

AN ACT

To amend sections 109.71, 109.77, 145.01, 145.33, 306.42, 306.52, 319.54, 742.63, 2925.44, 2933.43, 2935.01, 4301.021, 4301.10, 4301.21, 4301.31, 4301.53, 4301.66, 4501.03, 4501.10, 4501.27, 4503.102, 4503.19, 4505.06, 4507.011, 4507.02, 4509.101, 4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 5501.03, 5501.04, 5501.07, 5502.01, 5502.13, 5502.14, 5502.16, 5502.17, 5502.18, 5502.62, 5517.011, 5735.051, 5739.02, and 5741.02; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5502.62 (5502.19); to enact sections 5301.234, 5512.10, and 5525.25; and to repeal sections 4501.14 and 5502.61 of the Revised Code, to amend Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as subsequently amended, and to suspend until January 1, 2000, the operation of sections 1548.01 and 1548.06 of the Revised Code, as amended by Am. Sub. S.B. 187 of the 122nd General Assembly, insofar as those sections subject watercraft less than fourteen feet in length to Chapter 1548. of the Revised Code, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 1999, and ending June 30, 2001, and to provide authorization and conditions for the operation of those programs; and to maintain certain provisions of this act on and after July 1, 1999, by amending the version of section 4505.06 of the Revised Code that takes effect on that date.

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

SECTION 1. That sections 109.71, 109.77, 145.01, 145.33, 306.42, 306.52, 319.54, 742.63, 2925.44, 2933.43, 2935.01, 4301.021, 4301.10, 4301.21, 4301.31, 4301.53, 4301.66, 4501.03, 4501.10, 4501.27, 4503.102, 4503.19, 4505.06, 4507.011, 4507.02, 4509.101, 4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 5501.03, 5501.04, 5501.07, 5502.01, 5502.13, 5502.14, 5502.16, 5502.17, 5502.18, 5502.62, 5517.011, 5735.051, 5739.02, and 5741.02 be amended, section 5502.62 (5502.19) be amended for the purpose of adopting a new section number as indicated in parentheses, and sections 5301.234, 5512.10, and 5525.25 of the Revised Code be enacted to read as follows:

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

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

(A) "Peace officer" means:

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

(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;

(10) Ohio veterans' home police officers designated under section 5907.02 of the Revised Code;

(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;

(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;

(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;

(14) A member of a campus police department appointed under section

1713.50 of the Revised Code;

(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

~~(16) Food stamp trafficking agents of the department of public safety designated under section 5502.14 of the Revised Code;~~

~~(17)~~ Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;

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

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

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

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

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

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(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;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to

section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) 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;

(g) ~~A food stamp trafficking~~ An enforcement agent of the department of public safety designated whom the director of public safety designates under section 5502.14 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(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;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(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;

(f) ~~A food stamp trafficking~~ An enforcement agent of the department of public safety designated whom the director of public safety designates under section 5502.14 of the Revised Code.

(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 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 who is appointed as a regional transit authority police officer pursuant to division (Y) of section 306.35 of the Revised Code if, on or before July 1, 1996, the person has completed satisfactorily an approved state, county, municipal, or department of natural resources peace officer basic training program and has been awarded a certificate by the executive director of the Ohio peace

officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

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

~~No person, beginning on October 29, 1995, shall receive an original appointment on a permanent basis as a food stamp trafficking agent of the department of public safety authorized to enforce Chapter 5502. and sections 2913.46 and 5101.54 of the Revised Code and engaged in the enforcement of laws and rules described in section 5502.14 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary or for a probationary term or on other than a permanent basis as a food stamp trafficking agent shall forfeit that position unless the person previously has completed satisfactorily, or within one year from the time of the appointment satisfactorily completes, an approved police officer basic training program.~~

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

(1) Has been awarded a certificate by the executive director of the Ohio

peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

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

(3) Prior to June 6, 1986, was authorized to carry a firearm 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~~ October 16, 1996, 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.

(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.

(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.

(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.

Sec. 145.01. As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general

assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

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

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

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

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C)(2) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

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

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical college, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section

3307.01 or 3309.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior service" means all service as a public employee rendered before January 1, 1935, and all service as an employee of any employer who comes within the state teachers retirement system or of the school employees retirement system or of any other retirement system established under the laws of this state rendered prior to January 1, 1935, provided that if the employee claiming the service was employed in any capacity covered by that other system after that other system was established, credit for the service may be allowed by the public employees retirement system only when the employee has made payment, to be computed on the salary earned from the date of appointment to the date membership was established in the public employees retirement system, at the rate in effect at the time of payment, and the employer has made payment of the corresponding full liability as provided by section 145.44 of the Revised Code. "Prior service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

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

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

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

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

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

(2) When the member is paid on a per diem basis, the service credit for any single year of the service shall be determined by using the number of days of service for which the compensation was received in any such year as

a numerator and using two hundred fifty days as a denominator.

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

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

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

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for 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 retirement board may determine from time to time, except as follows:

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

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

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

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

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

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

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

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

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

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

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

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;

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

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

(S) "Pension 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 retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as

required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the following formula:

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

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

(2) Notwithstanding division (T)(1) of this section, an 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; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by

section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

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

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

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

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

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

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

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

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

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

e Revised Code.

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

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

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

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

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

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

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

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

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

(RR) "Hamilton county municipal court bailiff" means a person appointed by the clerk of courts of the Hamilton county municipal court under division (A)(3) of section 1901.32 of the Revised Code who is employed full-time as a bailiff or deputy bailiff, who has received a

ertificate attesting to the person's satisfactory completion of the peace officer training school as required by division (C) of section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state.

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

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

(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(UU) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

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:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(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;

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

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

(a) Eighty-six dollars;

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

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

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61			88
		28	90
62			91
63			94
		29	95
64			97
65		30 or more	100

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

Attained Birthday	Percentage of Base Amount
66	102

67	104
68	106
69	108
70 or more	110

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

(B)(1) 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 and who has attained age fifty-two may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty years, except that no allowance shall exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(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 under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a law enforcement officer or the total service credit of that person.

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

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

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

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

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

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

(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;

(g) Any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996;

(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;

(i) Any person who originally is employed as a preserve officer on or after ~~the effective date of this amendment~~ March 18, 1999;

(j) Any person who originally is employed as a natural resources law enforcement staff officer on or after ~~the effective date of this amendment~~ March 18, 1999;

(k) Any person who is originally employed as a department of public safety enforcement agent on or after the effective date of this amendment.

(D) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(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.

Sec. 306.42. (A) The secretary-treasurer of the regional transit authority shall be the fiscal officer of the regional transit authority and the custodian of its funds and records and shall assist the board of directors in such particulars as it directs in the performance of its duties.

(B) Before receiving any moneys, the secretary-treasurer shall furnish bond in such amount as is determined by the board of trustees of the regional transit authority with surety satisfactory to it. Except as provided in division (C) of this section, ~~and~~ all funds coming into the hands of the secretary-treasurer shall be deposited by ~~him~~ the secretary-treasurer to the

account of the regional transit authority in one or more such depositories as are qualified to receive deposits of county funds, which deposits shall be secured in the same manner as county funds are required to be secured. No disbursements shall be made from such funds except in accordance with rules and regulations adopted by the board of trustees of the regional transit authority.

(C) Funds received by the secretary-treasurer pursuant to an agreement under division (AA) of section 306.35 of the Revised Code shall be deposited to an account of the regional transit authority as designated in the agreement and shall be invested as provided in the agreement. Such funds are not subject to Chapter 135. of the Revised Code.

Sec. 306.52. (A) A regional transit authority created under sections 306.30 to 306.53, inclusive, of the Revised Code, shall be exempt from and shall not be required to pay any taxes on property, both real and personal, belonging to any such authority, which is used exclusively for any public purpose; provided. However, except as provided in division (B) of this section, such exemption shall not apply to any property belonging to any authority while a private enterprise is a lessee of such property under written lease providing for tenancy for longer than one year.

(B) The property tax exemption under this section applies to a transit facility that is the subject of an agreement under division (AA) of section 306.35 of the Revised Code, so long as the transit facility is used by the regional transit authority exclusively for a public purpose.

Sec. 319.54. (A) On all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

- (1) On the first one hundred thousand dollars, two and one-half per cent;
- (2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;
- (3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;
- (4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each

day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the following percentages:

- (1) On the first one hundred thousand dollars, three and one-half per cent;
- (2) On the next three million dollars, one and three-eighths per cent;
- (3) On the next three million dollars, one per cent;
- (4) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;
- (5) On amounts exceeding one hundred fifty million dollars, six-tenths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(C) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.

(D) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

- (1) Four per cent on the first one hundred thousand dollars;
- (2) One-half of one per cent on all additional sums.

Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the

general fund of the county.

(E) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(F) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, to be paid by the person requiring it, fifty cents for each transfer;

(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents per hundred dollars for each one hundred dollars, or fraction of one hundred dollars, whichever is greater, of the value of the real property transferred or, for sales occurring on or after January 1, 2000, the value of the used manufactured home or used mobile home, as defined in division ~~(B)(5)(A)(6)~~ of section 5739.0210 of the Revised Code, transferred, except no fee shall be charged when the transfer is made:

(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;

(b) Solely in order to provide or release security for a debt or obligation;

(c) To confirm or correct a deed previously executed and recorded;

(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;

(e) On sale for delinquent taxes or assessments;

(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or to section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on the transfer from

the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;

(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county.

The real property transfer fee provided for in division (F)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

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.

(A) As used in this section:

(1) "Member" means a member of the police and firemen's disability and pension fund or the state highway patrol retirement system, or a member of the public employees retirement system who at the time of the member's death was a county sheriff or deputy sheriff, a full-time regular police officer in a municipal corporation or township, a full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time ~~liquor control investigator of the department of public safety~~ enforcement agent, 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, a group of counties, a municipal corporation, or the department of rehabilitation and correction, a state university law enforcement officer, or a member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other

political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, ~~the security force of liquor control investigators of the department of public safety~~ enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university.

(3) "Firefighter or police officer" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction, a police officer employed by a township or municipal corporation, a firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time ~~liquor control investigator of the~~ department of public safety enforcement agent, 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, and a state university law enforcement officer.

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

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

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

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.

(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.33, division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.

(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.

(12) "Killed in the line of duty" means either of the following:

(a) Death in the line of duty;

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

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

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

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

remaining eligible child or children equals the full death benefit amount.

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

(D) If a member killed in the line of duty as a firefighter or police officer is survived by both a spouse and a child or children, the monthly benefit provided shall be as follows:

(1)(a) If there is a surviving spouse and one surviving 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 equal to one-half of the full death benefit amount.

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

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

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

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

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

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

(G)(1) If there is not a surviving spouse eligible to receive a death benefit under division (F) of this section or the surviving spouse receiving a death benefit under that division becomes ineligible to receive the benefit due to remarriage or death, a surviving child or children whose benefits under division (C) or (D) of this section are or have been terminated pursuant to division (C)(3) or (D)(3) of this section or who would qualify for a benefit under division (C) 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 benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to the member's death, plus any salary increases the member would have received prior to

the member's retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children.

(2) If two or more surviving children each are receiving a benefit under this division and any of those children becomes ineligible to continue receiving a benefit as provided in division (H) of this section, the remaining eligible child or children shall receive an amount equal to one-half of the monthly salary received by the deceased member prior to death, plus any salary increases the deceased member would have received prior to the retirement eligibility date. If there is more than one remaining eligible child, the benefit shall be divided equally among the eligible children.

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

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

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

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

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

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

(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.

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

(1) Place the property under seal;

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

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

(4)(a) Seek forfeiture of the property pursuant to federal law. If the head

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

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

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

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

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

(B) In addition to complying with any requirements imposed by a court

pursuant to section 2925.42 or 2925.43 of the Revised Code, and the requirements imposed by those sections, in relation to the disposition of property forfeited to the state under either of those sections, the prosecuting attorney who is responsible for its disposition shall dispose of the property as follows:

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

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

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

(4) Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for

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

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

(6) Obscene materials shall be destroyed.

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

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

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

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(8)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by a person who, pursuant to division (F) of section 2925.42 of the Revised Code or division (E) of section 2925.43 of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or

interests shall be paid according to their record or other order of priority.

