

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

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 87

Representatives Buehrer, Setzer

A B I L L

To amend sections 723.52, 723.53, 1547.11, 3704.14, 1
3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 2
4503.11, 4503.173, 4503.182, 4503.40, 4503.42, 3
4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4
4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 5
4503.72, 4503.73, 4503.75, 4506.08, 4507.23, 6
4508.08, 4511.04, 4511.19, 4511.191, 4511.197, 7
4513.111, 4513.52, 4513.53, 4921.02, 5501.20, 8
5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 9
5525.20, 5531.10, 5543.19, 5575.01, 5577.042, 10
5728.06, 5735.142, 5735.23, 5735.27, 5735.29, and 11
5735.291, to enact sections 117.16, 117.161, 12
4501.21, 4921.30, 5501.53, 5502.39, 5535.16, 13
5543.22, and 5735.292, and to repeal sections 14
4501.20, 4501.22, 4501.29, 4501.30, 4501.311, 15
4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 16
4501.61, 4501.71, and 4503.251 of the Revised 17
Code, to amend Sections 78 and 78.02 of Am. Sub. 18
H.B. 94 of the 124th General Assembly, and to 19
amend Section 25 of Am. Sub. H.B. 524 of the 124th 20
General Assembly, to make appropriations for 21
programs related to transportation and public 22
safety for the biennium beginning July 1, 2003, 23
and ending June 30, 2005, to provide authorization 24

and conditions for the operation of those 25
programs, and to amend the versions of sections 26
1547.11, 4503.10, 4503.11, 4503.182, 4511.19, and 27
4513.111 of the Revised Code that are scheduled to 28
take effect January 1, 2004. 29

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

Section 1. That sections 723.52, 723.53, 1547.11, 3704.14, 30
3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 4503.173, 31
4503.182, 4503.40, 4503.42, 4503.50, 4503.51, 4503.55, 4503.561, 32
4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 33
4503.73, 4503.75, 4506.08, 4507.23, 4508.08, 4511.04, 4511.19, 34
4511.191, 4511.197, 4513.111, 4513.52, 4513.53, 4921.02, 5501.20, 35
5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 5525.20, 5531.10, 36
5543.19, 5575.01, 5577.042, 5728.06, 5735.142, 5735.23, 5735.27, 37
5735.29, and 5735.291 be amended and sections 117.16, 117.161, 38
4501.21, 4921.30, 5501.53, 5502.39, 5535.16, 5543.22, and 5735.292 39
of the Revised Code be enacted to read as follows: 40

Sec. 117.16. (A) The auditor of state shall do all of the 41
following: 42

(1) Develop a force account project assessment form that each 43
public office that undertakes force account projects shall use to 44
estimate or report the cost of a force account project. The form 45
shall include costs for employee salaries and benefits, any other 46
labor costs, materials, freight, fuel, hauling, overhead expense, 47
workers' compensation premiums, and all other items of cost and 48
expense, including a reasonable allowance for the use of all tools 49
and equipment used on or in connection with such work and for the 50
depreciation on the tools and equipment. 51

(2) Make the form available to public offices by any 52

cost-effective, convenient method accessible to the auditor of 53
state and the public offices; 54

(3) When conducting an audit of such a public office under 55
this chapter, examine a sample of the forms and records of any 56
force account project that the office completed since an audit was 57
last conducted to determine compliance with the force account 58
limits and other force account provisions established by law. If 59
the auditor of state finds a violation of the force account 60
limits, the auditor of state shall conduct an audit of each force 61
account project completed since an audit was last conducted. 62

(B) If the auditor of state receives a complaint from any 63
person that a public office has violated the force account limits 64
established for that office, the auditor of state may conduct an 65
audit in addition to the audit provided in section 117.11 of the 66
Revised Code if the auditor of state has reasonable cause to 67
believe that an additional audit is in the public interest. 68

(C)(1) If the auditor of state finds that a county, township, 69
or municipal corporation violated the force account limits 70
established for that political subdivision, the auditor of state, 71
in addition to any other action authorized by this chapter, shall 72
notify the political subdivision that, for a period of one year 73
from the date of the notification, the force account limits for 74
the subdivision are reduced as follows: 75

