of Section 2m of Article 4718
VIII, Ohio Constitution, and sections 5528.51 and 5528.56 of the 4719
Revised Code, obligations, including bonds and notes, of the State 4720
of Ohio in the aggregate amount of \$320,000,000 in addition to the 4721
original issuance of obligations heretofore authorized by prior 4722
acts of the General Assembly. 4723

The obligations shall be dated, issued, and sold from time to 4724
time in such amounts as may be necessary to provide sufficient 4725
moneys to the credit of the Highway Capital Improvement Fund (Fund 4726
042) created by section 5528.53 of the Revised Code to pay costs 4727
charged to the fund when due as estimated by the Director of 4728
Transportation, provided, however, that such obligations shall be 4729
issued and sold at such time or times so that not more than 4730
\$220,000,000 original principal amount of obligations, plus the 4731

principal amount of obligations that in prior fiscal years could 4732
have been, but were not issued within the \$220,000,000 limit, may 4733
be issued in any fiscal year, and not more than \$1,200,000,000 4734
original principal amount of obligations issued pursuant to 4735
Section 2m of Article VIII, Ohio Constitution, and sections 4736
5528.51 and 5528.56 of the Revised Code are outstanding at any one 4737
time. 4738

Bond Funds Transfer 4739

The Director of Budget and Management may cancel encumbrances 4740
associated with Highway Obligations Construction Fund (Fund 041) 4741
appropriations and reestablish such encumbrances or parts of 4742
encumbrances as needed in fiscal year 2000 in the Highway Capital 4743
Improvement Fund (Fund 042) appropriation item 772-723, Highway 4744
Construction - Bonds, for the same purpose and to the same vendor. 4745
As determined by the director, the appropriation authority 4746
necessary to reestablish such encumbrances in fiscal year 2000 in 4747
Fund 042 is hereby authorized. The director shall reduce each 4748
year's appropriation balances by the amount of the encumbrances 4749
cancelled in its respective line item. As determined by the 4750
director, any cash balance remaining in Fund 041 may be 4751
transferred to Fund 042. 4752

Section 4.02. 4753

Maintenance Interstate Highways

The Director of Transportation may remove snow and ice, and 4754
maintain, repair, improve, or provide lighting upon interstate 4755
highways that are located within the boundaries of municipal 4756
corporations, adequate to meet the requirements of federal law. 4757
When agreed in writing by the director and the legislative 4758
authority of a municipal corporation, and notwithstanding sections 4759
125.01 and 125.11 of the Revised Code, the Department of 4760
Transportation may reimburse the municipal corporation for all or 4761

any part of the costs, as provided by such agreement, incurred by 4762
the municipal corporation in maintaining, repairing, lighting, and 4763
removing snow and ice from the interstate system. 4764

SECTION 7.04 OF AM. SUB. H.B. 210/122nd GA 4765
AS AMENDED BY AM. SUB. S.B. 230/122nd GA 4766
AND AM. SUB. S.B. 229/122nd GA 4767

Section 4.03. 4768

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

The Director of Budget and Management may approve requests 4770
from the Department of Transportation, for transfer of 4771
appropriations for highway planning and research (appropriation 4772
items 771-411 and 771-412), highway construction (appropriation 4773
items 772-421, 772-422, and 772-424), highway maintenance 4774
(appropriation item 773-431), and highway administration 4775
(appropriation item 779-491). Transfers of appropriations shall be 4776
made upon the written request of the Director of Transportation 4777
with the approval of the Director of Budget and Management. Such 4778
transfers shall be reported to the Controlling Board at the next 4779
regularly scheduled meeting of the board. 4780

This transfer language is intended to provide for emergency 4781
situations and flexibility to meet unforeseen conditions that 4782
could arise during the budget period. This will also allow the 4783
department to optimize the use of available resources, and adjust 4784
to circumstances affecting the obligation and expenditure of 4785
federal funds. 4786

Transfer of Appropriations - State Infrastructure Bank 4787

The Director of Budget and Management may approve requests 4788
from the Department of Transportation for transfer of 4789
appropriations and cash of the Infrastructure Bank funds created 4790

in section 5531.09 of the Revised Code, including transfers 4791
between fiscal years 2000 and 2001. Such transfers shall be 4792
reported to the Controlling Board at the next regularly scheduled 4793
meeting of the board. However, the director may not make transfers 4794
out of debt service and lease payment appropriation items unless 4795
the director determines that the appropriated amounts exceed the 4796
actual and projected debt, rental, or lease payments. 4797

The Director of Budget and Management may approve requests 4798
from the Department of Transportation for transfer of 4799
appropriations and cash of the Highway Operating Fund (Fund 002) 4800
to the Infrastructure Bank funds created in section 5531.09 of the 4801
Revised Code. The Director of Budget and Management may transfer 4802
from the Infrastructure Bank funds to the Highway Operating Fund 4803
up to the amounts originally transferred to the Infrastructure 4804
Bank funds under this section. Such transfers shall be reported to 4805
the Controlling Board at the next regularly scheduled meeting of 4806
the board. However, the director may not make transfers between 4807
modes and transfers between different funding sources. 4808

Increase Appropriation Authority - State Funds 4809

In the event that revenues or unexpended balances credited to 4810
the Highway Operating Fund exceed the estimates upon which the 4811
appropriations have been made in this act, the Director of 4812
Transportation may submit a request to the Controlling Board for 4813
increased appropriation authority in the same manner as prescribed 4814
in section 131.35 of the Revised Code. Such additional revenues or 4815
unexpended balances are hereby appropriated to the Department of 4816
Transportation when authorized by the Controlling Board. 4817

Increase Appropriation Authority - Federal and Local Funds 4818

In the event that receipts or unexpended balances credited to 4819
the Highway Operating Fund or apportionments or allocations made 4820
available from the federal and local government exceed the 4821

estimates upon which the appropriations have been made in this 4822
act, such excess is hereby appropriated and may be added to the 4823
appropriate item or items when requested by the Director of 4824
Transportation and approved by the Director of Budget and 4825
Management and the Controlling Board. 4826

Reappropriations 4827

All appropriations of the Highway Operating Fund (Fund 002), 4828
the Highway Capital Improvement Fund (Fund 042), and the 4829
Infrastructure Bank funds created in section 5531.09 of the 4830
Revised Code remaining unencumbered on June 30, 1999, and the 4831
unexpended balance of prior years' appropriations that 4832
subsequently become unencumbered after June 30, 1999, subject to 4833
the availability of revenue as determined by the Director of 4834
Transportation, are hereby reappropriated for the same purpose in 4835
fiscal year 2000 upon the request of the Director of 4836
Transportation with the approval of the Director of Budget and 4837
Management. Such reappropriations shall be reported to the 4838
Controlling Board at the next regularly scheduled meeting of the 4839
board. 4840