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

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

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

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

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

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

(4) Following the sale under division (B)(8) of this section of any

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

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

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

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

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

(2) If a law enforcement officer seizes property that is titled or registered under law, including a motor vehicle, pursuant to division (A)(1) of this section, the officer or the officer's employing law enforcement agency shall notify the owner of the seizure. The notification shall be given

to the owner at the owner's last known address within seventy-two hours after the seizure, and may be given orally by any means, including telephone, or by certified mail, return receipt requested.

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

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

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

If no petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the law

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

court determines that the motor vehicle or its contents, or both, are not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property that is not needed as evidence to the owner; as a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall be in an amount equal to the value of the property to be released, as determined by the court, shall have sufficient sureties approved by the court, and shall be conditioned upon the return of the property to the court to which it is forfeited under this section.

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

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

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

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

property of that nature that no longer is needed as evidence shall be open to public inspection during the agency's regular business hours. Each law enforcement agency that, during any calendar year, seizes property under division (A) of this section because it was contraband shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the agency pursuant to this division for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. 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 the court shall deliver a copy of the order to the owner or send a copy of it by certified mail, return receipt requested, to the owner at the address to which notice of the seizure was given under division (A)(2) of this section. Except as otherwise provided in this division, all rights, interest, and title to the forfeited contraband vests in the state, effective from the date of seizure.

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

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

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

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

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

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

(ii) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecuting attorney and to the law enforcement trust fund of the county sheriff if the county sheriff made the seizure, to the law enforcement trust fund of a

municipal corporation if its police department made the seizure, to the law enforcement trust fund of a township if the seizure was made by a township police department, township police district police force, or office of a township constable, to the law enforcement trust fund of a park district created pursuant to section 511.18 or 1545.01 of the Revised Code if the seizure was made by the park district police force or law enforcement department, to the state highway patrol contraband, forfeiture, and other fund if the state highway patrol made the seizure, to the ~~liquor enforcement 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 state board of pharmacy, made the seizure. The prosecuting attorney may decline to accept any of the remaining proceeds or forfeited moneys, and, if the prosecuting attorney so declines, the remaining proceeds or forfeited moneys shall be applied to the fund described in this division that relates to the law enforcement agency that made the seizure.

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

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

township police department, township police district police force, or office of the constable, and by the board of park commissioners only to the park district police force or law enforcement department.

Additionally, no proceeds or forfeited moneys shall be allocated to or used by the state highway patrol, the ~~food stamp trafficking unit or liquor enforcement unit of the~~ department of public safety, the state board of pharmacy, or a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department unless the state highway patrol, department of public safety, state board of pharmacy, sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department has adopted a written internal control policy under division (D)(3) of this section that addresses the use of moneys received from the state highway patrol contraband, forfeiture, and other fund, the liquor enforcement department of public safety investigative unit contraband, forfeiture, and other fund, ~~the food stamp contraband, forfeiture, and other fund,~~ the board of pharmacy drug law enforcement fund, or the appropriate law enforcement trust fund. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement department of public safety investigative unit contraband, forfeiture, and other fund, ~~the food stamp contraband, forfeiture, and other fund,~~ and a law enforcement trust fund shall be expended only in accordance with the written internal control policy so adopted by the recipient, and, subject to the requirements specified in division (D)(3)(a)(ii) of this section, only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, or for other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, prosecuting attorney, county sheriff, legislative authority, board of township trustees, or board of park commissioners determines to be appropriate. The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement department of public safety investigative unit contraband, ~~seizure forfeiture,~~ and other fund, ~~the~~

~~ed stamp contraband, forfeiture, and other fund,~~ the board of pharmacy drug law enforcement fund, and a law enforcement trust fund shall not be used to meet the operating costs of the state highway patrol, of the ~~food stamp trafficking unit or liquor enforcement~~ investigative unit of the department of public safety, of the state board of pharmacy, of any political subdivision, or of any office of a prosecuting attorney or county sheriff that are unrelated to law enforcement.

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

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

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

(2) If more than one law enforcement agency is substantially involved in the seizure of contraband that is forfeited pursuant to this section, the court ordering the forfeiture shall equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney pursuant to division (D)(1)(c) of this section, among any county sheriff whose office is determined by the court to be substantially involved in the seizure, any legislative authority of a municipal corporation whose police department is determined by the court to be substantially involved in the seizure, any board of township trustees whose law enforcement agency is determined by the court to be substantially involved in the seizure, any board of park commissioners of a park district whose police force or law enforcement department is determined by the court to be substantially involved in the seizure, the state board of pharmacy if it is determined by the court to be substantially involved in the seizure, the ~~food stamp trafficking unit or liquor enforcement~~ investigative unit of the department of public safety if it is determined by the court to be substantially involved in the seizure, and the state highway patrol if it is determined by the court to be substantially involved in the seizure. The proceeds or forfeited moneys shall be deposited in the respective law enforcement trust funds of the county sheriff, municipal corporation,

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

(3)(a)(i) Prior to being allocated or using any proceeds or forfeited moneys out of the state highway patrol contraband, forfeiture, and other fund, the ~~liquor enforcement~~ department of public safety investigative unit contraband, forfeiture, and other fund, ~~the food stamp contraband, seizure, and other fund,~~ the board of pharmacy drug law enforcement fund, or a law enforcement trust fund under division (D)(1)(c) of this section, the state highway patrol, the department of public safety, the state board of pharmacy, and a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall adopt a written internal control policy that addresses the state highway patrol's, department of public safety's, state board of pharmacy's, sheriff's, prosecuting attorney's, police department's, police force's, office of the constable's, or law enforcement department's use and disposition of all the proceeds and forfeited moneys received and that provides for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

All financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure by the state highway patrol, by the department of public safety, by the state board of pharmacy, and by a sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or

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

(ii) The written internal control policy of a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, and at least twenty per cent of the proceeds and forfeited moneys exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner in which the described percentages are so used shall be determined by the sheriff, prosecuting attorney, department, police force, or office of the constable after the receipt and consideration of advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue. The financial records described in division (D)(3)(a)(i) of this section shall specify the amount of the proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion of that amount that was used pursuant to the requirements of this division, and the community preventive education programs in connection with which the portion of that amount was so used.

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

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

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

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

each authorized purpose.

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

(i) Indicates that the attorney general has received from entities or persons specified in this division reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

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

(iii) 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.

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

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

(c) If the ~~liquor enforcement~~ investigative unit of the department of public safety receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited

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

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

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

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

(F) Notwithstanding any provisions of this section to the contrary, any property that is lawfully seized in relation to a violation of section 2923.32 of the Revised Code shall be subject to forfeiture and disposition in accordance with sections 2923.32 to 2923.36 of the Revised Code; any property that is forfeited pursuant to section 2923.44 or 2923.45 of the Revised Code in relation to a violation of section 2923.42 of the Revised Code or in relation to an act of a juvenile that is a violation of section 2923.42 of the Revised Code may be subject to forfeiture and disposition in accordance with sections 2923.44 to 2923.47 of the Revised Code; and any property that is forfeited pursuant to section 2925.42 or 2925.43 of the Revised Code in relation to a felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in accordance with sections 2925.41 to 2925.45 of the Revised Code or this section.

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

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

Sec. 2935.01. As used in this chapter:

(A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code.

(B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; ~~liquor control investigator or food stamp trafficking enforcement~~ agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; Ohio veterans' home police officer appointed under section 5907.02 of the Revised Code; police constable of any township; and police

officer of a township or joint township police district; and, for the purpose of arrests within those areas, and for the purposes of Chapter 5503. of the Revised Code, and the filing of and service of process relating to those offenses witnessed or investigated by them, includes the superintendent and troopers of the state highway patrol.

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

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

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

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

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

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

recited in the certificate in any court, or before any officer of this state;

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

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

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

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

Except as otherwise provided in division (A)(6) of this section, those inspections may be conducted only during those hours in which the permit

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

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

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

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

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

(7) Delegate to any of its agents or employees any power of investigation that the ~~department or~~ division possesses with respect to the enforcement of any of the administrative laws relating to beer and ~~to~~ intoxicating liquor, provided that this division does not authorize the ~~department or~~ division to designate any agent or employee to serve as a ~~liquor control investigator~~ an enforcement agent. The employment and

designation of ~~liquor control investigators~~ enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 ~~and 5502.61~~ to 5502.19 of the Revised Code.

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

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

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

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

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

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

Each consent-to-import, representative's registration, and coil cleaner registration issued under division (A)(8) of this section authorizes the person named to carry on the activity specified, is valid for one year, or for the unexpired portion of the year, ending on the uniform expiration date for each, which shall be designated by the ~~department or~~ division, and is subject to suspension, revocation, cancellation, or fine as authorized by this chapter and Chapter 4303. of the Revised Code.

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

(10) Exercise all other powers expressly or by necessary implication conferred upon the ~~department or~~ division by this chapter and Chapter 4303. of the Revised Code, and all powers necessary for the exercise or discharge of any power, duty, or function expressly conferred or imposed upon the ~~department or~~ division by those chapters.

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

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

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

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

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

Sec. 4301.21. The sale of beer or intoxicating liquor for consumption on the premises is subject to the following restrictions, in addition to those

imposed by the rules and orders of the ~~department or, beginning on July 1, 1997, the~~ division of liquor control:

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

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

(1) Only a person twenty-one years of age or older who is a guest registered to stay in a guestroom shall be provided 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 guestroom.

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

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

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

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

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

(6) The hotel shall maintain a record of each sale of beer or intoxicating liquor made by the hotel by means of a controlled access alcohol and beverage cabinet for any period in which the permit holder is authorized to hold the permit pursuant to sections 4303.26 and 4303.27 of the Revised Code and any additional period during which an applicant exercises its right to appeal a rejection by the department or division of liquor control to renew a permit pursuant to section 4303.271 of the Revised Code. The records

maintained by the hotel shall comply with both of the following:

(a) Include the name, address, age, and signature of each 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 Revised Code, no court, other than the court of common pleas of Franklin county, has jurisdiction of any action against the liquor control commission, ~~liquor control investigators enforcement agents~~ of the department of public safety, the ~~director or, beginning on July 1, 1997, the~~ superintendent of liquor control, or the ~~department or, beginning on July 1, 1997, the~~ division of liquor control, to restrain the exercise of any power or to compel the performance of any duty under Chapters 4301. and 4303. of the Revised Code. Neither the ~~department or~~ division, the members of the commission, the ~~liquor control investigators enforcement agents~~, nor the ~~director or~~ superintendent is personally liable in any action at law for damages sustained by any person because of any acts done by the ~~department or~~ division, the commission, the ~~liquor control investigators enforcement agents~~, or the ~~director or~~ superintendent, or any employee of the department

~~or~~ division, in the performance of ~~his~~ official duties and the administration of ~~such~~ those chapters.

Sec. 4301.53. The judge of a court of record may issue warrants to search a house, building, place, vehicle, watercraft, aircraft, or conveyance for beer, alcohol, or intoxicating liquor manufactured, possessed, stored, concealed, sold, furnished, given away, or transported in violation of Chapters 4301. and 4303. of the Revised Code, and the containers in which the same is found, or machinery, tools, implements, equipment, supplies, and materials used or kept for use in manufacturing beer or intoxicating liquor in violation of ~~such~~ those chapters, and to seize any of ~~such~~ that property and things found ~~therein in it~~, together with the vehicle, watercraft, aircraft, or conveyance in which the same is found. The issuance of ~~such~~ those warrants is subject in all respects to sections 2933.22 to 2933.27 of the Revised Code; except that any such vehicle, watercraft, aircraft, or other conveyance shall be returned to its owner upon execution by ~~him~~ the owner of a bond with surety to the satisfaction of the ~~liquor control investigator~~ enforcement agent of the department of public safety or other law enforcement officer making the seizure in an equal amount to its value, conditioned upon its return to the custody of such agent or officer on the day of trial to abide by the judgment of the court. Upon conviction of any violation of Chapters 4301. and 4303. of the Revised Code, any property found in the possession of the person convicted or the person's agent or employee shall be disposed of as provided in section 4301.45 of the Revised Code. If the accused is discharged by the judge or magistrate, such vehicle, watercraft, aircraft, or other conveyance shall be returned to its owner, and any bond given pursuant to this section shall be canceled. If the accused is the holder of a permit issued under Chapters 4301. and 4303. of the Revised Code, any beer, intoxicating liquor, or alcohol seized shall be disposed of as provided in section 4301.29 of the Revised Code, and any other property seized shall be returned to its owner by the officer having the custody or possession of such property. If the accused is not the holder of such a permit in force at the time, any beer, intoxicating liquor, or alcohol that was not illegally manufactured shall be forfeited to the state and shall forthwith be disposed of under section 2933.41 of the Revised Code. Illegally manufactured beer, intoxicating liquor, or alcohol, and other property, except as provided in this section, shall be destroyed, and any such beer, intoxicating liquor, or alcohol, or other property is hereby declared to be a public nuisance.