(a) For a county, the limits shall be ten thousand dollars 76
per mile for construction or reconstruction of a road and forty 77
thousand dollars for construction, reconstruction, maintenance, or 78
repair of a bridge or culvert; 79

(b) For a township, the limit shall be fifteen thousand 80
dollars for maintenance and repair of a road or five thousand per 81
mile for construction or reconstruction of a township road; 82

(c) For a municipal corporation, the limit shall be ten 83

thousand dollars for the construction, reconstruction, widening, 84
resurfacing, or repair of a street or other public way. 85

(2) If the auditor of state finds that a county, township, or 86
municipal corporation violated the force account limits 87
established for that political subdivision a second or subsequent 88
time, the auditor of state, in addition to any other action 89
authorized by this chapter, shall notify the political subdivision 90
that, for a period of two years from the date of the notification, 91
the force account limits for the subdivision are reduced in 92
accordance with division (C)(1)(a), (b), or (c) of this section. 93

(3) If the auditor of state finds that a county, township, or 94
municipal corporation violated the force account limits 95
established for that political subdivision a third or subsequent 96
time, the subdivision shall pay the auditor of state an amount the 97
auditor of state determines to be twenty per cent of the total 98
cost of the force account project that is the basis of the 99
violation. The payments required under division (C)(3) of this 100
section are in addition to the force account limit reductions 101
under division (C)(2) of this section and also are in addition to 102
any other action authorized by this chapter. The auditor of state 103
shall certify any money due under division (C)(3) of this section 104
for collection in accordance with division (D) of section 117.13 105
of the Revised Code. 106

(D) If the auditor of state finds that a county, township, or 107
municipal corporation violated its force account limit when 108
participating in a joint force account project, the auditor of 109
state shall impose the reduction in force account limits under 110
division (C) of this section on all entities participating in the 111
joint project. 112

(E) As used in this section, "force account limits" means any 113
of the following, as applicable: 114

(1) For a county, the amounts established in section 5543.19 115
of the Revised Code; 116

(2) For a township, the amounts established in section 117
5575.01 of the Revised Code; 118

(3) For a municipal corporation, the amount established in 119
section 723.52 of the Revised Code; 120

(4) For the department of transportation, the amount 121
established in section 5517.02 of the Revised Code. 122

Sec. 117.161. If the department of transportation, a county, 123
a township, or a municipal corporation proposes a joint force 124
account project with one or more other entities, the controlling 125
force account limit shall be the higher limit that applies between 126
the participating entities. The participating entities shall not 127
aggregate their respective force account limits, and the share of 128
each participating entity shall not exceed its respective force 129
account limit. One of the participating entities shall complete 130
the force account project assessment form developed by the auditor 131
of state under section 117.16 of the Revised Code prior to 132
proceeding by force account. 133

The department of transportation and any county, township, or 134
municipal corporation shall not proceed with a joint force account 135
project if any one of the participating entities is subject to 136
reduced force account limits under division (C) or (D) of section 137
117.16 of the Revised Code. 138

As used in this section, "force account limits" has the same 139
meaning as in section 117.16 of the Revised Code. 140

Sec. 723.52. Before letting or making any contract for the 141
construction, reconstruction, widening, resurfacing, or repair of 142
a street or other public way, the director of public service in a 143
city, or the legislative authority in a village, shall make an 144

estimate of the cost of such work, ~~which estimate shall include~~ 145
~~labor, materials, freight, fuel, hauling, overhead expense,~~ 146
~~workers' compensation premiums, use of machinery and equipment,~~ 147
~~and all other items of cost and expense~~ using the force account 148
project assessment form developed by the auditor of state under 149
section 117.16 of the Revised Code. In municipal corporations 150
having an engineer, or an officer having a different title but the 151
duties and functions of an engineer, the estimate shall be made by 152
the engineer or other officer. Where the total estimated cost of 153
any such work is thirty thousand dollars or less, the proper 154
officers may proceed by force account. 155