All appropriations of the Highway Operating Fund (Fund 002), 4841
the Highway Capital Improvement Fund (Fund 042), and the 4842
Infrastructure Bank funds created in section 5531.09 of the 4843
Revised Code remaining unencumbered as of June 30, 2000, are 4844
reappropriated for use during fiscal year 2001 for the same 4845
purpose. The department shall report all such reappropriations to 4846
the Controlling Board. 4847

Section 4.04. 4848

Public Access Roads for State Facilities

Of the foregoing appropriation item 772-421, Highway 4849
Construction - State, \$3,100,000 is to be used each fiscal year 4850

during the 1999-2001 biennium by the Department of Transportation 4851
for the construction, reconstruction, or maintenance of public 4852
access roads, including support features, to and within state 4853
facilities owned or operated by the Department of Natural 4854
Resources, as requested by the Director of Natural Resources. 4855

Notwithstanding section 5511.06 of the Revised Code, of the 4856
foregoing appropriation item 772-421, Highway Construction - 4857
State, \$2,200,000 in each fiscal year of the 1999-2001 biennium 4858
shall be used by the Department of Transportation for the 4859
construction, reconstruction, or maintenance of park drives or 4860
park roads within the boundaries of metropolitan parks. 4861

Included in the foregoing appropriation item 772-421, Highway 4862
Construction - State, the department may perform related road work 4863
on behalf of the Ohio Expositions Commission at the state 4864
fairgrounds. This includes reconstruction or maintenance of public 4865
access roads, including support features, to and within the 4866
facilities as requested by the commission and approved by the 4867
Director of Transportation. 4868

Liquidation of Unforeseen Liabilities 4869

Any appropriation made to the Department of Transportation, 4870
Highway Operating Fund, not otherwise restricted by law, is 4871
available to liquidate unforeseen liabilities arising from 4872
contractual agreements of prior years when the prior year 4873
encumbrance is insufficient. 4874

Congestion Mitigation 4875

The foregoing appropriation item 774-446, Congestion 4876
Mitigation Revolving Fund, shall be used to make loans or grants 4877
for the construction, reconstruction, resurfacing, restoring, 4878
rehabilitation, or replacement of public or private transportation 4879
facilities as eligible under United States Code, Title XXIII. Fund 4880
revenues shall include, but are not limited to, payments received 4881

from any public or private agency in repayment of a loan 4882
previously made from the fund or pursuant to 23 U.S.C. 129(a)(7) 4883
or successor legislation; interest or other income earned on the 4884
investment of moneys in the fund; and any additional moneys made 4885
available from any sources, public or private, for the purposes 4886
for which the fund has been established. 4887

Section 4.05. 4888

Department of Taxation

By the thirtieth day of June of each fiscal year, the 4889
Director of Budget and Management shall transfer \$4,300,000 in 4890
cash from Fund 002, the Highway Operating Fund, to the General 4891
Revenue Fund for reimbursement of the services provided by the 4892
Department of Taxation pursuant to sections 5728.08, 5735.26, and 4893
5735.29 of the Revised Code. 4894

Rental Payments - OBA 4895

The foregoing appropriation item 770-003, Administration - 4896
State - Debt Service, shall be used to pay rent to the Ohio 4897
Building Authority for various capital facilities to be 4898
constructed, reconstructed, or rehabilitated for the use of the 4899
Department of Transportation, including the department's plant and 4900
facilities at its central office, field districts, and county and 4901
outpost locations. The rental payments shall be made from revenues 4902
received from the motor vehicle fuel tax. The amounts of any bonds 4903
and notes to finance such capital facilities shall be at the 4904
request of the Director of Transportation. Notwithstanding section 4905
152.24 of the Revised Code, the Ohio Building Authority may, with 4906
approval of the Office of Budget and Management, lease capital 4907
facilities to the Department of Transportation. 4908

The Director of Transportation shall hold title to any land 4909
purchased and any resulting structures that are attributable to 4910

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 appropriation item 770-003 exceed the rental payments for fiscal year 2000 or 2001, then prior to June 30, 2001, the balance may be transferred to appropriation 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 4.06.

Composite Bridge Decks

The Governor may authorize a program to investigate the use of composite and other alternative material bridge decks both to extend scarce transportation dollars and to promote economic development in Ohio.

Section 4.07.

Public Transportation Highway Purpose Grants

The Director of Transportation is authorized to use revenues 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 4939
construction or repair of bridges used by public transportation 4940
vehicles or that are the responsibility of a regional transit 4941
authority or other public transportation system, or other similar 4942
construction that is designated as an eligible public 4943
transportation highway purpose. These motor vehicle fuel tax 4944
revenues may not be used for operating assistance or for the 4945
purchase of vehicles, equipment, or maintenance facilities. 4946

Section 4.08. 4947

Aviation Fuel Study

The Department of Transportation shall complete a 4948
comprehensive aviation study with the cooperation of the Office of 4949
Budget and Management, the Legislative Budget Office, the 4950
Department of Taxation, and any other agency that is deemed 4951
necessary. The report shall include all the following and any 4952
additional information deemed necessary: 4953

(A) The amount of aviation fuel sold in Ohio by type; 4954

(B) A breakdown of all taxes paid on that fuel; 4955

(C) The current state of the airport infrastructure of Ohio's 4956
public use general aviation airports; 4957

(D) The forecasted needs of those airports in the 21st 4958
century. 4959

The report shall be completed by October 1, 1999, and 4960
reported to the House Finance and Appropriations Committee. 4961