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

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

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

All moneys credited to the auto registration distribution fund shall be distributed to the counties and districts of registration, except for funds received by the registrar under section 4504.09 of the Revised Code, after receipt of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, in the manner provided in section 4501.04 of the Revised Code.

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

Once each month the registrar shall prepare vouchers in favor of the

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

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

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

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

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

Sec. 4501.27. (A) Except as provided in division (B) of this section, on and after September 13, 1997, the registrar of motor vehicles, and any

employee or contractor of the bureau of motor vehicles, shall not knowingly disclose or otherwise make available to any person or entity any personal information about an individual that the bureau obtained in connection with a motor vehicle record.

(B)(1) On and after September 13, 1997, the registrar ~~of motor vehicles~~, or an employee or contractor of the bureau of motor vehicles, shall disclose personal information about an individual that the bureau obtained in connection with a motor vehicle record, for use in connection with any of the following matters to carry out the purposes of any specified federal automobile-related act:

- (a) Motor vehicle or driver safety and theft;
- (b) Motor vehicle emissions;
- (c) Motor vehicle product alterations, recalls, or advisories;
- (d) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers;
- (e) Removal of non-owner records from the original owner records of motor vehicle manufacturers.

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

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

(b) For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;

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

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

(ii) If personal information submitted to the business, agent, employee, or contractor by an individual is incorrect or no longer is correct, to obtain

the correct information, but only for the purpose of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

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

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

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

(g) For use by an insurer, insurance support organization, or self-insured entity, or by an agent, employee, or contractor of that type of entity, in connection with any claims investigation activity, anti-fraud activity, rating, or underwriting;

(h) For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle;

(i) For use by any licensed private investigative agency or licensed security service for any purpose permitted under division (B)(2) of this section;

(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;

(k) For use in connection with the operation of a private toll transportation facility;

(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:

(i) Notice that personal information collected by the bureau on or in relation to the forms may be disclosed to any person;

(ii) An opportunity for an individual who completes and submits any of

the forms to prohibit disclosures.

(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:

(i) That individuals are provided, in a clear and conspicuous manner, an opportunity to prohibit uses of this nature;

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

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

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

(C) On and after September 13, 1997, an authorized recipient of personal information about an individual that the bureau of motor vehicles obtained in connection with a motor vehicle record, other than a recipient under division (B)(2)(l) or (m) of this section, may resell or redisclose the personal information only for a use permitted under division (B)(1), (B)(2)(a) to (k), (B)(2)(n), or (B)(2)(o) of this section. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B)(2)(l) of this section may resell or redisclose the information for any purpose. On and after September 13, 1997, an authorized recipient of personal information under division (B)(2)(m) of this section may resell or redisclose the information as specified pursuant to that division. On and after September 13, 1997, an authorized recipient of personal information about an individual under division (B) of this section, other than a recipient under division (B)(2)(l) of this section, that resells or rediscloses any personal information covered by this section must keep for a period of five years a record that identifies each person or entity that receives any of the personal information and the permitted purpose for which the information is to be used, and must make all such records available to the registrar of motor vehicles upon the registrar's request.

(D) The registrar ~~of motor vehicles~~ may establish and carry out procedures under which the registrar or the registrar's agents, upon receipt of a request for personal information on or after September 13, 1997, that does not satisfy any of the criteria for disclosure of the information that are set

forth in division (B)(1) or (2) of this section, may notify the individual about whom the information was requested, by regular mail, that the request was made. Any procedures so adopted shall provide that, if the registrar or an agent of the registrar mails the notice to the individual, the registrar or agent shall include with the notice a copy of the request and conspicuously shall include in the notice a statement that the information will not be released unless the individual waives the individual's right to privacy regarding the information that is granted under this section.

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

(F) Divisions (A) to (E) of this section do not apply to the release of any personal information prior to September 13, 1997.

(G) As used in this section:

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

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

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

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

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

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

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

(2) If the application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

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

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused and the registrar or deputy registrar shall so notify the owner. This section

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

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

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code from accepting the application, the registrar shall return the application and the payment to the owner.

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

(G) The two dollars and twenty-five cents fee, plus postage and any credit card surcharge collected by the registrar for registration by mail, shall be paid to the credit of the ~~central registration~~ state bureau of motor vehicles fund established by section ~~4501.14~~ 4501.25 of the Revised Code.

(H) The registrar may implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a credit card. The registrar may adopt rules as necessary for this purpose.

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

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

Sec. 4503.19. Upon the filing of an application for registration and the payment of the tax ~~therefor~~ for registration, the registrar of motor vehicles or a deputy registrar shall determine whether the owner previously has ~~previously~~ been issued license plates for the motor vehicle described in the application. If no license plates previously have ~~previously~~ been issued to the owner for that motor vehicle, the registrar or deputy registrar shall assign to the motor vehicle a distinctive number and issue and deliver to the owner in ~~such the~~ the manner as ~~that~~ the registrar may select a certificate of registration, in ~~such the~~ the form as ~~that~~ the registrar shall prescribe, and, except as otherwise provided in this section, two license plates, duplicates of each other, and a validation sticker, or a validation sticker alone, to be attached to the number plates as provided in section 4503.191 of the Revised Code. The registrar or deputy registrar also shall charge the owner any fees required under division (C) of section 4503.10 of the Revised Code. Trailers, manufactured homes, mobile homes, semitrailers, the manufacturer thereof, the dealer, or in transit companies therein, shall be issued one license plate only and one validation sticker, or a validation sticker alone, ~~which and the~~ and the license plate and validation sticker shall be displayed only on the rear of such vehicles. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued two license plates and one validation sticker, ~~which and the~~ and the validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall be issued one license plate only and one validation sticker, or a validation sticker alone; the license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles. School buses shall not be issued license plates; but shall bear identifying numbers in the manner prescribed by section 4511.764 of the Revised Code. The certificate of registration and license plates and validation stickers, or validation stickers alone, shall be issued and delivered to the owner in person or by mail. Chauffeured limousines shall be issued license plates, a validation sticker, and a livery sticker as provided in section 4503.24 of the Revised Code. In the event of the loss, mutilation, or destruction of any certificate of registration, or of any license plates or validation stickers, or ~~in~~

~~the event~~ if the owner chooses to replace license plates previously issued for a motor vehicle, or if the registration certificate and license plates have been impounded as provided by division (F)(1) of section 4507.02 and division (A)(2) of section 4507.16 of the Revised Code, the owner of a motor vehicle, or manufacturer or dealer, may obtain from the registrar, or from a deputy registrar if authorized by the registrar, a duplicate thereof or new license plates bearing a different number, if the registrar considers it advisable, upon filing an application prescribed by the registrar, and upon paying a fee of one dollar for such certificate of registration, a fee of ~~five~~ two dollars for each set of two license plates, or ~~three dollars~~ one dollar for each single license plate or validation sticker. In addition, each applicant for a replacement certificate of registration, license plate, or validation sticker shall pay the fees provided in divisions (C) and (D) of section 4503.10 of the Revised Code.

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

Sec. 4505.06. (A) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles, and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of the court of common pleas of the county in which the applicant resides if the applicant is a resident of this state or, if not a resident, in the county in which the transaction is consummated. An application for a certificate of title may be filed electronically by electronic image transmission in any county in which the clerk of the court of common pleas permits an application to be filed electronically. The signature of an officer empowered to administer oaths that appears on an application for a certificate of title, or on any other document required to be filed by this chapter that has been filed electronically, is not a facsimile signature as defined in section 9.10 of the Revised Code. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment

actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code; and if a certificate of title previously has been issued for the motor vehicle in this state, it shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title, bill of sale, or other evidence of ownership required by the law of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship they may do so as provided in section 2106.17 of the Revised Code. The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The clerk shall use reasonable diligence in ascertaining whether or not the facts in the application are true by checking the application and documents accompanying it with the records of motor vehicles in the clerk's office; if satisfied that the applicant is the owner of the motor vehicle and that the application is in the proper form, the clerk, within five business days after the application is filed, shall issue a certificate of title over the clerk's signature and sealed with the clerk's seal. For purposes of the transfer of a certificate of title, if the clerk is satisfied that the secured party has duly discharged a lien notation, but has not canceled the lien notation with the clerk of the county of origin, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

In the case of the sale of a motor vehicle to a general buyer or user by a dealer, by a motor vehicle leasing dealer selling the motor vehicle to the lessee or, in a case in which the leasing dealer subleased the motor vehicle, the sublessee, at the end of the lease agreement or sublease agreement, or by a manufactured home broker, the certificate of title shall be obtained in the name of the buyer by the dealer, leasing dealer, or the manufactured home broker, as the case may be, upon application signed by the buyer. The certificate of title shall be issued within five business days after the application for title is filed with the clerk. If the buyer of the motor vehicle

previously leased the motor vehicle and is buying the motor vehicle at the end of the lease pursuant to that lease, the certificate of title shall be obtained in the name of the buyer by the motor vehicle leasing dealer who previously leased the motor vehicle to the buyer or by the motor vehicle leasing dealer who subleased the motor vehicle to the buyer under a sublease agreement.

In all other cases, except as provided in division (D)(2) of section 4505.11 of the Revised Code, such certificates shall be obtained by the buyer. In all cases of transfer of a motor vehicle, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. If an application for a certificate of title is not filed within that period, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor vehicle was made.

As used in this division, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code.

(B) The clerk, except as provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or manufactured home broker or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

For receiving and disbursing such taxes paid to the clerk, the clerk may retain a poundage fee of one and one one-hundredth per cent, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code.

In the case of casual sales of motor vehicles, as defined in section

4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the clerk by the buyer on a form to be prescribed by the registrar, which shall be prima-facie evidence of the amount for the determination of the tax.

(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a surviving spouse pursuant to section 2106.17, 2106.18, or 4505.10 of the Revised Code, or in connection with the creation of a security interest.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax. For receiving and disbursing such taxes paid to the clerk, the clerk may retain a poundage fee of one per cent. When the vendor is not regularly

engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning such sales.

(E) The clerk shall accept any payment of a tax in cash, or by certified check, draft, or money order payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a clerk for the use of any form of payment may be paid by the clerk from the certificate of title administration fund created in section 325.33 of the Revised Code, or may be assessed by the clerk upon the applicant as an additional fee. Upon collection, the additional fees shall be paid by the clerk into that certificate of title administration fund.

The clerk shall make a good faith effort to collect any payment of taxes due but not made because the payment was returned or dishonored, but the clerk is not personally liable for the payment of uncollected taxes or uncollected fees. The clerk shall notify the tax commissioner of any such payment of taxes that is due but not made and shall furnish such information to the commissioner as the commissioner requires. The clerk shall deduct the amount of taxes due but not paid from the clerk's periodic remittance of tax payments, in accordance with procedures agreed upon by the tax commissioner. The commissioner may collect taxes due by assessment in the manner provided in section 5739.13 of the Revised Code.

Any person who presents payment that is returned or dishonored for any reason is liable to the clerk for payment of a penalty over and above the amount of the taxes due. The clerk shall determine the amount of the penalty, which shall be no greater than that amount necessary to compensate the clerk for banking charges, legal fees, or other expenses incurred by the clerk in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies. Subsequently collected penalties, poundage, and title fees, less any title fee due the state, from returned or dishonored payments collected by the clerk shall be paid into the certificate of title administration fund. Subsequently collected taxes, less poundage, shall be sent by the clerk to the treasurer of state at the next scheduled periodic remittance of tax payments, with such information as the commissioner may require. The clerk may abate all or any part of any penalty assessed under

this division.

(F) In the following cases, the clerk shall accept for filing such application and shall issue a certificate of title without requiring payment or evidence of payment of the tax:

(1) When the purchaser is this state or any of its political subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code;

(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;

(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;

(4) When the purchaser is the federal government;

(5) When the motor vehicle was purchased outside this state for use outside this state;

(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.

The clerk shall forward all payments of taxes, less poundage fee, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish such information to the commissioner as the commissioner requires.