Where the total estimated cost of any such work exceeds ~~ten~~ 156
thirty thousand dollars, the proper officers of the municipal 157
corporation shall be required to invite and receive competitive 158
bids for furnishing all the labor, materials, and equipment and 159
doing the work, after newspaper advertisement as provided by law, 160
~~and to.~~ The officers shall consider and may reject such bids 161
~~before ordering.~~ If the bids are rejected, the officers may order 162
the work done by force account or direct labor. When such bids are 163
received, considered, and rejected, and the work done by force 164
account or direct labor, such work shall be performed in 165
compliance with the plans and specifications upon which the bids 166
were based. It shall be unlawful to divide a street or connecting 167
streets into separate sections for the purpose of defeating this 168
section and section 723.53 of the Revised Code. 169

"Street," as used in such sections, includes portions of 170
connecting streets on which the same or similar construction, 171
reconstruction, widening, resurfacing, or repair is planned or 172
projected. 173

Sec. 723.53. Where the proper officers of any municipal 174
corporation construct, reconstruct, widen, resurface, or repair a 175

street or other public way by force account or direct labor, and 176
the estimated cost of the work as defined in section 723.52 of the 177
Revised Code exceeds ~~ten~~ thirty thousand dollars, such municipal 178
authorities shall cause to be kept by the engineer of the 179
municipal corporation, or other officer or employee of the 180
municipal corporation in charge of such work, a complete and 181
accurate account, in detail, of the cost of doing the work. The 182
account shall include labor, materials, freight, fuel, hauling, 183
overhead expense, workers' compensation premiums, and all other 184
items of cost and expense, including a reasonable allowance for 185
the use of all tools and equipment used on or in connection with 186
such work and for the depreciation on the tools and equipment. The 187
engineer or other officer or employee shall keep such account, and 188
within ninety days after the completion of any such work ~~he~~ shall 189
prepare a detailed and itemized statement of such cost and file 190
the statement with the officer or board vested with authority to 191
direct the doing of the work in question. Such officer or board 192
shall thereupon examine the statement, correct it if necessary, 193
and file it in ~~his or its~~ the office of the officer or board. Such 194
statement shall be kept on file for not less than two years and 195
shall be open to public inspection. 196

This section and section 723.52 of the Revised Code do not 197
apply to any municipal corporations having a charter form of 198
government. 199

Sec. 1547.11. (A) No person shall operate or be in physical 200
control of any vessel underway or shall manipulate any water skis, 201
aquaplane, or similar device on the waters in this state if any of 202
the following applies: 203

(1) The person is under the influence of alcohol or a drug of 204
abuse, or the combined influence of alcohol and a drug of abuse~~+~~. 205

(2) The person has a concentration of ~~ten-hundredths~~ 206

eight-hundredths of one per cent or more by weight of alcohol in the person's blood~~+~~. 207
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(3) The person has a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine~~+~~. 209
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(4) The person has a concentration of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 212
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(B) No person under twenty-one years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this state if any of the following applies: 215
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(1) The person has a concentration of at least two-hundredths of one per cent, but less than ~~ten-hundredths~~ eight-hundredths of one per cent by weight of alcohol in the person's blood~~+~~. 219
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(2) The person has a concentration of at least twenty-eight one-thousandths of one gram, but less than ~~fourteen-hundredths~~ eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine~~+~~. 222
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(3) The person has a concentration of at least two-hundredths of one gram, but less than ~~ten-hundredths~~ eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 226
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(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person shall not be convicted of more than one violation of those divisions. 230
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(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, 235
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of a municipal ordinance relating to operating or being in 237
physical control of a vessel underway or manipulating any water 238
skis, aquaplane, or similar device while under the influence of 239
alcohol, a drug of abuse, or the combined influence of alcohol and 240
a drug of abuse, or of a municipal ordinance relating to operating 241
or being in physical control of a vessel underway or manipulating 242
any water skis, aquaplane, or similar device with a prohibited 243
concentration of alcohol in the blood, breath, or urine, the court 244
may admit evidence on the concentration of alcohol, drugs of 245
abuse, or alcohol and drugs of abuse in the defendant's blood, 246
urine, or breath at the time of the alleged violation as shown by 247
chemical analysis of the defendant's blood, urine, or breath taken 248
within two hours of the time of the alleged violation. 249