Section 5. DHS DEPARTMENT OF PUBLIC SAFETY 4962

Highway Safety Information and Education 4963

State Highway Safety Fund Group 4964

036 761-321 Operating Expense - \$ 2,817,706 \$ 2,893,048 4965

Information and

	Education				
036	761-402	Traffic Safety Match	\$ 277,137	\$ 277,137	4966
831	761-610	Information and	\$ 532,824	\$ 539,964	4967
	Education - Federal				
83N	761-611	Elementary School Seat	\$ 362,356	\$ 370,151	4968
	Belt Program				
832	761-612	Traffic Safety-Federal	\$ 11,911,963	\$ 12,312,386	4969
844	761-613	Seat Belt Education	\$ 208,743	\$ 213,753	4970
	Program				
846	761-625	Motorcycle Safety	\$ 1,250,698	\$ 1,271,962	4971
	Education				
847	761-622	Film Production	\$ 43,079	\$ 44,285	4972
	Reimbursement				
TOTAL HSF State Highway Safety					4973
Fund Group			\$ 17,406,506	\$ 17,924,687	4974
TOTAL ALL BUDGET FUND GROUPS -					4975
Highway Safety Information					4976
and Education			\$ 17,406,506	\$ 17,924,687	4977

Federal Highway Safety Program Match 4978

The foregoing appropriation item 761-402, Traffic Safety 4979
 Match, shall be used to provide the nonfederal portion of the 4980
 federal Highway Safety Program. Upon request by the Director of 4981
 Public Safety and approval by the Director of Budget and 4982
 Management, appropriation item 761-402 shall be used to transfer 4983
 appropriations from the Highway Safety Fund to the Traffic Safety 4984
 - Federal Fund (Fund 832) at the beginning of each fiscal year on 4985
 an intrastate transfer voucher. 4986

Film Production Reimbursement 4987

The foregoing appropriation item 761-622, Film Production 4988
 Reimbursement, shall be used by the Division of Administration of 4989
 the Department of Public Safety for the purpose of providing a 4990
 method of collection from other state agencies for services and 4991

supplies provided for production of public service announcements 4992
and training materials. This appropriation shall be expended only 4993
for supplies and the maintenance of equipment necessary to perform 4994
such services. 4995

Section 5.01. Bureau of Motor Vehicles 4996

State Special Revenue Fund Group 4997

4U0 762-638 Collegiate License \$ 406,709 \$ 416,470 4998
Plate Program

4U2 762-641 Football Hall of Fame \$ 252,975 \$ 259,046 4999
License Plates

5G8 762-668 Ohio CASA/GAL License \$ 300,000 \$ 307,200 5000
Plates

5G9 762-669 Rotary International \$ 20,000 \$ 20,480 5001
License Plates

5J0 762-670 Pro Sports Team \$ 1,250,000 \$ 2,500,000 5002
License Plates

5J1 762-671 Boy Scouts License \$ 25,000 \$ 25,000 5003
Plates

5J2 762-672 Girl Scouts License \$ 25,000 \$ 25,000 5004
Plates

5J3 762-673 Eagle Scouts License \$ 25,000 \$ 25,000 5005
Plates

5J4 762-674 FOP License Plates \$ 15,000 \$ 15,000 5006

5J5 762-675 FOP Associates License \$ 60,000 \$ 60,000 5007
Plates

539 762-614 Motor Vehicle Dealers \$ 222,623 \$ 227,506 5008
Board

TOTAL SSR State Special Revenue 5009

Fund Group \$ 2,602,307 \$ 3,880,702 5010

State Highway Safety Fund Group 5011

4W4 762-321 Operating Expense-BMV \$ 59,524,444 \$ 59,584,303 5012

4W4	762-410	Registrations	\$	31,480,879	\$	32,197,278	5013
		Supplement					
83R	762-639	Local Immobilization	\$	1,261,973	\$	1,292,260	5014
		Reimbursement					
835	762-616	Financial	\$	5,650,575	\$	5,674,529	5015
		Responsibility					
		Compliance					
849	762-627	Automated Title	\$	16,354,358	\$	11,858,624	5016
		Processing Board					
TOTAL HSF	State Highway Safety						5017
Fund Group			\$	114,272,229	\$	110,606,994	5018
TOTAL ALL BUDGET FUND GROUPS -							5019
Bureau of Motor Vehicles			\$	116,874,536	\$	114,487,696	5020

Motor Vehicle Registrations

The Registrar of Motor Vehicles may deposit revenues equal to 5022
any estimated deficiency in the State Bureau of Motor Vehicles 5023
Fund (Fund 4W4), established in section 4501.25 of the Revised 5024
Code, obtained pursuant to sections 4503.02 and 4504.02 of the 5025
Revised Code to support in part appropriations for operating 5026
expenses and to defray the cost of manufacturing and distributing 5027
license plates and license plate stickers and enforcing the law 5028
relative to the operation and registration of motor vehicles. 5029
Notwithstanding section 4501.03 of the Revised Code, the above 5030
amount shall be paid into the State Bureau of Motor Vehicles Fund 5031
before any revenues obtained pursuant to sections 4503.02 and 5032
4504.02 of the Revised Code are paid into any other fund. The 5033
deposit of revenues to meet the aforementioned deficiency shall be 5034
in approximate equal amounts on a monthly basis or as otherwise 5035
determined by the Director of Budget and Management pursuant to a 5036
plan submitted by the Registrar of Motor Vehicles. 5037

Capital Projects

The Registrar of Motor Vehicles may transfer revenue from the 5039

State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 5040
 Highway Safety Fund (Fund 036) to meet its obligations for capital 5041
 projects CIR-047, Department of Public Safety Office Building, and 5042
 CIR-049, Warehouse Facility. 5043

Administrative Functions 5044

Subject to the approval of the Director of Budget and 5045
 Management, the Registrar of Motor Vehicles may transfer cash from 5046
 the State Bureau of Motor Vehicles Fund (Fund 4W4) and the 5047
 Automated Title Processing Fund (Fund 849) to the State Highway 5048
 Safety Fund (Fund 036) to meet obligations for its proportionate 5049
 share of costs for the department's administrative functions, as 5050
 mutually agreed to between the Director of Public Safety and the 5051
 Registrar of Motor Vehicles. 5052

Section 5.02. Enforcement 5053

State Highway Safety Fund Group 5054

036	764-033	Minor Capital Projects	\$	1,659,186	\$	1,689,075	5055
036	764-321	Operating Expense -	\$	172,777,889	\$	171,329,899	5056
		Highway Patrol					
83C	764-630	Contraband,	\$	572,263	\$	583,057	5057
		Forfeiture, Other					
83F	764-657	Law Enforcement Auto.	\$	4,794,209	\$	4,882,658	5058
		Data System					
83G	764-633	OMVI Fines	\$	727,033	\$	731,550	5059
831	764-610	Patrol/Federal	\$	2,055,814	\$	2,049,980	5060
831	764-659	Transportation	\$	2,517,623	\$	2,499,615	5061
		Enforcement - Federal					
837	764-602	Turnpike Policing	\$	8,347,714	\$	8,312,784	5062
838	764-606	Patrol Reimbursement	\$	212,025	\$	212,025	5063
840	764-607	State Fair Security	\$	1,248,521	\$	1,241,747	5064
840	764-617	Security and	\$	3,964,371	\$	3,940,861	5065
		Investigations					