(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(H) The For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax

pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. ~~The~~ For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk a fee of five dollars for each certificate of title issued by the clerk for a manufactured or mobile home. The clerk shall credit the fee to the county title administration fund, and the fee shall be used to pay the expenses of archiving such certificates pursuant to division (A) of section 4505.08 and division (H)(3) of section 4505.11 of the Revised Code. The tax commissioner shall administer any tax on a manufactured or mobile home pursuant to Chapters 5739. and 5741. of the Revised Code.

This is an interim section effective until July 1, 1999.

Sec. 4507.011. (A) Each deputy registrar assigned to a driver's license examining station by the registrar of motor vehicles as provided in section 4507.01 of the Revised Code shall remit to the superintendent of the state highway patrol a rental fee equal to the percentage of space occupied by the deputy registrar in the driver's license examining station multiplied by the rental fee paid for the entire driver's license examining station plus a pro rata share of all utility costs. All such moneys received by the superintendent shall be deposited in the state treasury to the credit of the registrar rental fund, which is hereby created. The moneys in the fund shall be used by the state highway patrol only to pay the rent and expenses of the driver's license examining stations. All investment earnings of the fund shall be credited to the fund.

(B) Each deputy registrar assigned to a bureau of motor vehicles' location shall reimburse the registrar a monthly building rental fee, including applicable utility charges. All such moneys received by the registrar shall be deposited into the state ~~treasury to the credit of the facility rentals bureau of motor vehicles fund, which is hereby created in section 4501.25 of the Revised Code. The moneys in the fund shall be used by the registrar to obtain or lease and maintain deputy registrar facilities. All investment earnings of the fund shall be credited to the fund.~~

Sec. 4507.02. (A)(1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, 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 unless the person has a valid driver's license issued under this chapter or a commercial driver's license issued under Chapter 4506. of the Revised Code.

(2) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel

or parking knowing the operator does not have a valid driver's license issued to the operator by the registrar of motor vehicles under this chapter or a valid commercial driver's license issued under Chapter 4506. of the Revised Code.

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

(4) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial 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 division (L) of section 4511.191 of the Revised Code and the license or permit has been returned to the person or a new license or permit has been issued to the person.

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

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

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

(2) It is an affirmative defense to any prosecution brought pursuant to division (B)(1) of this section that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under division (A)(3)(c) of section 4509.101 of the Revised Code and that, upon a showing of proof of financial responsibility, the alleged offender was in compliance with division (A)(1) of section 4509.101 of the Revised Code at the time of the initial financial responsibility random verification request.

(F)(1) If a person is convicted of a violation of division (B), (C), or (D) of this section, the trial judge of any court, in addition to or independent of,

any other penalties provided by law or ordinance, shall impound the identification license plates of any motor vehicle registered in the name of the person. The court shall send the impounded license plates to the registrar, who may retain the license plates until the driver's or commercial driver's license of the owner has been reinstated or destroy them pursuant to section 4503.232 of the Revised Code.

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

(2) Any motor vehicle owner who has had the license plates of a motor vehicle impounded pursuant to division (F)(1) of this section may apply to the registrar, or to a deputy registrar, for special license plates which shall conform to the requirements of section 4503.231 of the Revised Code. The registrar or deputy registrar forthwith shall notify the court of the application and, upon approval of the court, shall issue special license plates to the applicant. Until the driver's or commercial driver's license of the owner is reinstated, any new license plates issued to the owner also shall conform to the requirements of section 4503.231 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

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

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

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

(c) Files and continuously maintains proof of financial responsibility

under sections 4509.44 to 4509.65 of the Revised Code.

(6) If the registrar issues an order under division (A)(2) of this section resulting from the failure of a person to respond to a financial responsibility random verification request under division (A)(3)(c) of this section and the person successfully maintains an affirmative defense to a violation of section 4507.02 of the Revised Code or is determined by the Registrar or a deputy registrar to have been in compliance with division (A)(1) of this section at the time of the initial financial responsibility random verification request, the registrar shall do both of the following:

(a) Terminate the order of suspension or impoundment;

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

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

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

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

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

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been 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 within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

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

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

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

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is

under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment resulting from failure to respond to a financial responsibility random verification, shall not, for that reason, arrest the owner or operator or seize the vehicle or license plates. Instead, the peace officer shall issue a citation for a violation of division (B)(1) of section 4507.02 of the Revised Code specifying the circumstances as failure to respond to a financial responsibility random verification.

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

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

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

(b) If a person who has failed to produce proof of the maintenance of financial responsibility also fails to submit that proof to the traffic violations bureau with payment of a fine and costs for the ticketed violation, the traffic violations bureau shall notify the registrar of the identity of that person.

(5)(a) Upon receiving notice from a clerk of courts or traffic violations bureau pursuant to division (D)(4) of this section, the registrar shall order the suspension of the license of the person required under division (A)(2)(a) of this section and the impoundment of the person's certificate of registration and license plates required under division (A)(2)(b) of this section, effective thirty days after the date of the mailing of notification. The registrar also shall notify the person that the person must present the

registrar with proof of financial responsibility in accordance with this section, surrender to the registrar the person's certificate of registration, license plates, and license, or submit a statement subject to section 2921.13 of the Revised Code that the person did not operate or permit the operation of the motor vehicle at the time of the offense. Notification shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within fifteen days after the date of the mailing of notification, shall present proof of financial responsibility, surrender the certificate of registration, license plates, and license to the registrar in a manner set forth in division (A)(4) of this section, or submit the statement required under this section together with other information the person considers appropriate.

If the registrar does not receive proof or the person does not surrender the certificate of registration, license plates, and license, in accordance with this division, the registrar shall permit the order for the suspension of the license of the person and the impoundment of the person's certificate of registration and license plates to take effect.

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

(c) Any person adversely affected by the order of the registrar under division (D)(5)(a) or (b) of this section, 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 within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle

with a violation of division (B)(1) of section 4507.02 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D)(2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

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

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

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

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

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

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

(G)(1) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not

required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

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

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

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

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

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

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

(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 for use as proof of financial responsibility.

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

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

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

(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.

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

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

siting board under section 4906.03 or 4906.10 of the Revised Code, as appropriate.

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

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

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

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

(D) "Political subdivision" means any municipal corporation, township, or county.

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

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

Sec. 4906.10. (A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33,

1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. The period of initial operation, under a certificate, shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions ~~thereunder~~ under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with ~~such~~ a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

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

- (1) The basis of the need for the facility;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of ~~transportation assistance~~ multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.

(6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section; and rules adopted ~~thereunder~~ under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party.

Sec. 5301.234. (A) Any recorded mortgage is irrebuttably presumed to be properly executed, regardless of any actual or alleged defect in the witnessing or acknowledgment on the mortgage, unless one of the following applies:

(1) The mortgagor, under oath, denies signing the mortgage.

(2) The mortgagor is not available, but there is other sworn evidence of a fraud upon the mortgagor.

(B) Evidence of an actual or alleged defect in the witnessing or acknowledgment on the mortgage is not evidence of fraud upon the mortgagor and does not rebut the presumption that a recorded mortgage is properly executed.

(C) The recording of a mortgage is constructive notice of the mortgage to all persons, including without limitation, a subsequent bona fide purchaser or any other subsequent holder of an interest in the property. An actual or alleged defect in the witnessing or acknowledgment on the recorded mortgage does not render the mortgage ineffective for purposes of constructive notice.

Sec. 5501.03. (A) The department of transportation shall:

(1) Exercise and perform such other duties, powers, and functions as are

conferred by law on the director, the department, the assistant directors, the deputy directors, or on the divisions of the department;

(2) Coordinate and develop, in cooperation with local, regional, state, and federal planning agencies and authorities, comprehensive and balanced state policy and planning to meet present and future needs for adequate transportation facilities in this state, including recommendations for adequate funding of the implementation of such planning;

(3) Coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions;

(4) Cooperate with and assist the public utilities commission in the commission's administration of sections 4907.47 to 4907.476 of the Revised Code, particularly with respect to the federal highway administration.

(5) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as prescribed under divisions (A)(2) and (3) of this section;

(6) Conduct, in cooperation with the Ohio legislative service commission, any studies or comparisons of state traffic laws and local traffic ordinances with model laws and ordinances that may be required to meet program standards adopted by the United States department of transportation pursuant to the "Highway Safety Act of 1966," 80 Stat. 731, U.S.C.A. 401;

(7) Prepare, print, distribute, and advertise books, maps, pamphlets, and other information that, in the judgment of the director, will inform the public and other governmental departments, agencies, and authorities as to the duties, powers, and functions of the department;

(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;
- (D) The division of human resources;
- (E) The division of information technology;
- (F) The division of multi-modal planning and programs;
- (G) The division of project management;
- ~~(H) The division of transportation assistance.~~

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

Each division shall be headed by a deputy director, whose title shall be designated by the director, and shall include ~~such~~ those other officers and employees as may be necessary to carry out the work of the division. The director shall appoint the deputy director of each division, who shall be in the unclassified civil service of the state and shall serve at the pleasure of the director. The director shall supervise the work of each division and shall be responsible for the determination of general policies in the performance of the duties, powers, and functions of the department and of each division. The director shall have complete executive charge of the department, ~~and~~ shall be responsible for the organization, direction, and supervision of the work of the department and the performance of the duties, powers, and functions assigned to each division, and may establish necessary administrative units therein. The deputy director of each division, with the approval of the director and subject to Chapter 124. of the Revised Code, shall appoint the necessary employees of the division; and may remove such employees for cause.

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

the division of ~~transportation assistance~~ multi-modal planning and programs:

(A) May issue grants from any public transportation grant appropriation to county transit boards, regional transit authorities, regional transit commissions, counties, municipal corporations, and private nonprofit organizations that operate or will operate a public transportation system.

The director shall establish criteria for the distribution of such grants. These criteria may include and the director may consider each of the following:

(1) The degree to which comprehensive regional transportation planning goals may be attained through a program for which a grant will be used;

(2) The amount of local financial or other support of public transportation operations and facilities affected by the program;

(3) The levels of existing service and fare;

(4) The degree to which the proposed plan demonstrates approaches of potential value to other local transit boards, authorities, commissions, counties, municipal corporations, and private nonprofit organizations operating public transportation systems;

(5) The degree to which the grant applicant will use state and local funds to match a federal grant;

(6) Such other factors as the director determines.

Any criteria established by the director for the distribution of such grants shall be consistent with the requirements of the United States department of transportation, or any administration in the department, including, but not limited to, the federal transit administration. The director may designate in the criteria certain dates after which applications for specified portions of the appropriations made for this purpose will not be accepted.

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

(C) May administer provisions of federal public transportation acts or programs applicable within the state, pursuant to an agreement entered into by the director with an appropriate official of the federal agency responsible for implementation of the federal acts or programs. The federal acts or programs shall include, but are not limited to, programs authorized under the

"Act of July 5, 1994," 108 Stat. 785, 49 U.S.C.A. 5301, as amended.

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

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

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

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

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

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

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

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

protect the state's property rights and interests in the food stamp program.

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

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

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

Sec. 5502.13. The department of public safety shall maintain an ~~investigations~~ investigative unit in order to conduct ~~such~~ investigations and other enforcement activity ~~as are~~ authorized by Chapters 4301., 4303., 5101., 5107., and 5108. and ~~section~~ sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, 4507.30, and 5115.03 of the Revised Code. The director of public safety shall appoint ~~such~~ the employees of the unit ~~as who~~ are necessary, designate the activities to be performed by those employees, and prescribe their titles and duties.

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

~~(2)(B)(1)~~ Any person who is employed by the department of public safety and designated by the director of public safety ~~for the enforcement of to enforce Title XLIII of the Revised Code, the rules adopted under it, and the laws and administrative~~ rules regulating the use of food stamps shall be known as a ~~food stamp trafficking~~ an enforcement agent. The employment by the department of public safety and the designation by the director of public safety of a person as a ~~food stamp trafficking~~ an enforcement agent shall be subject to division (D) of this section. ~~A food stamp trafficking~~ An enforcement agent has the authority vested in peace officers pursuant to section 2935.03 of the Revised Code, ~~on public or private property~~, to keep the peace ~~and~~, to enforce all applicable laws and rules on any retail liquor

permit premises, or on any other premises of public or private property, where a violation of Title XLIII of the Revised Code or any rule adopted under it is occurring, and to enforce all laws and rules governing the use of food stamp coupons, women, infants, and children's coupons, electronically transferred benefits, or any other access device that is used alone or in conjunction with another access device to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds, pursuant to the food stamp program established under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, or any supplemental food program administered by any department of this state pursuant to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Food stamp trafficking Enforcement agents, in enforcing compliance with the laws and rules described in this division, may keep the peace and make arrests for violations of those laws and rules.

