Linda S. Crawford *Legislative Service Commission*

Sub. H.B. 73

124th General Assembly
(As Passed by the General Assembly)
(excluding appropriations, fund transfers, and similar provisions)

Reps. **Buehrer, Carey, Hoops, Goodman, Gilb, Faber, Calvert, Hughes, Peterson, Grendell, Webster, Womer Benjamin, Raga, Metzger, Core, Allen, Clancy, Flannery, Husted, Evans, Perry, Patton, Coates, Olman, Hagan, D. Miller, Schmidt, Schneider, Jones**

Sens. **Armbruster, Amstutz, Carnes, Mead, Oelslager, Wachtmann, Furney, Ryan, Mallory, Harris, Johnson, Robert Gardner**

Effective date: June 29, 2001; operating appropriations generally effective March 20, 2001; codified sections and nonoperating appropriations generally effective June 29, 2001; contains item veto

ACT SUMMARY

Transportation provisions

- Modifies the applicable governing provisions of a land appropriation proceeding to provide that the laws applicable to civil actions and the ***Rules of Civil Procedure*** govern the proceeding.

- Eliminates land appropriation provisions regarding: (1) the taking of depositions, and (2) the prohibition against evidence regarding appraisals or land values being adduced or elicited in depositions for a land appropriation proceeding.

- Generally authorizes the Director of Transportation to purchase property from a willing seller: (1) to replace, preserve, or conserve any environmental resource under specified conditions, or (2) for the construction and maintenance of bikeways and bicycle paths.

- Establishes that highway proximity requirements governing certain ODOT property acquisitions do not apply to the acquisition of property to replace wetlands or to replace, preserve, or conserve environmental resources.

- Increases the percentage of fuel tax revenue attributable to watercraft to 1%, and allocates 7/8 of that amount to the previously existing Waterways Safety Fund and the remaining 1/8 to the Wildlife Boater Angler Fund, which the act creates in the state treasury.

- Reactivates the Ohio Motor Vehicle Weight Limit Law for roads that are not part of the interstate system, and provides that for any given vehicle either that law or the federal weight law applies depending on which allows the highest total gross vehicle weight.

- Specifies that from July 1, 2001, through July 1, 2003, for the purposes of the law governing the issuance of special permits for nonconforming vehicles, three or fewer steel coils are deemed to be a nondivisible load if the overall gross vehicle weight of the vehicle and load is less than 92,000 pounds.

- Allows a local authority, as a condition of issuing a special permit to allow an overweight vehicle to travel on a highway under the local authority's jurisdiction, to require that the permit holder enter into an agreement to pay compensation for excess road damage or to repair the damage.

- Allows the Director to designate all or part of a state highway a "special economic development highway," and requires the Director to consider economic development effects when determining whether to issue a special permit for a nonconforming vehicle to travel on the highway.

- Allows the Director, as a condition of issuing a special permit for a nonconforming vehicle to travel on a special economic development highway, to require that the permit holder pay compensation for resulting road damage.

- Establishes requirements and procedures by which the Director of Transportation may enter into professional services contracts, and establishes requirements for those contracts.

- Requires certain professional services contracts to be approved by the Controlling Board, and establishes professional liability insurance requirements for firms that enter into such contracts.

- Replaces the ODOT contract arbitration provisions with binding dispute resolution procedures, and establishes the criteria for vacating a binding dispute resolution.

- Specifies that not more than 20% of ODOT's capital construction projects may be bid requiring a warranty rather than the prior requirement that at least 20% of the capital construction projects be bid requiring a warranty, eliminates the requirement that at least 10% of ODOT's capital construction projects be bid requiring a pavement warranty, and replaces the minimum warranty periods prescribed by prior law with maximum warranty periods.

- Removes ODOT authority to enforce certain aviation laws, and permits certain aviation law violations to be prosecuted by local authorities rather than by ODOT or the Attorney General.

- Lengthens from one year to two years the period of time during which a permit for an advertising device located along an interstate or primary highway is in effect.

- Continues for the FY 2002-2003 biennium the ODOT pilot program for combining the design and construction elements of projects by allowing the Director to enter into contracts for an additional $250 million worth of design-build projects during that period.

- Allows the Director to award up to $85 million and no more than two contracts for design-build projects that cost more than $20 million through a value-based selection process.

- Specifies that an unsuccessful finalist for a design-build project must elect either to be compensated and have the Director retain the unsuccessful proposal or waive compensation and have the Director return the proposal to the unsuccessful finalist.

- For FY 2002-2003, authorizes county engineers to use design-build contracts for not more than 15 bridge projects statewide, provided that a project may not exceed $2 million, and requires the Director of ODOT to evaluate each design-build project and issue a report to the General Assembly on the effectiveness of the program.

- Creates a two-year program in the Department of Transportation to pay for the installation of rumble strips or other safety devices at active railroad crossings without gates or lights.

- Requires the staff of the Legislative Service Commission, subject to Commission approval, to conduct a study to identify federal and state mandates on the use of road and bridge funding available to local governments and to suggest ways that the mandates could be modified or lifted to facilitate the most efficient and productive use of the funding.

- Would have created the State Highway Patrol Funding Task Force to study the method of funding the State Highway Patrol (vetoed).

- Requires ODOT to study and report to the General Assembly various issues related to better use of federal transportation funds by local governments.

- Corrects an erroneous statutory reference in the General Obligation Bond Law.

Public safety provisions

- Generally authorizes the Department of Education to adopt and enforce rules relating to the operation of all vehicles used for pupil transportation rather than just publicly and privately owned and operated school buses.

- Specifies that, for an applicant for a motor vehicle certificate of title who is the secured party repossessing a motor vehicle, a clerk of a court of common pleas may issue the certificate of title if the applicant complied with the repossession and other specific requirements of Article 9 of the Uniform Commercial Code (Chapter 1309. of the Revised Code), including the notice requirements.

- Allows licensed physician assistants, certified nurse practitioners, and clinical nurse specialists, in addition to licensed physicians as under prior law, to perform medical examinations of persons applying for commercial driver's licenses.

- Establishes a $15 contribution for the issuance of "The Leader in Flight" license plates, which are issued under continuing law, creates The Leader in Flight License Plate Fund for the receipt of moneys from the

contribution, and requires moneys in the Fund to be paid to and used by Wright B. Flyer, Incorporated.