840	764-626	State Fairgrounds	\$	732,167	\$	750,364	5066
		Police Force					
840	761-667	Security Assessment	\$	137,560	\$	139,416	5067
841	764-603	Salvage and Exchange -	\$	1,187,761	\$	1,216,267	5068
		Highway Patrol					
TOTAL HSF State Highway Safety							5069
Fund Group			\$	200,934,136	\$	199,579,298	5070
General Services Fund Group							5071
4S2	764-660	MARCS Maintenance	\$	304,284	\$	303,550	5072
TOTAL GSF General Services							5073
Fund Group			\$	304,284	\$	303,550	5074
TOTAL ALL BUDGET FUND GROUPS -							5075
Enforcement			\$	201,238,420	\$	199,882,848	5076
<u>Collective Bargaining Increases</u>							5077
Notwithstanding division (D) of section 127.14 and division							5078
(B) of section 132.35 of the Revised Code, except for the General							5079
Revenue Fund, the Controlling Board may, upon the request of							5080
either the Director of Budget and Management, or the Department of							5081
Public Safety with the approval of the Director of Budget and							5082
Management, increase appropriations for any fund, as necessary for							5083
the Department of Public Safety, to assist in paying the costs of							5084
increases in employee compensation that have occurred that are							5085
provided pursuant to Collective Bargaining agreements under							5086
Chapter 4117. of the Revised Code and, for exempt employees, under							5087
section 124.152 of the Revised Code.							5088
Section 5.03. Emergency Medical Services							5089
State Highway Safety Fund Group							5090
83M	765-624	Operating Expenses -	\$	1,560,000	\$	1,578,512	5091
		EMS					
83P	765-637	EMS Grants	\$	4,000,000	\$	4,000,000	5092
831	765-610	EMS/Federal	\$	251,760	\$	257,803	5093

TOTAL HSF State Highway Safety				5094
Fund Group	\$	5,811,760	\$ 5,836,315	5095
TOTAL ALL BUDGET FUND GROUPS -				5096
Emergency Medical Services	\$	5,811,760	\$ 5,836,315	5097
Section 5.04. Special Enforcement				5099
State Highway Safety Fund Group				5100
831 767-610 Liquor Enforcement -	\$	200,000	\$ 200,000	5101
Federal				
831 769-610 Food Stamp Trafficking	\$	721,787	\$ 878,704	5102
Enforcement - Federal				
TOTAL HSF State Highway Safety				5103
Fund Group	\$	921,787	\$ 1,078,704	5104
Liquor Control Fund Group				5105
043 767-321 Liquor Enforcement -	\$	8,531,000	\$ 8,379,000	5106
Operations				
TOTAL LCF Liquor Control Fund				5107
Group	\$	8,531,000	\$ 8,379,000	5108
State Special Revenue Fund Group				5109
622 767-615 Investigative	\$	377,295	\$ 385,768	5110
Contraband and				
Forfeiture				
TOTAL SSR State Special Revenue				5111
Fund Group	\$	377,295	\$ 385,768	5112
TOTAL ALL BUDGET FUND GROUPS -				5113
Special Enforcement	\$	9,830,082	\$ 9,843,472	5114
Section 5.05. Emergency Management				5116
Federal Special Revenue Fund Group				5117
				5118
3N5 763-644 U.S. DOE Agreement	\$	199,875	\$ 195,961	5119
329 763-645 Individual/Family	\$	750,000	\$ 749,674	5120

	Grant - Fed					
337	763-609	Federal Disaster	\$	10,600,000	\$ 5,597,556	5121
		Relief				
339	763-647	Emergency Management	\$	4,500,000	\$ 4,490,434	5122
		Assistance and				
		Training				
	TOTAL FED	Federal Special				5123
	Revenue Fund Group		\$	16,049,875	\$ 11,033,625	5124
	General Services Fund Group					5125
4V3	763-662	Storms/NOAA	\$	169,900	\$ 167,943	5126
		Maintenance				
4W6	763-663	MARCS Operations	\$	436,000	\$ 432,447	5127
533	763-601	State Disaster Relief	\$	8,370,843	\$ 4,372,348	5128
	TOTAL GSF	General Services				5129
	Fund Group		\$	8,976,743	\$ 4,972,738	5130
	State Special Revenue Fund Group					5131
4Y0	763-654	EMA Utility Payment	\$	143,220	\$ 146,657	5132
4Y1	763-655	Salvage & Exchange-EMA	\$	27,028	\$ 27,676	5133
657	763-652	Utility Radiological	\$	822,079	\$ 806,339	5134
		Safety				
681	763-653	SARA Title III HAZMAT	\$	190,000	\$ 188,452	5135
		Planning				
	TOTAL SSR	State Special Revenue				5136
	Fund Group		\$	1,182,327	\$ 1,169,124	5137
	TOTAL ALL BUDGET FUND GROUPS -					5138
	Emergency Management		\$	26,208,945	\$ 17,175,487	5139
	<u>MARCS Fund Transfer</u>					5140
	In the event that the Emergency Management Agency is not					5141
	designated by the Director of Administrative Services as the					5142
	agency to operate the Multi Agency Radio Communications System					5143
	(MARCS), the Director of Budget and Management, with the					5144
	concurrence of the Director of Public Safety and the approval of					5145

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.