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

(3) Enforcement agents who are in on, immediately adjacent to, or across from retail liquor permit premises and who are performing investigative duties relating to that premises, enforcement agents who are on premises that are not liquor permit premises but on which a violation of Title XLIII of the Revised Code or any rule adopted under it allegedly is occurring, and enforcement agents who view of a suspected violation of Title XLIII of the Revised Code, of a rule adopted under it, or of another law or rule described in division (B)(1) of this section have the authority to enforce Title XXIX and sections 2913.46 and 5101.54 of the Revised Code the laws and rules described in division (B)(1) of this section, authority to enforce any section in Title XXIX of the Revised Code or any other section of the Revised Code listed in section 5502.13 of the Revised Code if they witness a violation of the section under any of the circumstances described in this division, and authority to make arrests for violations of those the laws and rules described in division (B)(1) of this section and violations of any of those sections The

(4) The jurisdiction of a food stamp trafficking an enforcement agent

under division (B) of this section shall be concurrent with that of the peace officers of the county, township, or municipal corporation in which the violation occurs.

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

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

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

(i) Pleads guilty to a felony;

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

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

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

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

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

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

Sec. 5502.18. ~~Food-stamp-trafficking~~ Enforcement agents of the department of public safety may render assistance to a state or local law enforcement officer at the request of that officer or may render assistance to a state or local law enforcement officer in the event of an emergency. ~~A food-stamp-trafficking~~ An enforcement agent who serves outside the department under this section shall be considered as performing services within the agent's regular employment for purposes of compensation, indemnity fund rights, workers' compensation, and any other rights and benefits to which the agent may be entitled as incidents of the agent's regular employment. Such an enforcement agent retains personal immunity from civil liability under section 9.86 of the Revised Code and shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code.

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

Sec. ~~5502.62~~ 5502.19. The department of public safety shall conduct inspections of retail liquor permit premises to determine their compliance

with ~~the provisions of~~ Chapters 4301. and 4303. of the Revised Code; and the rules adopted under ~~those provisions~~ them by the liquor control commission pertaining to retail liquor permit holders.

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

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

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

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

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

dismissal of the case. The commission likewise may order the return of confiscated property if no criminal prosecution is pending or anticipated.

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

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

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

(2) On or before December 31, 2000, the director shall prepare and submit to the general assembly a report evaluating the experience of the department of transportation with each project under this division and contract under division (B) of this section, including whether the department realized any cost or time savings. Regarding those projects and contracts, the report shall include a discussion of the number and cost of change orders, the quality of work performed, the number of bids received, the impact on minority and female contract participation, and other issues the director considers appropriate. The director also may make recommendations regarding the continuation of the program, including the need for any changes. After

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

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

proposals for contracts under this division.

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

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

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

The criteria for selecting the three finalists shall include the qualifications and experience of the design-build team, including the proposed personnel to be utilized, equipment usage, and general proposed project approach. The schedule of activities and financial resources of the design-build team also shall be factors in the selection process. In addition, the director shall take into consideration the design-build team's affirmative action policies and record with regard to employees and subcontracts.

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

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

price selection criteria. The director shall reserve the right to consider a technical proposal as being nonresponsive, thereby eliminating that finalist from further consideration.

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.

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.

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

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

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

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

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

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

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

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

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

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools

throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A) The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

In the case of a sale, the price of which consists in whole or in part of rentals for the use of the thing transferred, the tax, as regards such rentals, shall be measured by the installments thereof.

In the case of a sale of a service defined under division (MM) or (NN) of section 5739.01 of the Revised Code, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers, and of magazine subscriptions shipped by second class mail, and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of electricity by an

electric company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through wires, pipes, or conduits, and all sales of communications services by a telephone or telegraph company, all terms as defined in section 5727.01 of the Revised Code;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches or by nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization, except that sales made by separate student clubs and other groups of students of a primary or secondary school, and sales made by a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school, shall not be considered to be sales of such school, and sales by each such club, group, association, or organization shall be counted separately for purposes of the six-day limitation. This division does not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) The transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no

substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements;

building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or (9) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, and "packaging" means placing therein.

(16) Sales of food to persons using food stamp coupons to purchase the food. As used in division (B)(16) of this section, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or

holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs dispensed by a licensed pharmacist upon the order of a licensed health professional authorized to prescribe drugs to a human being, as the term "licensed health professional authorized to prescribe drugs" is defined in section 4729.01 of the Revised Code; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with end-stage renal disease; hospital beds when purchased for use by persons with medical problems for medical purposes; and oxygen and oxygen-dispensing equipment when purchased for use by persons with medical problems for medical purposes;

(19) Sales of artificial limbs or portion thereof, breast prostheses, and other prosthetic devices for humans; braces or other devices for supporting weakened or nonfunctioning parts of the human body; wheelchairs; devices used to lift wheelchairs into motor vehicles and parts and accessories to such devices; crutches or other devices to aid human perambulation; and items of tangible personal property used to supplement impaired functions of the human body such as respiration, hearing, or elimination. No exemption under this division shall be allowed for nonprescription drugs, medicines, or remedies; items or devices used to supplement vision; items or devices whose function is solely or primarily cosmetic; or physical fitness equipment. This division does not apply to sales to a physician or medical facility for use in the treatment of a patient.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales of solar, wind, or hydrothermal energy systems that meet the guidelines established under division (B) of section 1551.20 of the Revised Code, components of such systems that are identified under division (B) or (D) of that section, or charges for the installation of such systems or components, made during the period from August 14, 1979, through December 31, 1985;

(28) Sales to persons licensed to conduct a food service operation pursuant to section 3732.03 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(29) Sales of animals by nonprofit animal adoption services or county humane societies;

(30) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(31) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(32) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(33) The sale, lease, repair, and maintenance of; parts for; or items attached to or incorporated in motor vehicles that are primarily used for transporting tangible personal property by a person engaged in highway transportation for hire;

(34) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(35) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(35) of this section shall be in lieu of all other exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service.

(36) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal that has been processed or manufactured for one or more specific and customary industrial, professional, or artistic uses. "Investment coins" means numismatic coins or other forms of money and legal tender manufactured of

gold, silver, platinum, palladium, or other metal under the laws of the United States or any foreign nation with a fair market value greater than any statutory or nominal value of such coins.

(37)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(37)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(37) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(38) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(39) The sale of a motor vehicle that is used exclusively for a vanpool ridesharing arrangement to persons participating in the vanpool ridesharing arrangement when the vendor is selling the vehicle pursuant to a contract between the vendor and the department of transportation;

(40) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(41) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(42) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000.

For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

As used in this section, except in division (B)(16) of this section, "food" includes cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. It does not include: spirituous or malt liquors; soft drinks; sodas and beverages that are ordinarily dispensed at bars and soda fountains or in connection therewith, other than coffee, tea, and cocoa; root beer and root beer extracts; malt and malt extracts; mineral oils, cod liver oils, and halibut liver oil; medicines, including tonics, vitamin preparations, and other products sold primarily for their medicinal properties; and water, including mineral, bottled, and carbonated waters, and ice.

(C) The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to this section and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(1) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by this section. If a municipal corporation or township repeals a tax imposed under division (C)(1) of this section and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.024 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which

a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (C)(1) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(2) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such transactions pursuant to division (B) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(1) of this section.

(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code.

(4) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3) of this section.

(5) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in division (B) of section 351.021 of the Revised Code.

(6) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.024 of the Revised Code. Such tax is in addition to any tax imposed under division (C)(3) or (4) of this section.

(7) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.024 of the Revised Code. Such a tax is in addition to any tax imposed under division (C)(3), (4), or (6) of this section.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

Sec. 5741.02. (A) For the use of the general revenue fund of the state, an excise tax is hereby levied on the storage, use, or other consumption in this state of tangible personal property or the benefit realized in this state of any service provided. The tax shall be collected pursuant to the schedules in section 5739.025 of the Revised Code.

(B) Each consumer, storing, using, or otherwise consuming in this state tangible personal property or realizing in this state the benefit of any service provided, shall be liable for the tax, and such liability shall not be extinguished until the tax has been paid to this state; provided, that the consumer shall be relieved from further liability for the tax if the tax has

been paid to a seller in accordance with section 5741.04 of the Revised Code or prepaid by the seller in accordance with section 5741.06 of the Revised Code.

(C) The tax does not apply to the storage, use, or consumption in this state of the following described tangible personal property or services, nor to the storage, use, or consumption or benefit in this state of tangible personal property or services purchased under the following described circumstances:

(1) When the sale of property or service in this state is subject to the excise tax imposed by sections 5739.01 to 5739.31 of the Revised Code, provided said tax has been paid;

(2) Except as provided in division (D) of this section, tangible personal property or services, the acquisition of which, if made in Ohio, would be a sale not subject to the tax imposed by sections 5739.01 to 5739.31 of the Revised Code;

(3) Property or services, the storage, use, or other consumption of or benefit from which this state is prohibited from taxing by the Constitution of the United States, laws of the United States, or the Constitution of this state. This exemption shall not exempt from the application of the tax imposed by this section the storage, use, or consumption of tangible personal property that was purchased in interstate commerce, but that has come to rest in this state, provided that fuel to be used or transported in carrying on interstate commerce that is stopped within this state pending transfer from one conveyance to another is exempt from the excise tax imposed by this section and section 5739.02 of the Revised Code;

(4) Transient use of tangible personal property in this state by a nonresident tourist or vacationer, or a non-business use within this state by a nonresident of this state, if the property so used was purchased outside this state for use outside this state and is not required to be registered or licensed under the laws of this state;

(5) Tangible personal property or services rendered upon which taxes have been paid to another jurisdiction to the extent of the amount of the tax paid to such other jurisdiction. Where the amount of the tax imposed by this section and imposed pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code exceeds the amount paid to another jurisdiction, the difference shall be allocated between the tax imposed by this section and any tax imposed by a county or a transit authority pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion to the respective rates of such taxes.

As used in this subdivision, "taxes paid to another jurisdiction" means

the total amount of retail sales or use tax or similar tax based upon the sale, purchase, or use of tangible personal property or services rendered legally, levied by and paid to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, ~~on which the transfer tax imposed by section 322.06 of the Revised Code has been paid~~ made on or after January 1, 2000.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E)(1) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

SECTION 2. That existing sections 109.71, 109.77, 145.01, 145.33, 306.42, 306.52, 319.54, 742.63, 2925.44, 2933.43, 2935.01, 4301.021, 4301.10, 4301.21, 4301.31, 4301.53, 4301.66, 4501.03, 4501.10, 4501.27, 4503.102, 4503.19, 4505.06, 4507.011, 4507.02, 4509.101, 4561.021, 4561.20, 4561.341, 4563.01, 4906.10, 5501.03, 5501.04, 5501.07, 5502.01, 5502.13, 5502.14, 5502.16, 5502.17, 5502.18, 5502.62, 5517.011, 5735.051, 5739.02, and 5741.02 and sections 4501.14 and 5502.61 of the Revised Code are hereby repealed.