When a person submits to a blood test, only a physician, 250
registered nurse, or qualified technician or chemist shall 251
withdraw blood for the purpose of determining its alcohol or drug 252
of abuse content. This limitation does not apply to the taking of 253
breath or urine specimens. A physician, registered nurse, or 254
qualified technician or chemist may refuse to withdraw blood for 255
the purpose of determining its alcohol or drug of abuse content if 256
in the opinion of the physician, nurse, or technician or chemist, 257
the physical welfare of the person would be endangered by the 258
withdrawing of blood. 259

The blood, urine, or breath shall be analyzed in accordance 260
with methods approved by the director of health by an individual 261
possessing a valid permit issued by the director pursuant to 262
section 3701.143 of the Revised Code. 263

(2) In a criminal prosecution or juvenile court proceeding 264
for a violation of division (A) of this section, of a municipal 265
ordinance relating to operating or being in physical control of a 266
vessel underway or manipulating any water skis, aquaplane, or 267
similar device on the waters of this state while under the 268

influence of alcohol, a drug of abuse, or the combined influence 269
of alcohol and a drug of abuse, or of a municipal ordinance 270
substantially equivalent to division (A) of this section relating 271
to operating or being in physical control of a vessel underway or 272
manipulating any water skis, aquaplane, or similar device on the 273
waters of this state with a prohibited concentration of alcohol in 274
the blood, breath, or urine, if there was at the time the bodily 275
substance was taken a concentration of less than ~~ten-hundredths~~ 276
eight-hundredths of one per cent by weight of alcohol in the 277
defendant's blood, less than ~~fourteen-hundredths~~ eleven-hundredths 278
of one gram by weight of alcohol per one hundred ~~milliliters~~ 279
milliliters of the defendant's urine, or less than ~~ten-hundredths~~ 280
eight-hundredths of one gram by weight of alcohol per two hundred 281
ten liters of the defendant's breath, that fact may be considered 282
with other competent evidence in determining the guilt or 283
innocence of the defendant. This division does not limit or affect 284
a criminal prosecution or juvenile court proceeding for a 285
violation of division (B) of this section or of a municipal 286
ordinance substantially equivalent to division (B) of this section 287
relating to operating or being in physical control of a vessel 288
underway or manipulating any water skis, aquaplane, or similar 289
device on the waters of this state with a prohibited concentration 290
of alcohol in the blood, breath, or urine. 291

(3) Upon the request of the person who was tested, the 292
results of the test shall be made available to the person or the 293
person's attorney or agent immediately upon the completion of the 294
test analysis. 295

The person tested may have a physician, registered nurse, or 296
qualified technician or chemist of the person's own choosing 297
administer a chemical test or tests in addition to any 298
administered at the direction of a law enforcement officer, and 299
shall be so advised. The failure or inability to obtain an 300

additional test by a person shall not preclude the admission of 301
evidence relating to the test or tests taken at the direction of a 302
law enforcement officer. 303

A physician, registered nurse, or qualified technician or 304
chemist who withdraws blood from a person pursuant to this 305
section, and a hospital, first-aid station, or clinic at which 306
blood is withdrawn from a person pursuant to this section, is 307
immune from criminal liability, and from civil liability that is 308
based upon a claim of assault and battery or based upon any other 309
claim that is not in the nature of a claim of malpractice, for any 310
act performed in withdrawing blood from the person. 311

(E)(1) In any criminal prosecution or juvenile court 312
proceeding for a violation of division (A) or (B) of this section, 313
of a municipal ordinance relating to operating or being in 314
physical control of any vessel underway or manipulating any water 315
skis, aquaplane, or similar device on the waters of this state 316
while under the influence of alcohol, a drug of abuse, or the 317
combined influence of alcohol and a drug of abuse, or of a 318
municipal ordinance relating to operating or being in physical 319
control of any vessel underway or manipulating any water skis, 320
aquaplane, or similar device on the waters of this state with a 321
prohibited concentration of alcohol in the blood, breath, or 322
urine, if a law enforcement officer has administered a field 323
sobriety test to the operator or person found to be in physical 324
control of the vessel underway involved in the violation or the 325
person manipulating the water skis, aquaplane, or similar device 326
involved in the violation and if it is shown by clear and 327
convincing evidence that the officer administered the test in 328
substantial compliance with the testing standards for reliable, 329
credible and generally accepted field sobriety tests for vehicles 330
that were in effect at the time the tests were administered, 331
including, but not limited to, any testing standards then in 332

effect that have been set by the national highway traffic safety 333
administration, that by their nature are not clearly inapplicable 334
regarding the operation or physical control of vessels underway or 335
the manipulation of water skis, aquaplanes, or similar devices, 336
all of the following apply: 337