Section 5.06. Administration

State Highway Safety Fund Group				5157
036 766-321 Operating Expense -	\$	4,373,000	\$ 4,442,000	5158
Administration				
830 761-603 Salvage and Exchange -	\$	20,574	\$ 21,067	5159
Administration				
TOTAL HSF State Highway Safety Fund Group	\$	4,393,574	\$ 4,463,067	5160
General Services Fund Group				5162
4S3 766-661 Hilltop Utility	\$	550,000	\$ 550,000	5163
Reimbursement				
5C7 762-664				5164
TOTAL GSF General Services Fund Group	\$	550,000	\$ 550,000	5165
TOTAL ALL BUDGET FUND GROUPS - Administration	\$	4,943,574	\$ 5,013,067	5166

Section 5.07. Debt Service

State Highway Safety Fund Group				5170
036 761-401 Lease Rental Payments	\$	12,600,000	\$ 14,000,000	5171

TOTAL HSF State Highway Safety				5173
Fund Group	\$	12,600,000	\$ 14,000,000	5174
TOTAL ALL BUDGET FUND GROUPS -				5175
Debt Service	\$	12,600,000	\$ 14,000,000	5176
<u>OBA Bond Authority/Lease Rental Payments</u>				5177
The foregoing appropriation item 761-401, Lease Rental				5178
Payments, shall be used for payments to the Ohio Building				5179
Authority for the period July 1, 1999, to June 30, 2001, pursuant				5180
to the primary leases and agreements for those buildings made				5181
under Chapter 152. of the Revised Code that are pledged for bond				5182
service charges on related obligations issued pursuant to Chapter				5183
152. of the Revised Code. Notwithstanding section 152.24 of the				5184
Revised Code, the Ohio Building Authority may, with approval of				5185
the Office of Budget and Management, lease capital facilities to				5186
the Department of Public Safety.				5187
<u>Hilltop Transfer</u>				5188
The Director of Public Safety shall determine, per an				5189
agreement with the Director of Transportation, the share of each				5190
debt service payment made out of appropriation item 761-401, Lease				5191
Rental Payments, that relates to the Department of				5192
Transportation's portion of the Hilltop Building Project, and				5193
shall certify to the Director of Budget and Management the amounts				5194
of this share. The Director of Budget and Management shall				5195
transfer such shares from the Highway Operating Fund (Fund 002) to				5196
the Highway Safety Fund (Fund 036).				5197
Section 5.08. Revenue Distribution				5198
Holding Account Redistribution Fund Group				5199
R24 762-619 Unidentified Motor	\$	1,600,000	\$ 1,600,000	5200
Vehicle Receipts				
R27 764-608 Patrol Fee Refunds	\$	35,000	\$ 35,000	5201

TOTAL 090 Holding Account				5202
Redistribution Fund Group	\$	1,635,000	\$ 1,635,000	5203
TOTAL ALL BUDGET FUND GROUPS -				5204
Revenue Distribution	\$	1,635,000	\$ 1,635,000	5205
TOTAL Department of Public Safety				5206
TOTAL HSF State Highway Safety				5207
Fund Group	\$	356,337,992	\$ 353,487,064	5208
TOTAL SSR State Special Revenue				5209
Fund Group	\$	4,161,929	\$ 5,435,594	5210
TOTAL LCF Liquor Control				5211
Fund Group	\$	8,531,000	\$ 8,379,000	5212
TOTAL GSF General Services				5213
Fund Group	\$	9,831,027	\$ 5,826,288	5214
TOTAL FED Federal Revenue Special				5215
Fund Group	\$	16,049,875	\$ 11,033,625	5216
TOTAL 090 Holding Account				5217
Redistribution				
Fund Group	\$	1,635,000	\$ 1,635,000	5218
TOTAL ALL BUDGET FUND GROUPS	\$	396,546,823	\$ 385,796,571	5219

Section 5.09.

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Transfer of Funds

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the director, shall set a monthly cash transfer schedule to meet any estimated deficiency in the State Highway Safety Fund (Fund 036) established in section 4501.06 of the Revised Code.

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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.

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Data Services Fund (5C7) 5232

Upon the effective date of this section, any residual cash in 5233
the Data Services Fund (Fund 5C7) shall be transferred to the 5234
Highway Safety Fund (Fund 036) and the Bureau of Motor Vehicles 5235
Fund (Fund 4W4). The residual cash shall be divided between Funds 5236
036 and 4W4 in amounts proportional to the amounts that were 5237
previously transferred to Fund 5C7 from Funds 036 and 4W4 as 5238
provided in Section 8.09 of Am. Sub. H.B. 210 of the 122nd General 5239
Assembly. 5240

Notwithstanding any provision of law to the contrary, the 5241
Director of Budget and Management is authorized to take the 5242
actions as described in this section. The Director of Budget and 5243
Management may make any transfers of cash balances between funds 5244
5C7, 036, and 4W4 as previously described in this section. The 5245
Registrar of Motor Vehicles shall certify to the Director of 5246
Budget and Management the amount of cash balance to be transferred 5247
to the receiving funds. 5248

Cash Balance Fund Review 5249

Not later than the first day of April in each fiscal year of 5250
the biennium, the Director of Budget and Management shall review 5251
the cash balances for each fund, except the State Highway Safety 5252
Fund (Fund 036), in the State Highway Safety Fund Group and with 5253
the advice of the Legislative Budget Officer shall recommend to 5254
the Controlling Board an amount to be transferred to the credit of 5255
the State Highway Safety Fund, or the Bureau of Motor Vehicles 5256
Fund, as appropriate. 5257

Section 6. DEV DEPARTMENT OF DEVELOPMENT 5258

State Special Revenue Fund Group				5259	
4W0 195-629 Roadwork Development	\$	12,699,900	\$	12,699,900	5260
TOTAL SSR State Special Revenue				5261	

Fund Group	\$	12,699,900	\$	12,699,900	5262
TOTAL ALL BUDGET FUND GROUPS	\$	12,699,900	\$	12,699,900	5263

Roadwork Development Fund 5264

The Roadwork Development Fund shall be used for road 5265
improvements associated with economic development opportunities 5266
that will retain or attract businesses for Ohio. "Road 5267
improvements" are improvements to public roadway facilities 5268
located on, or serving or capable of serving, a project site. 5269

The Department of Transportation, under the direction of the 5270
Department of Development, shall provide these funds in accordance 5271
with all guidelines and requirements established for Department of 5272
Development appropriation item 195-412, Business Development, 5273
including Controlling Board review and approval as well as the 5274
requirements for usage of gas tax revenue prescribed in Section 5a 5275
of Article XII, Ohio Constitution. Should the Department of 5276
Development require the assistance of the Department of 5277
Transportation to bring a project to completion, the Department of 5278
Transportation shall use the authority under Title LV of the 5279
Revised Code to provide such assistance and enter into contracts 5280
on behalf of the Department of Development. In addition, these 5281
funds may be used in conjunction with appropriation item 195-412, 5282
Business Development, or any other state funds appropriated for 5283
infrastructure improvements. 5284

The Director of Budget and Management, pursuant to a plan 5285
submitted by the Department of Development or as otherwise 5286
determined by the director, shall set a transfer schedule to meet 5287
any estimated deficiency in the Department of Development's 5288
Roadwork Development Fund (Fund 4W0). The director shall transfer 5289
to the Roadwork Development Fund from the Highway Operating Fund 5290
(Fund 002), established in section 5735.291 of the Revised Code, 5291
such amounts at such times as determined by the transfer schedule. 5292