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

SECTION 7 OF AM. SUB. H.B. 210/122nd GA
AS AMENDED BY AM. SUB. S.B. 230/122nd GA

State Special Revenue Fund Group

4Y2 774-446	Congestion Mitigation Revolving Fund	\$	50,000	\$	50,000
4T5 770-609	Administration Memorial Fund	\$	5,000	\$	5,000
TOTAL SSR State Special Revenue Fund Group		\$	55,000	\$	55,000
TOTAL ALL BUDGET FUND GROUPS - Intermodal Transportation		\$	55,000	\$	55,000

Public Transportation**Highway Operating Fund Group**

002 775-452	Public Transportation - Federal	\$	43,375,000	\$	43,375,000
002 775-454	Public Transportation - Other	\$	1,002,000	\$	1,002,000
002 775-459	Elderly and Disabled Special Equipment - Federal	\$	3,510,000	\$	3,510,000
TOTAL HOF Highway Operating Fund Group		\$	47,887,000	\$	47,887,000
TOTAL ALL BUDGET FUND GROUPS - Public Transportation		\$	47,887,000	\$	47,887,000

Rail Transportation**Highway Operating Fund Group**

002 776-462	Grade Crossings - Federal	\$	15,000,000	\$	15,000,000
TOTAL HOF Highway Operating Fund Group		\$	15,000,000	\$	15,000,000
TOTAL ALL BUDGET FUND GROUPS - Rail Transportation		\$	15,000,000	\$	15,000,000

Aviation**Highway Operating Fund Group**

002 777-472	Airport Improvements - Federal	\$	405,000	\$	405,000
002 777-475	Aviation Administration	\$	4,540,716	\$	4,557,140
TOTAL HOF Highway Operating Fund Group		\$	4,945,716	\$	4,962,140
TOTAL ALL BUDGET FUND GROUPS - Aviation		\$	4,945,716	\$	4,962,140

Administration**Highway Operating Fund Group**

002 779-491	Administration - State	\$	107,561,200	\$	107,686,500
TOTAL HOF Highway Operating Fund Group		\$	107,561,200	\$	107,686,500
TOTAL ALL BUDGET FUND GROUPS - Administration		\$	107,561,200	\$	107,686,500

Debt Service**Highway Operating Fund Group**

002 770-003	Administration - State - Debt Service	\$	18,000,000	\$	21,100,000
TOTAL HOF Highway Operating Fund Group		\$	18,000,000	\$	21,100,000
TOTAL ALL BUDGET FUND GROUPS -					

Debt Service	\$	18,000,000	\$	21,100,000
TOTAL Department of Transportation				
TOTAL HOF Highway Operating Fund Group	\$	1,933,913,179	\$	1,962,866,103
TOTAL 042 Highway Capital Improvement Fund Group	\$	225,000,000	\$	102,500,000
TOTAL 045 Infrastructure Bank Obligations Fund Group	\$	30,000,000	\$	0
TOTAL SSR State Special Revenue Fund Group	\$	55,000	\$	55,000
TOTAL ALL BUDGET FUND GROUPS	\$	2,188,968,179	\$	2,065,421,103

SECTION 4.01. Issuance of Bonds

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

The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 042) created by section 5528.53 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Transportation, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000 original principal amount of obligations issued pursuant to Section 2m of Article VIII, Ohio Constitution, and sections 5528.51 and 5528.56 of the Revised Code are outstanding at any one time.

Bond Funds Transfer

The Director of Budget and Management may cancel encumbrances associated with Highway Obligations Construction Fund (Fund 041) appropriations and reestablish such encumbrances or parts of encumbrances as needed in fiscal year 2000 in the Highway Capital Improvement Fund (Fund 042) appropriation item 772-723, Highway Construction - Bonds, for the same purpose and to the same vendor. As determined by the director, the appropriation authority necessary to reestablish such encumbrances in fiscal year 2000 in Fund 042 is hereby authorized. The director shall reduce each

year's appropriation balances by the amount of the encumbrances cancelled in its respective line item. As determined by the director, any cash balance remaining in Fund 041 may be transferred to Fund 042.

SECTION 4.02.

Maintenance Interstate Highways

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

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

SECTION 4.03.

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

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

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

Transfer of Appropriations - State Infrastructure Bank

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2000 and 2001. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and projected debt, rental, or lease payments.

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

Increase Appropriation Authority - State Funds

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

Increase Appropriation Authority - Federal and Local Funds

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

Reappropriations

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining

nencumbered on June 30, 1999, and the unexpended balance of prior years' appropriations that subsequently become unencumbered after June 30, 1999, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2000 upon the request of the Director of Transportation with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

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

SECTION 4.04.

Public Access Roads for State Facilities

Of the foregoing appropriation item 772-421, Highway Construction - State, \$3,100,000 is to be used each fiscal year during the 1999-2001 biennium by the Department of Transportation for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources, as requested by the Director of Natural Resources.

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

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

Liquidation of Unforeseen Liabilities

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

Congestion Mitigation

The foregoing appropriation item 774-446, Congestion Mitigation Revolving Fund, shall be used to make loans or grants for the construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of public or private transportation facilities as eligible under United States Code, Title XXIII. Fund revenues shall include, but are not limited to, payments received from any public or private agency in repayment of a loan previously made from the fund or pursuant to 23 U.S.C. 129(a)(7) or successor legislation; interest or other income earned on the investment of moneys in the fund; and any additional moneys made available from any sources, public or private, for the purposes for which the fund has been established.

SECTION 4.05.

Department of Taxation

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

Rental Payments - OBA

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

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

Should the appropriation and any reappropriations from prior years in 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

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

SECTION 4.08.

Aviation Fuel Study

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

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

- (B) A breakdown of all taxes paid on that fuel;
 - (C) The current state of the airport infrastructure of Ohio's public use general aviation airports;
 - (D) The forecasted needs of those airports in the 21st century.
- The report shall be completed by October 1, 1999, and reported to the House Finance and Appropriations Committee.

SECTION 5. DHS DEPARTMENT OF PUBLIC SAFETY
Highway Safety Information and Education

State Highway Safety Fund Group

036	761-321	Operating Expense - Information and Education	\$	2,817,706	\$	2,893,048
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137
831	761-610	Information and Education - Federal	\$	532,824	\$	539,964
83N	761-611	Elementary School Seat Belt Program	\$	362,356	\$	370,151
832	761-612	Traffic Safety-Federal	\$	11,911,963	\$	12,312,386
844	761-613	Seat Belt Education Program	\$	208,743	\$	213,753
846	761-625	Motorcycle Safety Education	\$	1,250,698	\$	1,271,962
847	761-622	Film Production Reimbursement	\$	43,079	\$	44,285
TOTAL HSF State Highway Safety Fund Group			\$	17,406,506	\$	17,924,687
TOTAL ALL BUDGET FUND GROUPS - Highway Safety Information and Education			\$	17,406,506	\$	17,924,687

Federal Highway Safety Program Match

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

Film Production Reimbursement

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

SECTION 5.01. Bureau of Motor Vehicles

State Special Revenue Fund Group

4U0	762-638	Collegiate License Plate Program	\$	406,709	\$	416,470
4U2	762-641	Football Hall of Fame License Plates	\$	252,975	\$	259,046
5G8	762-668	Ohio CASA/GAL License Plates	\$	300,000	\$	307,200
5G9	762-669	Rotary International License Plates	\$	20,000	\$	20,480
5J0	762-670	Pro Sports Team License Plates	\$	1,250,000	\$	2,500,000
5J1	762-671	Boy Scouts License Plates	\$	25,000	\$	25,000
5J2	762-672	Girl Scouts License Plates	\$	25,000	\$	25,000
5J3	762-673	Eagle Scouts License Plates	\$	25,000	\$	25,000
5J4	762-674	FOP License Plates	\$	15,000	\$	15,000
5J5	762-675	FOP Associates License Plates	\$	60,000	\$	60,000
539	762-614	Motor Vehicle Dealers Board	\$	222,623	\$	227,506
TOTAL SSR State Special Revenue Fund Group			\$	2,602,307	\$	3,880,702
State Highway Safety Fund Group						
4W4	762-321	Operating Expense-BMV	\$	59,524,444	\$	59,584,303
4W4	762-410	Registrations Supplement	\$	31,480,879	\$	32,197,278
83R	762-639	Local Immobilization Reimbursement	\$	1,261,973	\$	1,292,260
835	762-616	Financial Responsibility Compliance	\$	5,650,575	\$	5,674,529
849	762-627	Automated Title Processing Board	\$	16,354,358	\$	11,858,624
TOTAL HSF State Highway Safety Fund Group			\$	114,272,229	\$	110,606,994
TOTAL ALL BUDGET FUND GROUPS - Bureau of Motor Vehicles			\$	116,874,536	\$	114,487,696

Motor Vehicle Registrations

The Registrar of Motor Vehicles may deposit revenues equal to any estimated deficiency in the State Bureau of Motor Vehicles Fund (Fund 4W4), established in section 4501.25 of the Revised Code, obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code to support in part appropriations for operating expenses and to defray the cost of manufacturing and distributing license plates and license plate stickers and enforcing the law relative to the operation and registration of motor vehicles. Notwithstanding section 4501.03 of the Revised Code, the above amount shall be paid into the State Bureau of Motor Vehicles Fund before any revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet

the aforementioned deficiency shall be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

Capital Projects

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

Administrative Functions

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

Bureau of Motor Vehicle Fund Consolidation

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Central Registration Fund (Fund 83E) and the Facility Rentals Fund (Fund 83L) to the State Bureau of Motor Vehicles Fund (Fund 4W4). Both the Central Registration Fund and the Facility Rentals Fund are hereby abolished. The spending authority to honor encumbrances established in the prior fiscal year is hereby appropriated.

SECTION 5.02. Enforcement

State Highway Safety Fund Group

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

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840	764-626	State Fairgrounds Police Force	\$	732,167	\$	750,364
840	761-667	Security Assessment	\$	137,560	\$	139,416
841	764-603	Salvage and Exchange - Highway Patrol	\$	1,187,761	\$	1,216,267
TOTAL HSF State Highway Safety Fund Group			\$	200,934,136	\$	199,579,298
General Services Fund Group						
4S2	764-660	MARCS Maintenance	\$	304,284	\$	303,550
TOTAL GSF General Services Fund Group			\$	304,284	\$	303,550
TOTAL ALL BUDGET FUND GROUPS - Enforcement			\$	201,238,420	\$	199,882,848

Collective Bargaining Increases

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

SECTION 5.03. Emergency Medical Services

State Highway Safety Fund Group

83M	765-624	Operating Expenses - EMS	\$	1,560,000	\$	1,578,512
83P	765-637	EMS Grants	\$	4,000,000	\$	4,000,000
831	765-610	EMS/Federal	\$	251,760	\$	257,803
TOTAL HSF State Highway Safety Fund Group			\$	5,811,760	\$	5,836,315
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services			\$	5,811,760	\$	5,836,315

SECTION 5.04. Special Enforcement

State Highway Safety Fund Group

831	767-610	Liquor Enforcement - Federal	\$	200,000	\$	200,000
831	769-610	Food Stamp Trafficking Enforcement - Federal	\$	721,787	\$	878,704
TOTAL HSF State Highway Safety Fund Group			\$	921,787	\$	1,078,704
Liquor Control Fund Group						
043	767-321	Liquor Enforcement - Operations	\$	8,531,000	\$	8,379,000
TOTAL LCF Liquor Control Fund						

Group		\$	8,531,000	\$	8,379,000
State Special Revenue Fund Group					
622 767-615	Investigative Contraband and Forfeiture	\$	377,295	\$	385,768
TOTAL SSR State Special Revenue Fund Group					
		\$	377,295	\$	385,768
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement					
		\$	9,830,082	\$	9,843,472

Food Stamp and Liquor Enforcement Fund Consolidation

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Liquor Enforcement Contraband, Forfeiture and Other Fund (Fund 863) and the Food Stamp Contraband, Forfeiture and Other Fund (Fund 4M3) to the Investigative Contraband, Forfeiture and Other Fund (Fund 622). Both the Liquor Enforcement Contraband, Forfeiture and Other Fund and the Food Stamp Contraband, Forfeiture and Other Fund are hereby abolished. The spending authority to honor encumbrances established in the prior fiscal year is hereby appropriated.