- Creates the Film Production Reimbursement Fund for the deposit of moneys received by the Department of Public Safety from other agencies for services and supplies provided by the Department for the production of public service announcements, media materials, and training materials.

- Requires Ohio Penal Industries to continue to produce motor vehicle license plate validation stickers and county identification stickers unless the Registrar of Motor Vehicles adopts rules that permit the Registrar or deputy registrars to print or otherwise produce those stickers in house.

- Creates the Security Deposit Fund, requires all security deposits that the Registrar of Motor Vehicles requires to be deposited as the result of certain motor vehicle accidents to be deposited into the Fund, and requires money in the Fund to be applied only to the payment of judgments for damages arising out of those accidents and to the return of security deposits.

- Requires copies of motor vehicle accident reports that are prepared by law enforcement agencies representing political subdivisions to be furnished by those law enforcement agencies rather than by the Director of Public Safety, and increases the fee for such copies from $3 to not more than $4.

- Allows the Superintendent of the State Highway Patrol to authorize the Registrar of Motor Vehicles and designated deputy registrars to collect certain inspection and testing fees on behalf of the Patrol.

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TRANSPORTATION PROVISIONS

State acquisition of real property by appropriation

(R.C. 163.10 and 163.22)

Prior law

In general, the state or an agency of the state (including the Department of Transportation) may acquire real property pursuant to R.C. 163.01 to 163.22 by filing a petition for appropriation of the real property in a proper court only after the agency is unable to agree, for any reason, with the owner or if for another specified reason the agency is unable to contract for the real property. (R.C. 163.04, not in the act.)

The action for appropriation was governed by the law applicable in civil actions in the court of common pleas except as otherwise provided. (R.C. 163.22.) One of the specified exceptions to the governing law regarded depositions. Depositions were authorized to be taken as in other civil cases, subject to the requirements of the Department of Transportation administrative provisions. Depositions of the officers, agents, or employees of the agency or owner had to be taken as on cross-examination. No evidence could be adduced or elicited in depositions as to value or appraisals on cross-examination unless raised by direct examination. (R.C. 163.10 and 163.22.)

Operation of the act

The act modifies the applicable governing provisions of a state or state agency land appropriation proceeding to provide that the laws applicable to civil actions and the ***Rules of Civil Procedure*** govern the proceeding. Additionally, the act deletes language possibly conflicting with the above modification regarding: (1) the taking of depositions, and (2) the prohibition against evidence regarding appraisals or land values being adduced or elicited in depositions for a land appropriation proceeding. (R.C. 163.10 and 163.22.)

ODOT purchases of property for bikepaths or environmental resources

(R.C. 5501.31)

In addition to the purchase or appropriation of property for highway improvements, continuing law allows the Director of Transportation to purchase or appropriate property for certain related purposes, including slopes, detour roads,

sewers, roadside parks, rest areas, recreational park areas, park and ride facilities, park and carpool or vanpool facilities, scenic view areas, drainage systems, and land to replace wetlands.

The act authorizes the Director to purchase property from a willing seller to replace, preserve, or conserve any environmental resource if state or federal law requires the replacement, preservation, or conservation. An example of this may be acquiring streams for environmental mitigation under federal regulations. The act also authorizes the Director to purchase property from a willing seller as required for the construction and maintenance of bikeways and bicycle paths. The purchase of property for an environmental resource or a bikeway or bicycle path must be incident to an authorized highway improvement.

Law unaffected by the act requires that property acquired by the Director be titled in the name of the state and that property deeds contain a description of the property. The act specifies that the property may be described by metes and bounds or by the ODOT parcel number as shown on a right of way plan recorded in the county where the property is located.

Environmental exemption from proximity restrictions on the purchase or appropriation of property

(R.C. 5529.03)

Continuing law generally authorizes the Director of Transportation to acquire property adjacent to state highways as may be necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highways. Additionally, the Director may acquire property adjacent to state highways to establish rest and recreation areas and sanitary and other facilities within or adjacent to the right-of-way of state highways. This authority to acquire property does not authorize the Director to *appropriate* property further than 300 feet from the nearest edge of the highway right-of-way.

Under the act, none of the restrictions described above apply to the purchase or appropriation of any interest in property that is required for land to replace wetlands, including the prohibition against appropriating property further than 300 feet from the nearest edge of the highway right-of-way. Similarly, the requirement to purchase property *adjacent* to a highway does not apply to the purchase of property to replace, preserve, or conserve any environmental resource.

Motor fuel tax distribution; Wildlife Boater Angler Fund

(R.C. 1531.35 and 5735.051)

A portion of the state's revenue from the motor vehicle fuel tax is attributable to the operation of watercraft on the waters of the state and thus is not subject to the limitation of Article XII, Section 5a of the Ohio Constitution, which generally limits the use of fuel tax revenue to highway-related purposes. This portion, previously declared by statute to be 3/4 of 1% of the fuel tax, is credited to the Waterways Safety Fund.

The act increases the percentage of fuel tax revenue attributable to watercraft to 1%, allocating 7/8 of that amount to the Waterways Safety Fund and the remaining 1/8 to the Wildlife Boater Angler Fund, which the act creates in the state treasury. The new Fund is to be used for boating capital improvements, grant programs for boating and fishing access, maintenance, and development.

Motor vehicle weight limits

(R.C. 5577.04)

Continuing law

Law generally unaffected by the act establishes weight limits that apply to motor vehicles that are operated on public streets, highways, and bridges. The maximum gross weight that a vehicle and any load it is carrying can impose on a road surface is 80,000 pounds. The limit for any one axle is 20,000 pounds and any tandem axle is 34,000 pounds. An additional limit for any two or more consecutive axles is determined through a calculation known as the "federal bridge formula." The formula provides that W=500((LN/N-1)+12N+36), where W equals the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals the distance in rounded whole feet between the extremes of any group of two or more consecutive axles, and N equals the number of axles in the group under consideration. But notwithstanding the formula, two consecutive sets of tandem axles are permitted to carry a gross load of 34,000 pounds each as long as the overall distance between the first and last axles of the consecutive sets is at least 36 feet.

Change for roads that are not interstate highways

Under the act, the weight limits incorporating the federal bridge formula continue to apply to the interstate system. But for roads that are not part of the interstate system, the act allows the weight limits to be either the limits incorporating the federal bridge formula or the limits established in the Ohio Motor Vehicle Weight Limit Law, which has been dormant since 1996. For any

particular vehicle, whichever set of limits allows the highest total gross vehicle weight is to be used. The overall maximum gross weight limit remains 80,000 pounds.