<u>Transportation Improvement Districts</u>	5293
Of the foregoing appropriation item 195-629, Roadwork	5294
Development, \$250,000 each fiscal year of the biennium shall be	5295
paid by the Director of Development to each of the transportation	5296
improvement districts of Butler, Hamilton, Medina, and Stark	5297
counties, as provided for in section 5540.151 of the Revised Code.	5298
The appropriation authority shall be used by each transportation	5299
improvement district to support its activities pursuant to section	5300
5540.16 of the Revised Code. These payments shall not be subject	5301
to the restrictions of appropriation item 195-629.	5302
Section 7. PWC PUBLIC WORKS COMMISSION	5303
Local Transportation Improvements Fund Group	5304
052 150-402 LTIP - Operating \$ 397,133 \$ 402,980	5305
052 150-701 Local Transportation \$ 62,000,000 \$ 62,000,000	5306
Improvement Program	
TOTAL 052 Local Transportation	5307
Improvements Fund Group \$ 62,397,133 \$ 62,402,980	5308
Local Infrastructure Improvements Fund Group	5309
038 150-321 Operating Expenses \$ 928,677 \$ 941,989	5310
TOTAL LIF Local Infrastructure	5311
Improvements	
Fund Group \$ 928,677 \$ 941,989	5312
TOTAL ALL BUDGET FUND GROUPS \$ 63,325,810 \$ 63,344,969	5313
<u>District Administration Costs</u>	5314
The Director of the Public Works Commission is authorized to	5315
create a District Administration Costs Program from interest	5316
earnings of the Capital Improvements Fund and Local Transportation	5317
Improvement Program Fund proceeds. This program shall be used to	5318
provide for administration costs of the nineteen public works	5319
districts for the direct costs of district administration.	5320

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 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) in Am. Sub. H.B. 210 of the 122nd General
Assembly remaining unencumbered as of June 30, 1999, are
reappropriated for use during the period July 1, 1999, through
June 30, 2001, 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) in this act
remaining unencumbered at June 30, 2000, may be transferred to
fiscal year 2001 for the same purpose, subject to the availability
of revenue as determined by the Director of the Public Works
Commission.

Section 8. Within the limits set forth in this act, the

Director of Budget and Management shall establish accounts 5351
indicating the source and amount of funds for each item of 5352
appropriation made in this act, and shall determine the form and 5353
manner in which such appropriation accounts shall be maintained. 5354
Expenditures from appropriations contained in this act may be 5355
accounted as though made in the main operating appropriations act 5356
of the 123rd General Assembly. 5357

Section 9. 5358

Lease Payments to OPFC, OBA, and Treasurer

Certain appropriations are in this act for the purpose of 5359
lease payments to the Ohio Public Facilities Commission, to the 5360
Ohio Building Authority, and to the Treasurer of State for the 5361
purpose of paying principal and interest on bonds or notes issued 5362
by the Ohio Public Facilities Commission, the Ohio Building 5363
Authority, or the Treasurer of State pursuant to the Ohio 5364
Constitution and acts of the General Assembly. If it is determined 5365
that additional appropriations are necessary for this purpose, 5366
such amounts are hereby appropriated. 5367

Section 10. The Legislative Budget Office of the Legislative 5368
Service Commission shall conduct a study to determine the need for 5369
additional resources to meet local construction and maintenance 5370
needs for highways, bridges, and mass transit. The study shall 5371
identify possible alternative sources of revenue that could be 5372
imposed by local governments, or imposed by the state and 5373
distributed to local governments. The study also shall consider 5374
whether and how the state's allocation of funds to local projects 5375
could be done in ways more responsive to local needs and local 5376
variations in the condition of highways, bridges, and mass transit 5377
systems. The Legislative Budget Office shall submit a report 5378
setting forth the results of its study to the General Assembly on 5379

or before July 1, 2000. 5380

Section 11. (A) Not later than 90 days after the effective 5381
date of section 5525.25 of the Revised Code, the Director of 5382
Transportation shall report to the Controlling Board on the 5383
Department of Transportation's comprehensive implementation plan 5384
for warranties. The report shall include the following: 5385

(1) The number and type of projects to be bid meeting the 5386
requirements of divisions (A) and (B) of that section; 5387

(2) An investigation of alternative warranty contracting 5388
options, including incentives, different bidding methods, and 5389
implementation of new technologies, construction techniques, and 5390
materials to prolong pavement life considering such factors as 5391
density, smoothness, and segregation; 5392

(3) Development of a surface warranty for all pavement 5393
projects on interstate highways and multi-lane, fully 5394
controlled-access highways under jurisdiction of the director. The 5395
surface warranty shall warrant only against common pavement 5396
distresses, including, but not limited to, delamination, raveling, 5397
and rutting. The implementation plan must include a schedule of 5398
introduction of the surface warranty into the department's annual 5399
construction program so that all pavement projects let by the 5400
department require the warranty not later than June 30, 2001. 5401

(B) Not later than December 31, 2000, the director shall 5402
report to the General Assembly the department's findings on the 5403
use of warranties, including comparisons of cost, techniques and 5404
quality of warranted and non-warranted items, and recommendations 5405
for further use of warranties. 5406

Section 12. The Department of Transportation, together with a 5407
metropolitan planning organization the department selects, shall 5408

study the travel inducement effects of a major highway capacity 5409
expansion project, using state of the art methodologies, and shall 5410
report its findings to the General Assembly by June 30, 2000. 5411

Section 13. The Executive Director of the Ohio Rail 5412
Development Commission shall review and evaluate information and 5413
develop a report concerning the following topics: 5414

(A) Grade separations and improvements needed to alleviate 5415
safety problems and congestion in the state; 5416

(B) How to develop a priority system to determine the order 5417
in which those grade separations and improvements could be made; 5418

(C) Potential funding sources for the grade separation and 5419
improvement projects. 5420

The Executive Director shall submit the report to the General 5421
Assembly on or before December 31, 1999. 5422

Section 14. The General Assembly intends that the additional 5423
money allocated to the Waterways Safety Fund for the 2000-2001 5424
biennium by this act's amendment to section 5735.051 of the 5425
Revised Code shall be expended one-third for improving boating 5426
access, one-third for additional dredging, and one-third for 5427
additional marine patrol and watercraft education activities. 5428