SECTION 5.05. Emergency Management**Federal Special Revenue Fund Group**

3N5 763-644	U.S. DOE Agreement	\$	199,875	\$	195,961
329 763-645	Individual/Family Grant - Fed	\$	750,000	\$	749,674
337 763-609	Federal Disaster Relief	\$	10,600,000	\$	5,597,556
339 763-647	Emergency Management Assistance and Training	\$	4,500,000	\$	4,490,434

TOTAL FED Federal Special Revenue Fund Group		\$	16,049,875	\$	11,033,625
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General Services Fund Group

4V3 763-662	Storms/NOAA Maintenance	\$	169,900	\$	167,943
4W6 763-663	MARCS Operations	\$	436,000	\$	432,447
533 763-601	State Disaster Relief	\$	8,370,843	\$	4,372,348

TOTAL GSF General Services Fund Group		\$	8,976,743	\$	4,972,738
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State Special Revenue Fund Group

4Y0 763-654	EMA Utility Payment	\$	143,220	\$	146,657
4Y1 763-655	Salvage & Exchange-EMA	\$	27,028	\$	27,676
657 763-652	Utility Radiological Safety	\$	822,079	\$	806,339
681 763-653	SARA Title III HAZMAT Planning	\$	190,000	\$	188,452

TOTAL SSR State Special Revenue Fund Group		\$	1,182,327	\$	1,169,124
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TOTAL ALL BUDGET FUND GROUPS - Emergency Management		\$	26,208,945	\$	17,175,487
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MARCS Fund Transfer

In the event that the Emergency Management Agency is not designated by the Director of Administrative Services as the agency to operate the

Multi-Agency Radio Communications System (MARCS), the Director of Budget and Management, with the concurrence of the Director of Public Safety and the approval of the Controlling Board, shall transfer the MARCS System Operations Fund (Fund 4W6) and appropriation 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 Communications 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

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

SECTION 5.07. Debt Service

State Highway Safety Fund Group

036	761-401	Lease Rental Payments	\$	12,600,000	\$	14,000,000
TOTAL HSF State Highway Safety Fund Group			\$	12,600,000	\$	14,000,000
TOTAL ALL BUDGET FUND GROUPS - Debt Service			\$	12,600,000	\$	14,000,000

Hilltop Security Fund Consolidation

On July 1, 1999, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Hilltop Security Fund (Fund 5C8) to the State Highway Safety Fund (Fund 036) and the Hilltop Security Fund is hereby abolished. The spending authority to honor encumbrances established in the prior fiscal year is hereby

appropriated.

OBA Bond Authority/Lease Rental Payments

The foregoing appropriation item 761-401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 1999, to June 30, 2001, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code that are pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Public Safety.

Hilltop Transfer

The Director of Public Safety shall determine, per an agreement with the Director of Transportation, the share of each debt service payment made out of appropriation item 761-401, Lease Rental Payments, that relates to the Department of Transportation's portion of the Hilltop Building Project, and shall certify to the Director of Budget and Management the amounts of this share. The Director of Budget and Management shall transfer such shares from the Highway Operating Fund (Fund 002) to the Highway Safety Fund (Fund 036).

SECTION 5.08. Revenue Distribution

Holding Account Redistribution Fund Group

R24 762-619	Unidentified Motor Vehicle Receipts	\$	1,600,000	\$	1,600,000
R27 764-608	Patrol Fee Refunds	\$	35,000	\$	35,000
TOTAL 090 Holding Account Redistribution Fund Group		\$	1,635,000	\$	1,635,000
TOTAL ALL BUDGET FUND GROUPS - Revenue Distribution		\$	1,635,000	\$	1,635,000

TOTAL Department of Public Safety

TOTAL HSF State Highway Safety Fund Group	\$	356,337,992	\$	353,487,064
TOTAL SSR State Special Revenue Fund Group	\$	4,161,929	\$	5,435,594
TOTAL LCF Liquor Control Fund Group	\$	8,531,000	\$	8,379,000
TOTAL GSF General Services Fund Group	\$	9,831,027	\$	5,826,288
TOTAL FED Federal Revenue Special Fund Group	\$	16,049,875	\$	11,033,625
TOTAL 090 Holding Account Redistribution Fund Group	\$	1,635,000	\$	1,635,000
TOTAL ALL BUDGET FUND GROUPS	\$	396,546,823	\$	385,796,571

SECTION 5.09.

Transfer of Funds

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the director, shall set a monthly 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.

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.

Data Services Fund

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

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

Cash Balance Fund Review

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

SECTION 6. DEV DEPARTMENT OF DEVELOPMENT

State Special Revenue Fund Group

4W0 195-629	Roadwork Development	\$	12,699,900	\$	12,699,900
TOTAL SSR State Special Revenue					

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

Any unspent balance remaining within Fund 4W0 appropriation item 195-629, Roadwork Development, at the end of fiscal year 1999 is hereby appropriated in fiscal year 2000.

Roadwork Development Fund

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

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

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

Transportation Improvement Districts

Of the foregoing appropriation item 195-629, Roadwork Development, \$250,000 each fiscal year of the biennium shall be paid by the Director of Development to each of the transportation improvement districts of Butler, Hamilton, Medina, and Stark counties, as provided for in section 5540.151 of the Revised Code. The transportation improvement districts may use the payments for any purpose authorized under Chapter 5540. of the Revised Code, including administrative activities and the purchase of property and rights for the construction, maintenance, or operation of a project. These

yments shall not be subject to the restrictions of appropriation item 195-629.

SECTION 7. PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group

052	150-402	LTIP - Operating	\$	397,133	\$	402,980
052	150-701	Local Transportation Improvement Program	\$	62,000,000	\$	62,000,000
TOTAL 052 Local Transportation Improvements Fund Group			\$	62,397,133	\$	62,402,980

Local Infrastructure Improvements Fund Group

038	150-321	Operating Expenses	\$	928,677	\$	941,989
TOTAL LIF Local Infrastructure Improvements Fund Group			\$	928,677	\$	941,989
TOTAL ALL BUDGET FUND GROUPS			\$	63,325,810	\$	63,344,969

District Administration Costs

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from interest earnings of the Capital Improvements Fund and Local Transportation Improvement Program Fund proceeds. This program shall be used to provide for administration costs of the nineteen public works districts for the direct costs of district administration. Districts choosing to participate in this program shall only expend Capital Improvements Fund moneys for Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The account shall not exceed \$760,000 per fiscal year. Each public works district may be eligible for up to \$40,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs 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 indicating the source and amount of funds for each item of appropriation made in this act, and shall determine the form and manner in which such appropriation accounts shall be maintained. Expenditures from appropriations contained in this act may be accounted as though made in the main operating appropriations act of the 123rd General Assembly.

SECTION 9.

Lease Payments to OPFC, OBA, and Treasurer

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

SECTION 10. The Legislative Budget Office of the Legislative Service Commission shall conduct a study to determine the need for additional resources to meet local construction and maintenance needs for highways, bridges, and mass transit. The study shall identify possible alternative sources of revenue that could be imposed by local governments, or imposed by the state and distributed to local governments. The study also shall consider whether and how the state's allocation of funds to local projects could be done in ways more responsive to local needs and local variations in the condition of highways, bridges, and mass transit systems. The Legislative Budget Office shall submit a report setting forth the results of its study to the General Assembly on or before July 1, 2000.

SECTION 11. (A) Not later than 90 days after the effective date of section 5525.25 of the Revised Code, the Director of Transportation shall report to the Controlling Board on the Department of Transportation's comprehensive

implementation plan for warranties. The report shall include the following:

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

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

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

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

SECTION 12. The Executive Director of the Ohio Rail Development Commission, the Chairman of the Public Utilities Commission, and the Deputy Director of the Emergency Management Agency shall review and evaluate information and develop a report concerning the following topics:

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

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

(C) Potential funding sources for the grade separation and improvement projects;

(D) Statutory and regulatory changes that may be necessary to maintain the public health and safety with regard to predicted increases in rail transportation of hazardous materials in this state.

The Executive Director, Chairman, and Deputy Director shall submit the report to the General Assembly on or before December 31, 1999.

SECTION 13. As used in this section, "Department of Public Safety enforcement agent" has the same meaning as in section 145.01 of the Revised Code, as amended by this act.

Not later than ninety days after the effective date of this section, each Department of Public Safety enforcement agent who is a member of the Public Employees Retirement System and was not immediately prior to the effective date of this section designated as a liquor control investigator shall indicate to the system, on a form supplied by the system, a choice of whether to receive benefits under division (A) of section 145.33 of the Revised Code or division (B) of that section.

SECTION 13.01. (A) On and after the effective date of this section, whenever the Liquor Enforcement Unit, Food Stamp Trafficking Unit, Food Stamp Fraud Unit, or Investigations Unit of the Department of Public Safety is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the Investigative Unit of the department, which is the name given under section 5502.13 of the Revised Code, as amended by this act, to the units formerly known as the Liquor Enforcement Unit, Food Stamp Trafficking Unit, Food Stamp Fraud Unit, and Investigation Unit of the department.

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

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

SECTION 14. That Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, be amended to read as follows:

" Sec. 3. (A) Not later than January 1, 1998, the Registrar of Motor Vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code to establish a pilot program requiring that persons randomly selected

within the pilot program according to a method developed by the Registrar be required to verify the existence of proof of financial responsibility. Not later than January 1, 2000, the Registrar shall adopt rules in accordance with Chapter 119. of the Revised Code to establish a permanent program requiring that persons randomly selected on a statewide basis be required to verify the existence of proof of financial responsibility. In adopting the rules, the Registrar may consider relevant findings and recommendations of the Task Force on the Enforcement of the Financial Responsibility Laws of Ohio.

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

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

(2) Allow an order of the Registrar imposing the civil penalties required under division (A)(2) of section 4509.101 of the Revised Code to be issued upon the failure of a vehicle owner to provide proof of financial responsibility in response to the initial notice, but to be implemented in regard to owners who fail to respond only after the owner has failed to respond to the third notice sent by certified mail or the certified mail is returned as refused or not deliverable.

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

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

(C) If the suspension of a person's license and the impoundment of the person's certificate of registration and license plates results from a failure to respond to a random verification, the registrar distinctly shall indicate the type of suspension and impoundment when putting the information of such an order into the law enforcement automated data system and recording the

information as part of the person's permanent record."

SECTION 15. That existing Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed.

SECTION 16. A task force to study the Bureau of Motor Vehicles' existing method of random selection to verify financial responsibility is hereby established. The task force shall study the method and make recommendations on changes to the General Assembly on or before June 1, 1999. The task force shall consist of twelve members, including the Director of Public Safety, or the Director's designee and the Superintendent of Insurance. The Speaker of the House of Representatives shall appoint five members of the House of Representatives to the task force, no more than three of whom shall be from the same political party as the Speaker. The President of the Senate shall appoint five members of the Senate to the task force, no more than three of whom shall be from the same political party as the President. The Speaker and President shall make their appointments within two weeks after the effective date of this section, and shall jointly select the chairperson of the task force. The Director of Public Safety, or the Director's designee, and the legislative members of the task force shall be voting members. The Superintendent of Insurance shall be a nonvoting member. After making its recommendations to the General Assembly, the task force shall cease to exist.

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

SECTION 17. There is hereby created the Task Force on Motor Vehicle Titling, consisting of the Director of Public Safety, the Registrar of Motor Vehicles, two members of the Senate, both of whom shall be appointed by the President of the Senate but only one of whom shall be of the same political party as the President, two members of the House of Representatives, both of whom shall be appointed by the Speaker of the House of Representatives but only one of whom shall be of the same political party as the Speaker, a representative of the Office of the Attorney General designated by the Attorney General, a representative of the Department of Taxation designated by the Tax Commissioner, three

members of the Ohio Clerks of Court Association, one of whom shall be appointed by the Governor and two of whom shall be selected by the Association as its representatives, the president of the Ohio Automobile Dealers Association or the president's representative, the president of the Ohio Auto Auction Association or the president's representative, one person who represents a company that is a member of the Ohio Telecommunications Industry Association and is appointed by the Governor, one person who represents a company that is engaged in the business of providing financing for the purchase or leasing of motor vehicles and is appointed by the Governor, and two members of the public at large who are appointed by the Governor.

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

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

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

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

SECTION 18. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Jeffrey Heathcote, and his heirs and assigns under division (C) of this section, or to the purchaser, and the purchaser's successors and assigns or heirs and assigns determined under division (E) of this section, all of the state's right, title, and interest in the following described real estate:

Situated in the City of Elyria, County of Lorain and State of Ohio, and known as an entire single story structure formerly a highway patrol post located at 915 Lorain Street, (S. R. 57) Elyria, Ohio 44035 bounded and described as follows:

The following metes and bounds description has been derived from a Warranty Deed to the State of Ohio, Department of Highway Safety, dated April 13, 1956:

And known as being Part of Block "A" in Cascade Colony Re-Subdivided, of a part of original Elyria Township Lot No. 28, West of Black River as shown by the recorded plat in Volume 18 of Maps, Page 15 of Lorain County Records, and bounded and described as follows:

Beginning at an iron pin at the intersection of the Northerly line of Bell Avenue with the Easterly line of Lorain-Elyria Boulevard as shown on said plat; thence in the arc of a curve bearing to the left, being the North line of Bell Avenue, the chord which bears North $86^{\circ} 51' 16''$ East, 14.99 feet, 15 feet to an iron pin; thence in the arc of a curve which bears to the left, being the North line of Bell Avenue, the chord of which bears North $70^{\circ} 54' 27''$ East 152.39 feet, 154.04 feet to the principal place of beginning of premises herein described, and being the Southeast corner of land described in the lease to Shell Oil Company, dated June 28, 1955 and recorded in Volume 66, page 5 of Lorain County Lease Records; thence North $1^{\circ} 10' 30''$ West, 112.60 feet to an iron pin; thence South $88^{\circ} 49' 30''$ West, 160 feet to an iron pin on the Easterly line of said Lorain-Elyria Boulevard; thence North $1^{\circ} 10' 30''$ West along the Easterly line of said Lorain-Elyria Boulevard, 105.10 feet to the Northwest corner of said Block "A"; thence North $88^{\circ} 14'$ East along the Northerly line of said Block "A", 200.00 feet; thence South $1^{\circ} 10' 30''$ East and parallel with said Easterly line of Lorain-Elyria Boulevard to the Northerly line of Bell Avenue; thence Westerly along the Northerly line of Bell Avenue, to the place of beginning

(B) The conveyance of the real estate under division (C) of this section and the sale of the real estate under division (E) of this section shall be subject to all existing easements, rights-of-way, and encumbrances of record, and subject further to any facts an accurate survey may disclose.