In general, the effect of a vehicle operating within the limits of the Ohio Motor Vehicle Weight Limit Law depends on the number and spacing of the axles. The Ohio Motor Vehicle Weight Limit Law generally allows a greater concentration of weight on axle groupings.

Under the Ohio Motor Vehicle Weight Limit Law, the weight limit on any one axle is 20,000 pounds, the same as the limit that continues to apply for interstate highway travel. For any two successive axles, the limit is 24,000 pounds when spaced no more than four feet apart and weighed simultaneously. If spaced more than four feet apart, the limit when weighed simultaneously is 34,000 pounds plus 1,000 pounds per foot or fraction of a foot over four feet, with an overall limit of 40,000 pounds. On any three successive load-bearing axles that are designed to equalize the load between the axles and are spaced so that each axle of the group is more than four feet from the next axle in the group and the distance between the first and third axle is no more than nine feet, the limit when weighing the group simultaneously is 38,000 pounds plus 900 pounds for each foot of spacing between the vehicle's front and rear axles, with an overall limit of 48,000 pounds. But an alternative limit for such three-axle groups is 42,500 pounds if the group is part of a six-axle vehicle combination with at least 24 feet between the front and rear axles and if the total weight of the vehicle and load does not exceed 54,000 pounds plus 600 pounds for each foot of spacing between the vehicle's front and rear axles. For any other combination of axles, the limit is 38,000 pounds plus 900 pounds for each foot of spacing between the vehicle's front and rear axles.

The act also affects the calculation of fines for vehicles that are illegally overweight. Fines for overweight vehicles generally are based on the number of pounds of the overload. Fines will differ depending on whether the overload is calculated based on the federal bridge formula or the Ohio Motor Vehicle Weight Limit Law.

Special permits for oversize or overweight vehicles

(R.C. 4513.34)

Continuing law authorizes the Director of Transportation, with respect to highways that are part of the state system, or local government authorities, with respect to roads under their jurisdiction, to issue special permits allowing the operation of a motor vehicle or combination of vehicles of a size or weight that exceeds the maximum size or weight allowed by law. Under federal law, states may issue special permits without regard to the axle, gross, or federal bridge

formula requirements only for "nondivisible vehicles or loads."[1] To be eligible for a special permit, the vehicle or load generally must be nondivisible.

Transportation of steel coils

(Section 13)

Generally, the Director and local authorities determine whether a vehicle or load is nondivisible on a case-by-case basis. By law, milk transported in bulk by vehicle is deemed a nondivisible load. The act provides that from July 1, 2001, through July 1, 2003, three or fewer steel coils also are deemed to be a nondivisible load for purposes of special permits, provided that the maximum overall gross vehicle weight of the vehicle and load cannot exceed 92,000 pounds.

Damage costs

When issuing a permit, the Director or local authority may impose a fee sufficient to cover the cost of the normal and expected road damage that the nonconforming vehicle or combination of vehicles will cause. The act grants local authorities additional authority to require an applicant for a permit to enter into an agreement to pay compensation for excess damage caused by travel under the permit or to repair such damage.

Special economic development highways

The act authorizes the Director, for purposes of the special permit law, to designate a state highway or portion of a highway a "special economic development highway." When considering whether good cause has been shown to justify the issuance of a special permit for travel on a special economic development highway, the Director is required to consider the effect of the travel on the economic development of the area in which the highway is located. As a condition of issuing the permit, the Director can require the applicant to agree to make periodic payments to ODOT to compensate for damage caused to the roadway by travel under the permit.

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[1] *23 C.F.R. § 658.17(h). See also 23 C.F.R. 658.5 for the definition of a nondivisible load or vehicle.*

Contracts for professional services

Overview

(R.C. 5501.17, 5501.18, 5526.01(A) and (C), and 5526.02)

Under prior law, the Director of Transportation could employ consulting engineers and enter into contracts for consulting engineering services with any qualified person. The Director also could employ and enter into contracts with any qualified person to assist in acquiring certain rights-of-way. The act repeals these provisions and instead authorizes the Director to employ or enter into contracts with any qualified firm for professional services. It establishes detailed requirements and procedures governing those contracts.

The act defines "firm" to mean any person or limited liability company that is legally engaged in rendering professional services. "Professional services" means any of the following:

(1) The practice of engineering as defined in continuing law;

(2) The practice of surveying as defined in continuing law;

(3) The practice of landscape architecture as defined in continuing law;

(4) The evaluation of environmental impacts performed in accordance with the National Environmental Policy Act, the Federal Water Pollution Control Act, or any other applicable law or regulation;

(5) Right-of-way acquisition services such as right-of-way project management, title searches, property valuations, appraisals, appraisal reviews, negotiations, relocation services, appropriation activities, real estate closings, and property management activities that are performed for the purpose of properly acquiring private and public property rights in conjunction with public highway projects and that conform to specified provisions of state law, various federal acts and regulations pertaining to highway development, and applicable policies and procedures of the Department of Transportation;

(6) Services related to the Department's administration of construction contract claims, including, but not limited to, the analysis of claims, assistance in negotiations, and assistance during litigation;

(7) Architectural services related to bridges; and

(8) Any other professional service that is determined by the Director or any other designated officials of the Department to be necessary for the provision of transportation services.

The act states that "professional services" does not include the practice of architecture as regulated under continuing law, except landscape architecture and architectural services related to bridges.

Public notice of intent to contract

(R.C. 5526.03)

Prior to entering into a contract for professional services, the Director must issue public notice of the Department's intent to enter into such a contract. The Director must advertise the public notice via the internet or by other means to ensure that qualified firms are notified and given the opportunity to be considered for the award of the contract. The public notice must be issued in a uniform and consistent manner and must be issued sufficiently in advance of the time that responses must be received. In addition, the public notice must include a general description of the project, a statement of the specific professional services required, and a description of the qualifications required for the project. Finally, the public notice must describe the procedures by which firms may submit statements of qualifications in order to be considered for a contract.

The act also authorizes the Director to include more than one contract in a single public notice. The Director may limit the number of contracts to which a firm may respond for the purpose of ensuring quality in the performance of those contracts.