(a) The officer may testify concerning the results of the 338
field sobriety test so administered. 339

(b) The prosecution may introduce the results of the field 340
sobriety test so administered as evidence in any proceedings in 341
the criminal prosecution or juvenile court proceeding. 342

(c) If testimony is presented or evidence is introduced under 343
division (E)(1)(a) or (b) of this section and if the testimony or 344
evidence is admissible under the Rules of Evidence, the court 345
shall admit the testimony or evidence, and the trier of fact shall 346
give it whatever weight the trier of fact considers to be 347
appropriate. 348

(2) Division (E)(1) of this section does not limit or 349
preclude a court, in its determination of whether the arrest of a 350
person was supported by probable cause or its determination of any 351
other matter in a criminal prosecution or juvenile court 352
proceeding of a type described in that division, from considering 353
evidence or testimony that is not otherwise disallowed by division 354
(E)(1) of this section. 355

(F)(1) As used in division (E) of this section, "national 356
highway traffic safety administration" has the same meaning as in 357
section 4511.19 of the Revised Code. 358

(2) For the purposes of this section, "operate" means that a 359
vessel is being used on the waters in this state when the vessel 360
is not securely affixed to a dock or to shore or to any permanent 361
structure to which the vessel has the right to affix or that a 362
vessel is not anchored in a designated anchorage area or boat 363

camping area that is established by the United States coast guard, 364
this state, or a political subdivision and in which the vessel has 365
the right to anchor. 366

Sec. 3704.14. (A) As used in this section: 367

(1) "Basic motor vehicle inspection and maintenance program" 368
or "basic program" means a motor vehicle inspection and 369
maintenance program that complies with the requirements governing 370
motor vehicle inspection and maintenance programs under the "Clean 371
Air Act Amendments" and that is not an enhanced motor vehicle 372
inspection and maintenance program. 373

(2) "Clean Air Act Amendments" means the "Clean Air Act 374
Amendments of 1990," 91 Stat. 685, 42 U.S.C.A. 7401, as amended, 375
and regulations adopted under it. 376

(3) "Contractor" means any person who has entered into a 377
contract under division (D) of this section. 378

(4) "District of registration" means the district of 379
registration of a motor vehicle as determined under section 380
4503.10 of the Revised Code. 381

(5) "Enhanced motor vehicle inspection and maintenance 382
program" or "enhanced program" means a motor vehicle inspection 383
and maintenance program that complies with the requirements 384
governing an enhanced motor vehicle inspection and maintenance 385
program under the "Clean Air Act Amendments." 386

(6) "Licensee" means any person licensed under division (C) 387
of this section. 388

(7) "Metropolitan planning organization" means a metropolitan 389
planning organization designated under section 9(a) of the 390
"Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C.A. 134, 391
as amended. 392

(8) "Motor vehicle" and "vehicle" have the same meanings as 393

in section 4501.01 of the Revised Code. 394

(9) "Waiver limit" means the cost of repairs needed for a 395
motor vehicle to pass a motor vehicle emissions inspection under 396
this section above which the owner of the motor vehicle need not 397
have the repairs performed on the vehicle and may receive a waiver 398
under division (F) of this section. For a motor vehicle the 399
district of registration of which is in a county classified as 400
moderate nonattainment that is subject to a basic or an enhanced 401
motor vehicle inspection and maintenance program, "waiver limit" 402
means more than one hundred dollars for a vehicle of a 1980 or 403
earlier model year and more than two hundred dollars for a vehicle 404
of a 1981 or later model year. For a motor vehicle the district of 405
registration of which is in a county classified as serious, 406
severe, or extreme nonattainment and that is subject to an 407
enhanced motor vehicle inspection and maintenance program, "waiver 408
limit" means more than four hundred fifty dollars. "Waiver limit" 409
also includes the cumulative amount of the annual adjustments to 410
each of the amounts specified in this division made by the 411
director pursuant to regulations adopted under section 412
502(b)(3)(B)(v) of the "Clean Air Act Amendments." "Waiver limit" 413
does not include the cost of any repairs performed on a vehicle 414
for the purpose of restoring the vehicle in accordance with the 415
findings of the visual anti-tampering portion of a motor vehicle 416
emissions inspection conducted under this section. 417