Section 15. As used in this section, "Department of Public 5429
Safety enforcement agent" has the same meaning as in section 5430
145.01 of the Revised Code, as amended by this act. 5431

Not later than ninety days after the effective date of this 5432
section, each Department of Public Safety enforcement agent who is 5433
a member of the Public Employees Retirement System and was not 5434
immediately prior to the effective date of this section designated 5435
as a liquor control investigator shall indicate to the system, on 5436

a form supplied by the system, a choice of whether to receive 5437
benefits under division (A) of section 145.33 of the Revised Code 5438
or division (B) of that section. 5439

Section 15.01. (A) On and after the effective date of this 5440
section, whenever the Liquor Enforcement Unit, Food Stamp 5441
Trafficking Unit, Food Stamp Fraud Unit, or Investigations Unit of 5442
the Department of Public Safety is referred to or designated in 5443
any statute, rule, contract, or other document, the reference or 5444
designation shall be deemed to refer to the Investigative Unit of 5445
the department, which is the name given under section 5502.13 of 5446
the Revised Code, as amended by this act, to the units formerly 5447
known as the Liquor Enforcement Unit, Food Stamp Trafficking Unit, 5448
Food Stamp Fraud Unit, and Investigation Unit of the department. 5449

(B) On and after the effective date of this section, whenever 5450
the position of liquor control investigator or food stamp 5451
trafficking agent is referred to or designated in any statute, 5452
rule, contract, or other document, the reference or designation 5453
shall be deemed to refer to the position of enforcement agent, 5454
which is the name given under section 5502.14 of the Revised Code, 5455
as amended by this act, to the positions formerly known as liquor 5456
control investigator or food stamp trafficking agent. 5457

(C) On the effective date of this section, any amounts in the 5458
Liquor Enforcement Contraband, Forfeiture, and Other Fund and in 5459
the Food Stamp Contraband, Forfeiture, and Other Fund shall be 5460
transferred to the credit of the Department of Public Safety 5461
Investigative Unit Contraband, Forfeiture, and Other Fund, which 5462
is created under section 2933.43 of the Revised Code, as amended 5463
by this act, and which takes the place of the Liquor Enforcement 5464
Contraband, Forfeiture, and Other Fund and the Food Stamp 5465
Contraband, Forfeiture, and Other Fund. 5466

Section 16. That Section 3 of Am. Sub. S.B. 20 of the 120th 5467
General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd 5468
General Assembly, be amended to read as follows: 5469

"Sec. 3. (A) Not later than January 1, 1998, the Registrar of 5470
Motor Vehicles shall adopt rules in accordance with Chapter 119. 5471
of the Revised Code to establish a pilot program requiring that 5472
persons randomly selected within the pilot program according to a 5473
method developed by the Registrar be required to verify the 5474
existence of proof of financial responsibility. Not later than 5475
January 1, 2000, the Registrar shall adopt rules in accordance 5476
with Chapter 119. of the Revised Code to establish a permanent 5477
program requiring that persons randomly selected on a statewide 5478
basis be required to verify the existence of proof of financial 5479
responsibility. In adopting the rules, the Registrar may consider 5480
relevant findings and recommendations of the Task Force on the 5481
Enforcement of the Financial Responsibility Laws of Ohio. 5482

(B) The rules of the registrar for the pilot project shall do 5483
all of the following: 5484

(1) Establish a three-step process for written notification 5485
to the owner of a vehicle randomly selected to submit proof of 5486
financial responsibility, with the last notification, when 5487
necessary for an owner who fails to respond to the previous 5488
notices, to be sent by certified mail, return receipt requested. 5489
If the second notice is returned as not deliverable, the registrar 5490
shall make reasonable efforts to determine if the owner's address 5491
has changed before sending the third notice. 5492

(2) Allow an order of the Registrar imposing the civil 5493
penalties required under division (A)(2) of section 4509.101 of 5494
the Revised Code to be issued upon the failure of a vehicle owner 5495
to provide proof of financial responsibility in response to the 5496

initial notice, but to be implemented in regard to owners who fail 5497
to respond only after the owner has failed to respond to the third 5498
notice sent by certified mail or the certified mail is returned as 5499
refused or not deliverable. 5500

(3) Require the Registrar, when recording the necessary 5501
information for an order imposing the civil penalties required 5502
under division (A)(2) of section 4509.101 of the Revised Code, to 5503
distinctly indicate the type of suspension and impoundment when 5504
the suspension of the person's license and the impoundment of the 5505
person's certificate of registration and license plates results 5506
from a failure to respond to the random verification. 5507

(4) Establish procedures for a person to provide proof of 5508
financial responsibility at the office of a deputy registrar if 5509
the operating privileges or registration rights of the person are 5510
suspended because of a failure to respond to a financial 5511
responsibility random verification request. 5512

(C) If the suspension of a person's license and the 5513
impoundment of the person's certificate of registration and 5514
license plates results from a failure to respond to a random 5515
verification, the registrar distinctly shall indicate the type of 5516
suspension and impoundment when putting the information of such an 5517
order into the law enforcement automated data system and recording 5518
the information as part of the person's permanent record." 5519

Section 17. That existing Section 3 of Am. Sub. S.B. 20 of 5520
the 120th General Assembly, as amended by Am. Sub. H.B. 215 of the 5521
122nd General Assembly, is hereby repealed. 5522

Section 18. A task force to study the Bureau of Motor 5523
Vehicles' existing method of random selection to verify financial 5524
responsibility is hereby established. The task force shall study 5525
the method and make recommendations on changes to the General 5526

Assembly on or before June 1, 1999. The task force shall consist 5527
of twelve members, including the Registrar of Motor Vehicles and 5528
the Superintendent of Insurance. The Speaker of the House of 5529
Representatives shall appoint five members of the House of 5530
Representatives to the task force, no more than three of whom 5531
shall be from the same political party as the Speaker. The 5532
President of the Senate shall appoint five members of the Senate 5533
to the task force, no more than three of whom shall be from the 5534
same political party as the President. The Speaker and President 5535
shall make their appointments within two weeks after the effective 5536
date of this section, and shall jointly select the chairperson of 5537
the task force. After making its recommendations to the General 5538
Assembly, the task force shall cease to exist. 5539

This section is not subject to the referendum. Therefore, 5540
under Ohio Constitution, Article II, Section 1d and section 1.471 5541
of the Revised Code, this section goes into immediate effect when 5542
this act becomes law. 5543