Evaluation of qualifications of potential professional service firms

(R.C. 5526.01(D), 5526.04, and 5526.05(A))

The act authorizes the Director to institute prequalification requirements for firms seeking to provide professional services and authorizes the Director to require that each prequalified firm maintain a current statement of qualifications with the Department. "Qualifications" is defined by the act to mean:

(1) The competence of a firm to perform required professional services as indicated by the technical training, education, and experience of the firm's personnel, in particular the technical training, education, and experience of the firm's personnel assigned to perform professional services for the Department;

(2) The ability of a firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional services competently and expeditiously;

(3) The past performance of a firm as indicated by evaluations of previous clients of the firm with respect to such factors as control of costs, quality of work, and meeting of deadlines; and

(4) Any other relevant factors as determined by the Director.

The prequalification requirements must be based on those factors.

For every professional service contract for which the Department provides public notice, the Director must evaluate the qualifications of each firm seeking to enter into the contract. The Director may hold discussions with any of the firms for the purposes of obtaining more information about a statement of qualifications submitted by the firm, the scope and nature of the services that the firm would provide, and the various technical approaches that the firm may take with respect to the project.

Contract negotiations

(R.C. 5526.05(B), (C), and (D))

Following the evaluation of the qualifications of firms and any additional discussions with those firms with respect to a contract, the Director must select and rank no fewer than three firms that the Director considers to be the most qualified to provide the required professional services unless the Director determines that fewer than three qualified firms are available, in which case the Director must select and rank those firms. Next, the Director must negotiate a contract with the firm that is ranked the most qualified to perform the required professional services. The contract negotiations must be directed toward ensuring that the firm and the Department have a mutual understanding of the essential requirements involved in providing the required professional services; determining that the firm will make available the necessary personnel, equipment, and facilities to perform the professional services within the time that will be required in the contract; and agreeing on compensation that is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services.

If the Director fails to negotiate a contract with the firm that is ranked most qualified, the Director must notify the firm in writing of the termination of negotiations and must enter into negotiations with the firm that is ranked next most qualified. If negotiations fail with that firm, the Director must negotiate with each subsequently ranked firm in order of ranking until a contract is negotiated

and entered into or until the Director selects and ranks additional firms (see below). All negotiations must comply with the act and any rules adopted under it.

If the Director fails to negotiate a contract with any of the selected firms, the Director must select and rank additional firms based on their qualifications. Negotiations must continue as outlined above until a contract is negotiated and entered into.

Controlling Board approval

(R.C. 5526.05(E))

When a contract is negotiated, the Director, if required under continuing law, must request approval of the Controlling Board to make expenditures under the contract. However, if the Director is selecting firms for a group of contracts included in a single announcement and approval of the Controlling Board is required, the Director may present the selections as a group to the Controlling Board for the Board's approval prior to negotiation of the contracts. Final negotiations of the group of contracts may be completed after the Controlling Board's approval. If the Director fails to negotiate a contract with a firm that is selected to perform one of the contracts of a group of contracts, the Director must notify the Controlling Board of the selection of an alternate firm.

If the estimated construction cost of a project is $20 million or more, the Director may present preliminary estimates regarding the project to the Controlling Board for the purpose of requesting authority to select firms and enter into contracts for professional services for that project without further consent of the Controlling Board. The Director must keep itemized records of the funds that are obligated under each contract and must report those amounts to the Controlling Board annually.

Emergency contracts

(R.C. 5526.08)

The Director may declare an emergency if circumstances exist that threaten life, safety, or health or if a situation arises that would greatly increase the costs of a project if not addressed. The Director is required to declare an emergency by preparing a written statement of the circumstances that exist that warrant the declaration. The Director may then select a firm with appropriate qualifications and negotiate a contract for the immediate performance of emergency professional services. Not later than 30 days after the professional services have been performed, the Director must submit a written report to the Controlling Board

indicating the amount of the emergency contract, the services performed by the firm, and the circumstances giving rise to the emergency.

Rules and exemptions

(R.C. 5526.06)

The act authorizes the Director to adopt rules in accordance with the Administrative Procedure Act for the purpose of implementing these provisions of the act. In addition, the act specifies that its provisions generally do not apply to:

(1) A project with an estimated cost of less than $50,000;

(2) A project that is determined by the Director to be an emergency requiring immediate action, except that, when contracting for professional services for the purpose of addressing the emergency, the Director must comply with the emergency contract portion of the act; and

(3) A project requiring special expertise where there exist fewer than three qualified firms.

Liability insurance requirements

(R.C. 5526.07)

Except for any firm providing professional services that relate to research or training, right-of-way acquisition services, or services to assist the Department in the administration of contract claims, a firm that renders professional services to the Department, during the period of the performance of professional services for the Department and for any other period of time specified in a contract with the Department, must have and maintain, or be covered by, a professional liability insurance policy or policies with a company or companies that are authorized to do business in Ohio and that afford professional liability coverage for the professional services rendered. The insurance must be in an amount considered sufficient by the Director. However, the requirement to have or be covered by professional liability insurance may be waived by the Director for good cause.

Dispute resolution

(R.C. 5525.23)

Prior law authorized the Director to include an arbitration clause in any construction contract. If a contract had an arbitration clause, it was required to specify that arbitration would only take place if all parties to the contract agree to arbitration at the time the particular controversy arose. The Director determined

the method and form of arbitration. The application of the general Arbitration Law was limited in that the decision of an arbitrator was not subject to a motion to modify or correct an award. Additionally, no appeal from the decision of an arbitrator could be made to any court, except that the Franklin County Court of Common Pleas could have made an order vacating the award upon the application of any party to the arbitration if any of the following circumstances, referenced from the Arbitration Law, applied:

(1) The award was procured by corruption, fraud, or undue means.

(2) There was evident partiality or corruption on the part of the arbitrators.

(3) The arbitrators were guilty of misconduct in refusing to postpone the hearing, or in refusing to hear pertinent and material evidence; or of any other misbehavior by which the rights of any party were prejudiced.

The act eliminates the arbitration provision of prior law and instead authorizes the Director to include a binding dispute resolution method in any construction contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties do not agree to proceed to binding dispute resolution, a party having a claim against ODOT must exhaust its administrative remedies specified in the construction contract prior to filing any action against ODOT in the Court of Claims. Additionally, no appeal from the determination of a technical expert lies to any court, except that the Franklin County Court of Common Pleas may issue an order vacating the determination upon the application of any party to the binding dispute resolution if any of the following circumstances applies:

(1) The determination was procured by corruption, fraud, or undue means.

(2) There was evident partiality or corruption on the part of the technical expert.