(C)(1) The conveyance of the real estate described in division (A) of this section shall be subject to the terms and conditions of State of Ohio Lease File Number 05652, being a lease of real property between the State of Ohio (Ohio State Highway Patrol), through the Ohio Department of Administrative Services, and Jeffrey Heathcote.

(2) Consideration for conveyance of the real estate described in division (A) of this section shall be a purchase price of \$143,650.

(3) Upon payment of the purchase price by Jeffrey Heathcote, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to Jeffrey Heathcote. Jeffrey Heathcote shall present the deed for recording in the Office of the Lorain County Recorder.

(4) Jeffrey Heathcote shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(D) If after thirty days, Jeffrey Heathcote fails to pay the purchase price, the Director of Administrative Services shall review the appraisal of the real estate as of the effective date of this section and either approve or disapprove it. If the Director disapproves the appraisal, the Director shall appraise the real estate or have it appraised by one or more disinterested persons at a fee determined by the Director.

(E)(1) Upon compliance with division (D) of this section, the Director shall offer the real estate described in division (A) of this section for sale at public auction as follows:

(a) The Director shall advertise the auction in a newspaper of general circulation in Lorain County once a week for three consecutive weeks immediately prior to the date of the auction. The real estate shall be sold at the auction to the highest bidder for not less than two-thirds of its appraised value. The Director may reject any and all bids.

(b) The successful bidder shall pay ten per cent of the purchase price in cash, by bank draft, or by certified check at the time of sale and shall pay the balance of the purchase price within sixty days of the date of the sale. If the purchaser does not complete the conditions of the sale as specified in this division, the Director may void the sale by giving the defaulting purchaser written notice to that effect. If the Director voids the sale, the part of the purchase price paid at the time of the sale shall be forfeited to the state as liquidated damages.

(c) If no acceptable bids are received, or if the purchase is not completed and the sale is voided, the Director may sell the real estate at another public auction conducted as provided in this section.

(2) Advertising costs, appraisal fees, and other costs incident to the sale of real estate under division (E)(1) of this section shall be paid by the Ohio State Highway Patrol.

(3) Upon payment of ten per cent of the purchase price by the purchaser determined under division (E)(1) of this section, the Auditor of State, with

the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser upon payment by the purchaser of the balance of the purchase price. The purchaser shall present the deed for recording in the Office of the Lorain County Recorder.

(F) The net proceeds of the sale of the real estate under division (E) of this section shall be deposited in the State Treasury to the credit of the Ohio State Highway Patrol Operating Fund 036.

(G) This section expires one year after its effective date.

SECTION 19. During the period commencing on the effective date of this section and expiring January 1, 2000, the operation of sections 1548.01 and 1548.06 of the Revised Code, as amended by Am. Sub. S.B. 187 of the 122nd General Assembly, is suspended insofar as those sections subject watercraft less than fourteen feet in length to Chapter 1548. of the Revised Code, the Watercraft Certificates of Title Law. Upon the expiration of that period of suspension, sections 1548.01 and 1548.06 of the Revised Code, in either the present form of those sections or as they are amended or reenacted after the effective date of this section, again become fully operational.

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

SECTION 20. Sections 319.54, 4505.06, 5739.02, and 5741.02 of the Revised Code, as amended by Section 1 of this act, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the sections as amended by Section 1 of this act are entitled to go into immediate effect when this act becomes law. However, sections 319.54, 4505.06, 5739.02, and 5741.02 of the Revised Code, as amended by Section 1 of this act, take effect on March 30, 1999, or the day this act becomes law, whichever is later.

SECTION 21. That section 4505.06 of the Revised Code, as amended by Am. Sub. H.B. 611 of the 122nd General Assembly, be amended to read as follows:

Sec. 4505.06. (A) Application for a certificate of title shall be made in a

form prescribed by the registrar of motor vehicles, and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of the court of common pleas of the county in which the applicant resides if the applicant is a resident of this state or, if not a resident, in the county in which the transaction is consummated. An application for a certificate of title may be filed electronically by electronic image transmission in any county in which the clerk of the court of common pleas permits an application to be filed electronically. The signature of an officer empowered to administer oaths that appears on an application for a certificate of title, or on any other document required to be filed by this chapter that has been filed electronically, is not a facsimile signature as defined in section 9.10 of the Revised Code. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds.

The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code; and if a certificate of title previously has been issued for the motor vehicle in this state, it shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship they may do so as provided in section 2106.17 of the Revised Code. The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The clerk shall use reasonable diligence in ascertaining whether or not the facts in the application are true by checking the application and documents accompanying it with the records of motor vehicles in the clerk's office; if satisfied that the applicant is the owner of the motor vehicle and that the application is in the proper form, the clerk, within five business days after the application is filed, shall issue a certificate of title over the clerk's signature and sealed with the clerk's seal. For purposes of the transfer of a certificate of title, if the clerk is satisfied that the secured party has duly

discharged a lien notation, but has not canceled the lien notation with the clerk of the county of origin, the clerk may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin.

In the case of the sale of a motor vehicle to a general buyer or user by a dealer, by a motor vehicle leasing dealer selling the motor vehicle to the lessee or, in a case in which the leasing dealer subleased the motor vehicle, the sublessee, at the end of the lease agreement or sublease agreement, or by a manufactured home broker, the certificate of title shall be obtained in the name of the buyer by the dealer, leasing dealer, or the manufactured home broker, as the case may be, upon application signed by the buyer. The certificate of title shall be issued within five business days after the application for title is filed with the clerk. If the buyer of the motor vehicle previously leased the motor vehicle and is buying the motor vehicle at the end of the lease pursuant to that lease, the certificate of title shall be obtained in the name of the buyer by the motor vehicle leasing dealer who previously leased the motor vehicle to the buyer or by the motor vehicle leasing dealer who subleased the motor vehicle to the buyer under a sublease agreement.

In all other cases, except as provided in division (D)(2) of section 4505.11 of the Revised Code, such certificates shall be obtained by the buyer. In all cases of transfer of a motor vehicle, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. If an application for a certificate of title is not filed within that period, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor vehicle was made.

As used in this division, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code.

(B) The clerk, except as provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or manufactured home broker or the applicant, in cases in which the certificate shall be obtained by the buyer,

submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

For receiving and disbursing such taxes paid to the clerk, the clerk may retain a poundage fee of one and one one-hundredth per cent, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code.

In the case of casual sales of motor vehicles, as defined in section 4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the clerk by the buyer on a form to be prescribed by the registrar, which shall be prima-facie evidence of the amount for the determination of the tax.

(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of

a bequest, under the laws of intestate succession, to a surviving spouse pursuant to section 2106.17, 2106.18, or 4505.10 of the Revised Code, or in connection with the creation of a security interest.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax. For receiving and disbursing such taxes paid to the clerk, the clerk may retain a poundage fee of one per cent. When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning such sales.

(E) The clerk shall accept any payment of a tax in cash, or by certified check, draft, or money order payable to the clerk and submitted with an application for a certificate of title under division (B) or (D) of this section. The clerk also may accept payment of the tax by corporate, business, or personal check, credit card, electronic transfer or wire transfer, debit card, or any other accepted form of payment made payable to the clerk. The clerk may require bonds, guarantees, or letters of credit to ensure the collection of corporate, business, or personal checks. Any service fee charged by a third party to a clerk for the use of any form of payment may be paid by the clerk from the certificate of title administration fund created in section 325.33 of the Revised Code, or may be assessed by the clerk upon the applicant as an additional fee. Upon collection, the additional fees shall be paid by the clerk into that certificate of title administration fund.

The clerk shall make a good faith effort to collect any payment of taxes due but not made because the payment was returned or dishonored, but the clerk is not personally liable for the payment of uncollected taxes or uncollected fees. The clerk shall notify the tax commissioner of any such payment of taxes that is due but not made and shall furnish such information to the commissioner as the commissioner requires. The clerk shall deduct the amount of taxes due but not paid from the clerk's periodic remittance of tax payments, in accordance with procedures agreed upon by the tax commissioner. The commissioner may collect taxes due by assessment in the manner provided in section 5739.13 of the Revised Code.

Any person who presents payment that is returned or dishonored for any

reason is liable to the clerk for payment of a penalty over and above the amount of the taxes due. The clerk shall determine the amount of the penalty, which shall be no greater than that amount necessary to compensate the clerk for banking charges, legal fees, or other expenses incurred by the clerk in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies. Subsequently collected penalties, poundage, and title fees, less any title fee due the state, from returned or dishonored payments collected by the clerk shall be paid into the certificate of title administration fund. Subsequently collected taxes, less poundage, shall be sent by the clerk to the treasurer of state at the next scheduled periodic remittance of tax payments, with such information as the commissioner may require. The clerk may abate all or any part of any penalty assessed under this division.

(F) In the following cases, the clerk shall accept for filing such application and shall issue a certificate of title without requiring payment or evidence of payment of the tax:

(1) When the purchaser is this state or any of its political subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code;

(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;

(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;

(4) When the purchaser is the federal government;

(5) When the motor vehicle was purchased outside this state for use outside this state;

(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.

The clerk shall forward all payments of taxes, less poundage fee, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish such information to the commissioner as the commissioner requires.

(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor

vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(H) The For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. The For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk a fee of five dollars for each certificate of title issued by the clerk for a manufactured or mobile home. The clerk shall credit the fee to the county title administration fund, and the fee shall be used to pay the expenses of archiving such certificates pursuant to division (A) of section 4505.08 and division (H)(3) of section 4505.11 of the Revised Code. The tax commissioner shall administer any tax on a manufactured or mobile home pursuant to Chapters 5739. and 5741. of the Revised Code.

SECTION 22. That all existing versions of section 4505.06 of the Revised Code are hereby repealed.

SECTION 23. Sections 21 and 22 of this act shall take effect July 1, 1999.

SECTION 24. Section 4505.06 of the Revised Code, as amended by Section 21 of this act, is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the section as amended by Section 21 of this act is entitled to go into immediate effect when this act becomes law. However, section 4505.06 of the Revised Code, as amended by Section 21 of this act, takes effect on July 1, 1999, or the day this act becomes law, whichever is later.

SECTION 25. Except as otherwise specifically provided in this act, sections of the Revised Code contained within the purview of Sections 1 and 2 of this act, and the items of law of which the sections are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the sections of the Revised Code contained within the purview of Sections 1 and 2 of this act, and the items of law of which the sections are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any section of the Revised Code contained within the purview of Sections 1 and 2 of this act, or against any item of law contained in any such section, the section or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 26. The repeal of section 5502.61 of the Revised Code by Section 2 of this act is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 27. The items in the uncodified sections of law contained in this act that appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation for the current expenses of state government are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, these items go into immediate effect when this act becomes law.

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

time permitted by law.

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

SECTION 28. Sections 13 and 13.01 of this act are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the sections take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against either section, the section, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 29. If any item of law that constitutes the whole or part of a codified or uncoded section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncoded section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncoded sections contained in this act are composed, and their applications, are independent and severable.

SECTION 30. Section 4509.101 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Am. Sub. H.B. 261 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 31. Section 4505.06 of the Revised Code is presented in Section 21 of this act as a composite of the section as amended by both Am. Sub. H.B. 611 and Am. Sub. S.B. 142 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to July 1, 1999.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 163

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____