Section 19. There is hereby created the Task Force on Motor 5544
Vehicle Titling, consisting of the Director of Public Safety, the 5545
Registrar of Motor Vehicles, two members of the Senate, both of 5546
whom shall be appointed by the President of the Senate but only 5547
one of whom shall be of the same political party as the President, 5548
two members of the House of Representatives, both of whom shall be 5549
appointed by the Speaker of the House of Representatives but only 5550
one of whom shall be of the same political party as the Speaker, a 5551
representative of the Office of the Attorney General designated by 5552
the Attorney General, a representative of the Department of 5553
Taxation designated by the Tax Commissioner, the president of the 5554
Ohio Clerks of Court Association or the president's 5555
representative, the president of the Ohio Automobile Dealers 5556
Association or the president's representative, the president of 5557

the Ohio Auto Auction Association or the president's 5558
representative, one person who represents a company that is a 5559
member of the Ohio Telecommunications Association and is appointed 5560
by the Governor, one person who represents a company that is 5561
engaged in the business of providing financing for the purchase or 5562
leasing of motor vehicles and is appointed by the Governor, and 5563
two members of the public at large who are appointed by the 5564
Governor. 5565

The President, Speaker, and Governor shall make their 5566
appointments, and the Tax Commissioner and Attorney General shall 5567
each designate a representative, within two weeks after the 5568
effective date of this section, and the President and Speaker 5569
shall select jointly a chairperson of the Task Force from among 5570
the four legislative members. 5571

The Task Force shall evaluate the current state of technology 5572
to determine whether the creation of an efficient, integrated, and 5573
accurate system of delivering information regarding ownership and 5574
other interests and related data and information relating to motor 5575
vehicles, including the area of motor vehicle titling, is 5576
feasible, and if so, a general estimate of the costs involved in 5577
creating such a system. The Task Force shall evaluate any recent 5578
advancements in the electronic transfer of information that would 5579
make creation of such a system possible. The Task Force shall make 5580
any recommendations regarding actions that would need to be taken 5581
to create such a system. 5582

The Task Force shall submit its report, including its 5583
evaluations and recommendations, to the Governor and the General 5584
Assembly not later than one hundred eighty days after the 5585
effective date of this section, and then the Task Force shall 5586
cease to exist. 5587

This section is not subject to the referendum. Therefore, 5588

under Ohio Constitution, Article II, Section 1d and section 1.471 5589
of the Revised Code, this section goes into immediate effect when 5590
this act becomes law. 5591

Section 20. Sections of the Revised Code contained within the 5592
purview of Sections 1 and 2 of this act, and the items of law of 5593
which the sections are composed, are subject to the referendum. 5594
Therefore, under Ohio Constitution, Article II, Section 1c and 5595
section 1.471 of the Revised Code, the sections of the Revised 5596
Code contained within the purview of Sections 1 and 2 of this act, 5597
and the items of law of which the sections are composed, take 5598
effect on the ninety-first day after this act is filed with the 5599
Secretary of State. If, however, a referendum petition is filed 5600
against any section of the Revised Code contained within the 5601
purview of Sections 1 and 2 of this act, or against any item of 5602
law contained in any such section, the section or item, unless 5603
rejected at the referendum, takes effect at the earliest time 5604
permitted by law. 5605

Section 21. The repeal of section 5502.61 of the Revised Code 5606
by Section 2 of this act is subject to the referendum. Therefore, 5607
under Ohio Constitution, Article II, Section 1c and section 1.471 5608
of the Revised Code, the repeal takes effect on the ninety-first 5609
day after this act is filed with the Secretary of State. If, 5610
however, a referendum petition is filed against the repeal, the 5611
repeal, unless rejected at the referendum, takes effect at the 5612
earliest time permitted by law. 5613

Section 22. The items in the uncodified sections of law 5614
contained in this act that appropriate money for the current 5615
expenses of state government, earmark this class of 5616
appropriations, or depend for their implementation upon an 5617
appropriation for the current expenses of state government are not 5618

subject to the referendum. Therefore, under Ohio Constitution, 5619
Article II, Section 1d and section 1.471 of the Revised Code, 5620
these items go into immediate effect when this act becomes law. 5621

The items in the uncodified sections of law contained in this 5622
act that appropriate money other than for the current expenses of 5623
state government, earmark this class of appropriations, or do not 5624
depend for their implementation upon an appropriation for the 5625
current expenses of state government are subject to the 5626
referendum. Therefore, under Ohio Constitution, Article II, 5627
Section 1c and section 1.471 of the Revised Code, these items take 5628
effect on the ninety-first day after this act is filed with the 5629
Secretary of State. If, however, a referendum petition is filed 5630
against such an item, the item, unless rejected at the referendum, 5631
takes effect at the earliest time permitted by law. 5632

This section is not subject to the referendum. Therefore, 5633
under Ohio Constitution, Article II, Section 1d and section 1.471 5634
of the Revised Code, this section goes into immediate effect when 5635
this act becomes law. 5636

Section 23. Sections 15 and 15.01 of this act are subject to 5637
the referendum. Therefore, under Ohio Constitution, Article II, 5638
Section 1c and section 1.471 of the Revised Code, the sections 5639
take effect on the ninety-first day after this act is filed with 5640
the Secretary of State. If, however, a referendum petition is 5641
filed against either section, the section, unless rejected at the 5642
referendum, takes effect at the earliest time permitted by law. 5643

Section 24. If any item of law that constitutes the whole or 5644
part of a codified or uncodified section of law contained in this 5645
act, or if any application of any item of law that constitutes the 5646
whole or part of a codified or uncodified section of law contained 5647
in this act, is held invalid, the invalidity does not affect other 5648

items of law or applications of items of law that can be given 5649
effect without the invalid item of law or application. To this 5650
end, the items of law of which the codified and uncodified 5651
sections contained in this act are composed, and their 5652
applications, are independent and severable. 5653

Section 25. Section 4509.101 of the Revised Code is presented 5655
in this act as a composite of the section as amended by both Am. 5656
Sub. H.B. 215 and Am. Sub. H.B. 261 of the 122nd General Assembly, 5657
with the new language of neither of the acts shown in capital 5658
letters. This is in recognition of the principle stated in 5659
division (B) of section 1.52 of the Revised Code that such 5660
amendments are to be harmonized where not substantively 5661
irreconcilable and constitutes a legislative finding that such is 5662
the resulting version in effect prior to the effective date of 5663
this act. 5664