(3) The technical expert was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear pertinent and material evidence to the controversy, or of any other misbehavior by which the rights of any party were prejudiced.

The act requires the Director, not later than February 1 each year, to provide the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives with a written list detailing the claims resolved through the binding dispute resolution method during the preceding calendar year.

As used in these provisions, "binding dispute resolution" means a binding determination after review by a technical expert of all relevant items, which may include documents, and by interviewing appropriate personnel and visiting the project site involved in the controversy. "Binding dispute resolution" does not involve representation by legal counsel or advocacy by any person on behalf of any party to the controversy.

Advertising device permits

(R.C. 5516.10)

With certain exceptions, continuing law generally prohibits the erection or maintenance of advertising devices within 660 feet of the right-of-way of a highway on the interstate system or the primary highway system and, outside of urban areas, the erection of such devices between 660 and 3,000 feet of the right-of-way of a highway on the interstate or primary system. However, a person who first obtains a permit from the Director of Transportation may erect and maintain any advertising device located in: (1) commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal corporation, as the boundaries existed on September 21, 1959, or (2) zoned or unzoned industrial or commercial areas adjacent to highways on the primary system. Also with a permit from the Director, a person may maintain various "nonconforming" devices that could not now be lawfully erected, but were already in place at the time that the advertising device regulatory scheme was enacted.

Previously, all permits issued by the Director were in effect for one year and could be renewed upon application. Under the act, permits are in effect for a period of two years and continue to be renewable.

Warranties in ODOT contracts

(R.C. 5525.25)

Prior law required that certain percentages of ODOT capital construction contracts each fiscal year include a warranty. The specific terms of each warranty were to be set forth in the bidding documents for the particular contract, but had to satisfy minimum warranty periods prescribed in law. At least 20% of the Department's capital construction projects had to be bid requiring a warranty, and at least 10% of the Department's capital construction program had to be bid requiring a pavement warranty. The warranty requirements did not apply to contracts that the Director of Transportation made on behalf of a political subdivision. The minimum warranty periods are seven years for pavement in the case of new construction; five years for pavement resurfacing and rehabilitation; and two years for pavement preventative maintenance, pavement markings and

raised markers, bridge painting, guardrail, and other project items as determined by the Director.

Under the act, *not more than* 20% of the Department's capital construction projects must be bid requiring a warranty. The act eliminates the requirement for at least 10% of the Department's capital construction program to be bid requiring a pavement warranty. The act also replaces the minimum warranty periods described above with maximum warranty periods of not more than seven years for pavement in the case of new construction; not more than five years for pavement resurfacing and rehabilitation; and not more than two years for pavement preventative maintenance, pavement markings and raised markers, bridge painting, guardrail, and other project items as determined by the Director.

Administration and enforcement by ODOT of certain aviation laws

(R.C. 4561.05, 4561.06, and 4561.13)

Prior law

Prior law required ODOT to administer and *enforce* R.C. Chapter 4561., which relates to aviation within this state. ODOT was authorized to adopt such rules and regulations as it deemed necessary to carry out that chapter. (R.C. 4561.05.)

Prior law also made ODOT the official representative of Ohio in all actions, matters, or proceedings pertaining to aviation in which Ohio is a party or has an interest. In addition, ODOT was authorized to investigate, and cooperate with any other appropriate governmental agency in the investigation of, any accident occurring in this state in connection with aviation. It could issue an order to preserve, protect, or prevent the removal of any aircraft or air navigation facility involved in an accident being so investigated until the investigation was completed, and the chief executive officer or any police or peace officer of any political subdivision in which an accident occurred was required to assist ODOT in enforcing such an order when called upon by ODOT to do so. (R.C. 4561.06.)

Every state, county, and municipal officer charged with the enforcement of state or municipal laws was required to aid ODOT in the enforcement of R.C. Chapter 4561. The State Highway Patrol could use any of its personnel and equipment to enforce R.C. 4561.15 (not in the act), which prohibits the unsafe operation of aircraft, and to investigate all aircraft accidents within this state. (R.C. 4561.13.)

Changes made by the act

The Office of the Attorney General indicated in committee testimony that a recent Ohio appellate court decision held that any enforcement of R.C. 4561.15 alleging a charge of unsafe operation of an aircraft in violation of that section was wholly within the purview of ODOT or the Ohio Attorney General as ODOT's legal representative and not the State Highway Patrol in cooperation with local prosecutors.[2] The act makes changes in aviation law to permit the local prosecution of violations of R.C. 4561.15 and other aviation-related violations.

The act requires ODOT to administer, but *not* enforce R.C. Chapter 4561. and permits ODOT to adopt and promulgate such rules as it determines necessary to carry out that chapter. (R.C. 4561.05.)

Under the act, ODOT is the official representative of Ohio in all *civil* actions, matters, or proceedings pertaining to aviation in which Ohio is a party or has an interest. ODOT may investigate, and may cooperate with any other appropriate governmental agency in the investigation of, any accident occurring in this state in connection with aviation. It may issue an order to preserve, protect, or prevent the removal of any aircraft or air navigation facility involved in an accident being so investigated until the investigation is completed. The chief executive officer or any law enforcement officer of any political subdivision in which an accident occurred is required to assist ODOT in enforcing such an order when called upon to do so. (R.C. 4561.06.)

Every state, county, and municipal law enforcement officer charged with the enforcement of state or municipal laws is permitted to investigate aircraft accidents and enforce R.C. 4561.14 (certain specified prohibitions, not in the act), R.C. 4561.15 (unsafe operation of aircraft, not in the act), and R.C. 4561.24 (prohibition against operation of motor vehicles on airport runways, not in the act). The State Highway Patrol continues to be able to use any of its personnel and equipment to investigate all aircraft accidents within this state. (R.C. 4561.13.)

Pilot program for design-build contracts for transportation projects

(R.C. 5517.011)

Before advertising for bids for a project, the Director of Transportation generally is required under continuing law to prepare the map, plans, specifications, and estimates that make up the design of the project. In 1995, the General Assembly authorized the Director to conduct a pilot program to test

[2] *State of Ohio v. Konrad Kuczak (October 13, 2000) Case No. 18266, Court of Appeals for Montgomery County.*

combining the design and construction elements of projects. Under the program, contracts for up to six highway or bridge projects could be awarded in which the contractor was responsible for both designing and constructing the project. In 1999, the General Assembly expanded the pilot program for the fiscal year 2000-2001 biennium, allowing the Director to enter into contracts for an additional $250 million worth of design-build projects during that period. Of these new projects, the Director, annually, could award contracts for up to $60 million and no more than three of the new projects through a "value-based" selection process. To be eligible for value-based selection, projects had to cost at least $10 million each.

The act expands the pilot program again for the fiscal year 2002-2003 biennium and requires the Director to submit a report to the General Assembly evaluating the design-build projects by December 31, 2002. It specifies that for each biennium, the Director may enter into contracts for an additional $250 million worth of design-build projects during that period. However, the act revises the restrictions on using value-based selection for the pilot program. It allows the Director to award contracts for up to $85 million and no more than two of the new projects through the value-based selection process. Under the act, to be eligible for value-based selection, projects must cost at least $20 million each.

Under law unaffected by the act, the Director begins the value-based selection process by preparing conceptual documents for review by interested parties. After potential design-build teams submit letters of interest, the Director selects the three most qualified teams to submit technical proposals. The act modifies the criteria that the Director must use for selecting the three finalists by eliminating equipment usage as a criteria for selecting the three finalists. It continues the requirement to include the qualifications and experience of the team, including personnel who would be utilized, the team's general project approach, and the team's schedule of activities and financial resources. The act also continues the requirement that the Director take into consideration the design-build team's affirmative action policies and record.

Continuing law generally requires the three finalists to prepare both a technical proposal and a price proposal. The technical proposal must state the finalist's qualifications and experience, including prior performance by the design-build team on similar projects, the identity of the members of the team, and a detailed project approach and schedule, including innovative design and construction techniques. The act specifies that the technical proposal also may include aesthetics, environmental protection, a maintenance of traffic plan, and the type and duration of warranty coverage.

Prior law required the Director to compensate each responsive finalist that is not selected. The compensation had to be in an amount generally equal to 0.25% of the unadjusted price proposal submitted by the selected finalist or an

amount that the Director established at the time of advertising. The act generally retains the requirement to compensate unsuccessful finalists, but requires the unsuccessful finalists to choose between compensation and retaining the proposal. Under the act, the proposals of the two unsuccessful finalists become the property of the Director unless an unsuccessful finalist elects to waive the compensation. If an unsuccessful finalist waives the compensation, the Director must return the proposal to the unsuccessful finalist.

Design-build projects for county engineers

(Section 14)

During the period from July 1, 2001, through July 1, 2003, the act authorizes a county engineer to combine the design and construction elements of a bridge project. The act specifies that not more than 15 bridge projects may be completed using design-build contracts and the contracts may not exceed $2 million per project. The County Engineers Association of Ohio, in consultation with the Director of Transportation, must select the projects to be completed as a design-build contract. The act requires a county engineer, in completing a design-build bridge project, to use the process established by ODOT for locally administered federal aid projects. When required to use competitive bidding, the county engineer must award a design-build contract in accordance with the law governing county competitive bidding.

Under the act, a county engineer may request the Director to review and comment on the plans for conformance with state and federal requirements. If so requested, the Director must review and comment on the plans.

Additionally, the act requires the Director to prepare and submit to the General Assembly a report evaluating the experience of the county engineers with each design-build project and contract, including whether the county engineers realized any cost or time savings. Regarding those projects and contracts, the report must 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 that the Director considers appropriate. The Director also may make recommendations regarding the continuation of the program, including the need for any changes. The report must be submitted to the General Assembly by December 31, 2002.

Two-year rumble strip program

(Section 4.04)

The act creates a two-year program in the Department of Transportation to put rumble strips at active railroad crossings without gates or lights. A local government or state agency that has jurisdiction over such a crossing may apply to the Department for a grant or reimbursement for the costs of installing the strips, but the amount of the grant or reimbursement is capped at $1,500 per crossing.

The act requires a local government or state agency with jurisdiction over a crossing with a daily traffic count of at least 500 motor vehicles and at least six trains to install rumble strips before June 30, 2003. These are referred to as "mandated crossings." The Department may grant a waiver from this requirement for good cause shown. Applications for other crossings are to be funded in the order received. A local government or state agency with jurisdiction over a mandated crossing may include in its application a request for funding for nonmandated crossings over which it also has jurisdiction.

The act provides that if rumble strips are not appropriate for a crossing, the Department may allow the local government or state agency with jurisdiction over the crossing to use the funding for more appropriate safety devices or other technology. Reimbursements cannot be paid for rumble strips already located at crossings on July 1, 2001, unless the existing strips must be replaced due to deterioration to the point of serving no useful purpose.

The Department must notify each local government or state agency with jurisdiction over a mandated crossing of the program's requirements. Associations representing local governments also must be notified about the program.

By January 1, 2003, the Department must issue a report on the program. The report is to include: (1) the number of mandated crossings at which rumble strip installation has been completed, (2) the total number of crossings at which installation has been completed, (3) the cost of each installation to date, (4) the number of active crossings without gates or lights that still do not have rumble strips, and (5) a geographic breakdown of crossings with and without strips.

The act appropriates $1.2 million from the Grade Crossing Protection Fund for the purposes of the program. The Department can spend no more than 5% of the appropriation on its administrative expenses.

Study of road and bridge funding mandates

(Section 11)

The act requires the staff of the Legislative Service Commission to conduct a study of federal and state statutory and administrative mandates on the use of road and bridge funding available to local governments and to suggest ways that the mandates could be modified or lifted to facilitate the most efficient and productive use of the funding. The emphasis must be on funding distributed through the Ohio Department of Transportation. The study also is to discuss ways that the Department and local officials can cooperate to implement "best practices" and other techniques designed to maximize the productive use of the funds.

The act provides that the staff must obtain the approval of the Legislative Service Commission before beginning the study. If approved by the Commission, the staff must submit a report on the study to the General Assembly within one year of the act's effective date.

State Highway Patrol Funding Task Force

(Section 12, vetoed)

The act would have created the State Highway Patrol Funding Task Force and required that it study the method of funding the State Highway Patrol. The Legislative Service Commission was to provide staff services for the task force.

The task force would have consisted of 19 members, as follows:

--Three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the President of the Senate, no more than two of whom were to be from the same political party as the Speaker or President, respectively;

--The Directors of Public Safety and Transportation and the Tax Commissioner, or their respective designees;

--Four members representing the general public, two each appointed by the Speaker and President;

--Six members appointed jointly by the Speaker and President, one from each of six lists of three individuals recommended by the County Commissioners Association of Ohio, the Ohio Municipal League, the Ohio Township Association, the County Engineers Association of Ohio, the Ohio Public Expenditure Council, and the State Highway Patrol troopers' collective bargaining unit, respectively.

The Speaker and the President were to appoint co-chairpersons of the task force from among the appointees who were members of their respective chambers, and the co-chairpersons would have been required to call the first meeting within 30 days after the last member was appointed. The act would have provided that a vacancy on the task force was to be filled in the manner provided for the original appointment.

The task force would have been required to issue a report of its findings to the General Assembly and the Governor on December 2, 2002. The report was to include a recommendation for a direct funding source for the Highway Patrol. Upon issuing the report, the task force would have ceased to exist.

ODOT report on use of federal transportation funds by local governments

(Section 15)

Not more than 90 days after the act's effective date, the Director of Transportation must issue a report to the General Assembly addressing all of the following:

(A) Ways that the Department of Transportation may increase the rate of delivery of federally funded local projects;

(B) Actions that local project sponsors may use to better utilize federal funds provided by the Department; and

(C) Joint agreements the Department may develop with local governments and the associations representing local governments to ensure the most effective use of federal funds by local governments.

Bond law correction

(R.C. 151.01)

The General Obligation Bond Law authorizes the General Assembly to repeal or reduce any tax or fee that has been pledged to the payment of debt service on general obligations and, if necessary, to levy or increase any other tax or fee as a substitute to provide new revenue needed to meet the pledge. But the law specifies that motor vehicle fuel taxes, license taxes, and registration fees can be substituted for a decreased tax or fee only with regard to a pledge to pay debt service on bonds issued for highway construction since the Ohio Constitution provides that revenue raised from such motor vehicle taxes and fees can be spent only for certain highway-related purposes. The act removes from this provision an erroneous reference to obligations issued for parks and conservation purposes.

PUBLIC SAFETY PROVISIONS

Vehicles used for pupil transportation

(R.C. 4511.76)

Continuing law that is expanded by the act (see below) requires the Department of Education, with the advice of the Director of Public Safety, to adopt and enforce rules relating to the operation of all school buses both publicly and privately owned and operated in this state (R.C. 4511.76(B)).[3] Continuing law prohibits any person from operating a school bus within this state in violation of the rules of the Department of Education. Also, no person who owns a school bus or has the supervisory responsibility for a school bus may permit the operation of the school bus within Ohio in violation of those rules. Violation of these prohibitions generally is a minor misdemeanor, but may be a fourth degree misdemeanor if the offender previously has been convicted of or pleaded guilty to one or more specific traffic violations (R.C. 4511.99(C), not in the act).

The act authorizes the Department of Education to adopt and enforce rules relating to the operation of all vehicles used for pupil transportation rather than just publicly and privately owned and operated school buses. The phrase "vehicle used for pupil transportation" is defined by the act as any vehicle that is identified as such by the Department of Education by rule and that is subject to the Department's rules on pupil transportation and safety. The act also revises the prohibitions against any person operating a school bus in violation of the rules of the Department of Education and against permitting the operation of a school bus in violation of the rules so that the prohibitions apply to the operation of a vehicle used for pupil transportation. The act does not affect the penalties for these violations.

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[3] *For these purposes, "school bus" generally is defined as "every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function . . . ." A school bus also may be owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function. The term does not include a bus operated by: (1) a municipally owned transportation system, (2) a mass transit company operating exclusively within the territorial limits of a municipal corporation, or (3) a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function. It also does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children if the van or bus does not have more than 15 children in the van or bus at any time. (R.C. 4511.01(F), not in the act.)*

Certificate of title transfers by repossession

(R.C. 4505.10)

Under continuing law, specific procedures govern the transfer of ownership of a motor vehicle by operation of law. For purposes of the certificate of title law, "motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds 4,000 pounds (R.C. 4505.01, not in the act). A title transfer by operation of law includes inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, or execution sale, sale of a motor vehicle to satisfy storage or repair charges, or repossession upon default in performance of the terms of a security agreement as provided in the Secured Transactions Law. Generally, for transfers by operation of law, the clerk of the appropriate court of common pleas may issue an applicant a certificate of title to the motor vehicle if the applicant surrenders the prior certificate of title or, when that is not possible, presents satisfactory proof of ownership and possession to the clerk. The applicant also must pay the prescribed fee and present an application for certificate of title.

The act modifies the provisions governing the transfer of title by operation of law only in regard to repossession upon default in performance of the terms of a security agreement as provided in the Secured Transactions Law. Under the act, the clerk may transfer title of a motor vehicle to an applicant who is the secured party repossessing a motor vehicle if the applicant, in addition to complying with the requirements of continuing law as described above, has complied with specific requirements of the Secured Transactions Law. That Law specifies that a secured party may take possession of collateral upon default of a debtor. It allows the secured party to repossess the collateral without judicial process if it can be done without breach of the peace, or by action (R.C. 1309.46, not in the act). The act also specifically requires a secured party to comply with the notice requirements of the Secured Transactions Law in order to obtain a title transfer by operation of law. Under the Secured Transactions Law, the secured party generally must send the debtor reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition of the collateral is to be made (R.C.1309.47, not in the act).

Medical examinations for commercial driver's licenses

(R.C. 4506.10)

Continuing law requires an applicant for a commercial driver's license to obtain a medical examination demonstrating that the applicant is physically qualified to drive a commercial motor vehicle. Under prior law, only a person who was licensed to practice medicine or surgery or osteopathic medicine or

surgery could perform the required examination. The act continues to allow such a person to perform such an evaluation and also allows both of the following to perform such an examination: (1) a licensed physician assistant who practices under the supervision and direction of a physician as required by continuing law and who is authorized by the supervising physician to perform such an examination, and (2) a licensed certified nurse practitioner or licensed clinical nurse specialist who is practicing in accordance with a standard care arrangement in accordance with law unaffected by the act.

Contribution for "The Leader in Flight" license plates

(R.C. 4501.39 and 4503.73)

Continuing law provides for the issuance of "The Leader in Flight" license plates. Formerly, a person obtaining them did not have to pay an additional contribution to be used for specified purposes unlike a number of other special license plates. The act requires a person who purchases "The Leader in Flight" license plates to pay an additional $15 to be deposited in The Leader in Flight License Plate Fund, which the act creates. Moneys in the Fund must be paid to and used by Wright B. Flyer, Incorporated.

Film Production Reimbursement Fund

(R.C. 4501.35)

The act creates in the state treasury the Film Production Reimbursement Fund. The Department of Public Safety must deposit into the Fund moneys that it receives from other agencies for services and supplies that the Department provides for the production of public service announcements, media materials, and training materials. Moneys in the Fund must be expended by the Department only for supplies and maintenance of equipment necessary to perform such services.

License plate validation and county identification stickers

(R.C. 4503.191)

Prior law required motor vehicle identification license plates, validation stickers, and county identification stickers to be produced by Ohio Penal Industries. However, the Registrar of Motor Vehicles and Ohio Penal Industries could enter into an agreement under which the Bureau of Motor Vehicles, at certain times, could produce certain types of validation and county identification stickers. The agreement was required to specify those times and types of stickers.

Under the act, Ohio Penal Industries still is required to produce motor vehicle identification license plates. Ohio Penal Industries must continue to

produce validation stickers and county identification stickers unless the Registrar adopts rules that permit the Registrar or deputy registrars to print or otherwise produce them in house.

Security Deposit Fund

(R.C. 4509.27)

Under continuing law, if the driver of a motor vehicle is at fault in a motor vehicle accident and the accident results in either: (1) injury to another person resulting in at least $500 in damages, or (2) damage in excess of $400 to the property of anyone other than the driver who was at fault or the owner of the vehicle that the driver was driving at the time of the accident, if the driver and owner are not the same person, and if the Registrar of Motor Vehicles determines that neither the owner nor the driver, if they are not the same person, has any form of motor vehicle liability insurance or other proof of financial responsibility to cover the damage, the Registrar, based on the accident reports, may require the owner or driver to deposit security with the Registrar in an amount that is sufficient to satisfy any judgment for damages that may be recovered against the owner or driver. (R.C. 4509.12 *et seq*., not in the act.) Formerly, all money and securities so deposited with the Registrar were required to be delivered to the Treasurer of State, who was their custodian. The Treasurer could not relinquish any such money or securities except upon the written order of the Registrar. The owner was entitled to receive all income from securities so deposited, and the Registrar was required to issue a receipt for each deposit stating that fact.

The act repeals all of the existing provisions governing the deposit and relinquishing of the money and securities and instead creates the Security Deposit Fund in the state treasury. Under the act, all security deposits that the Registrar requires to be paid as discussed above and receives must be deposited into the Fund. Money in the Fund must be applied only to the payment of a judgment for damages arising out of an accident and to the return of security deposits as provided in continuing law. All investment earnings on the cash balance in the Fund must be credited to the Fund.

Motor vehicle accident reports

(R.C. 5502.12)

Continuing law requires every law enforcement agency that represents a township, county, municipal corporation, or other political subdivision, after investigating a motor vehicle accident involving a fatality, personal injury, or property damage in an amount of $150 or more, to forward within five days a written report of the accident to the Director of Public Safety on a form prescribed

by the Director. (R.C. 5502.11, not in the act.) The Director must use these accident reports for purposes of statistical, safety, and other studies. Under prior law, the Director was required to search for and furnish a copy of such a report to any person claiming an interest arising out of a motor vehicle accident, or to the person's attorney, upon the payment of a nonrefundable fee of $3. The act instead requires the law enforcement agency that submitted a report to furnish a copy of the report and associated documents to any person claiming such an interest, or the person's attorney, upon the payment of a nonrefundable fee not exceeding $4. However, with respect to accidents investigated by the State Highway Patrol, the act continues to require the Director of Public Safety to furnish all related reports and statements upon the payment of a nonrefundable fee of $4. The cost of photographs continues to be in addition to that $4 fee.

Collection of State Highway Patrol inspection and testing fees

(R.C. 5503.12)

The act allows the Superintendent of the State Highway Patrol, with the approval of the Director of Public Safety, to authorize the Registrar of Motor Vehicles and designated deputy registrars to collect certain specified inspection and testing fees on behalf of the Highway Patrol. The Superintendent and the Registrar must jointly determine and designate the deputy registrars who will collect inspection and testing fees on behalf of the Highway Patrol.

The act requires the Superintendent, with the approval of the Director, to establish procedures for determining proof that a person paid the required fees to the Registrar or a designated deputy registrar. Presumably a person seeking a specified inspection or testing service from the Highway Patrol would be required to present proof of payment prior to receiving the service.

The specified inspection and testing fees that may be collected by the Registrar and designated deputy registrars include:

(1) Fees for inspection of a rebuilt salvage vehicle (R.C. 4505.11, not in the act), inspection of a vehicle assembled by a person other than a manufacturer (R.C. 4505.111, not in the act), inspection of a bus, generally other than a school bus or church bus (R.C. 4513.52 and 4513.53, not in the act), affixing a vehicle identification number to an off-highway motorcycle or all-purpose vehicle (R.C. 4519.56, not in the act), inspection of a rebuilt salvage off-highway motorcycle or all-purpose vehicle (R.C. 4519.61, not in the act), and inspection of an ambulance or nontransport vehicle owned by an emergency medical service organization (R.C. 4766.07, not in the act);

(2) Fees for testing commercial driver's license applicants (R.C. 4506.09, not in the act); and

(3) Any statutory fees for similar vehicle inspections or driver testing conducted by the Highway Patrol that the Superintendent may specify for collection by the Registrar or a designated deputy registrar unless the fees are specifically designated for a different type of collection.

The act allows the Registrar and each designated deputy registrar, in addition to collecting the inspection and testing fees, to collect and retain a service fee for each inspection and testing fee collected on behalf of the Highway Patrol. The amount of the service fee is established by reference to continuing service fees collected by deputy registrars for vehicle registration services and is set at $2.25 in law unchanged by the act.

Upon receipt of any inspection and testing fee, each designated deputy registrar must transmit the fees to the Registrar in the manner prescribed by the Registrar. The act requires the Registrar to deposit the inspection and testing fees collected by and transmitted to the Registrar to the credit of the fund specified by law.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-07-01	p. 141
Reported, H. Finance & Appropriations	02-27-01	pp. 190-191
Passed House (99-0)	02-28-01	pp. 198-199
Reported, S. Highways & Transportation	03-21-01	p. 231
Passed Senate (33-0)	03-21-01	pp. 233-235
House concurred in Senate amendments (98-0)	03-27-01	pp. 259-260

01-hb73.124/kl