(B) The director of environmental protection shall implement 418
and supervise a motor vehicle inspection and maintenance program 419
in any county classified as moderate, serious, severe, or extreme 420
nonattainment for carbon monoxide or ozone in accordance with the 421
"Clean Air Act Amendments." The director shall implement and 422
supervise a basic or an enhanced motor vehicle inspection and 423
maintenance program in a county that is within an area classified 424
as nonattainment for carbon monoxide or ozone when such a program 425

is included in the air quality maintenance plan or contingency 426
plan for the nonattainment area that includes the county and that 427
is submitted to the United States environmental protection agency 428
by the director as required under section 175A of the "Clean Air 429
Act Amendments" as part of a request for redesignation of the 430
nonattainment area as attainment for carbon monoxide or ozone 431
under section 107(d) of that act, and the director determines that 432
the conditions requiring implementation of such a program and set 433
forth in either such plan have been met. The director shall 434
implement and supervise the enhanced program in any county as 435
required under section 3704.142 of the Revised Code. The director 436
may terminate the program in any county that is subject to this 437
section in accordance with division (K)(2) of this section. The 438
director shall adopt, and may amend or rescind, rules to 439
facilitate the implementation, supervision, administration, 440
operation, and enforcement of the program, including, without 441
limitation, rules providing for all of the following: 442

(1) The form of all inspection certificates, distribution of 443
inspection certificates to reinspection stations licensed under 444
division (C) of this section, and form and distribution of any 445
other papers or documents necessary or convenient to the program. 446
The rules shall include, without limitation, the requirement that 447
all inspection certificates bear a statement that reads: "This 448
automobile inspection is the result of requirements under the 449
Clean Air Act Amendments enacted by the United States Congress. 450
Any questions or comments you may have about this program may be 451
directed to your United States senator in care of the United 452
States Senate, The Capitol, Washington, D.C. 20510 or to your 453
United States representative in care of ~~The~~ the United States 454
House of Representatives, The Capitol, Washington, D.C. 20515." 455

(2) The replacement of lost or stolen certificates, papers, 456
or documents; 457

(3) Inspection procedures and standards to be used in motor 458
vehicle emissions inspections conducted under this section, 459
including, without limitation, a requirement that the inspections 460
test for carbon monoxide and hydrocarbons at idle or loaded mode 461
conditions; a requirement that the inspections test opacity for 462
particulates for diesel fueled vehicles; standards establishing 463
maximum allowable emissions of those pollutants, for both gasoline 464
fueled and diesel fueled vehicles, for each model year of motor 465
vehicles inspected; a requirement that beginning with the 1994 466
model year, the inspections utilize the on-board diagnostic 467
computer links mandated by the "Clean Air Act Amendments"; 468
requirements governing the computerized exhaust analyzer system to 469
be used by any contractor conducting inspections and any licensees 470
conducting reinspections; tampering parameter inspection 471
procedures and standards to be used in the visual anti-tampering 472
portion of an inspection conducted under this section; 473
requirements governing the engine tune-up that shall be performed 474
on any motor vehicle that fails an inspection conducted under this 475
section, including, without limitation, requirements that specific 476
items be checked and repaired, replaced, or adjusted as necessary 477
to restore the motor vehicle to proper working order or 478
specifications; tailpipe emissions improvement requirements 479
specified by percentage; a waiver repair verification system; and 480
any other necessary waiver procedures for motor vehicles that fail 481
an inspection under this section; 482

(4) A system for the maintenance and reporting of inspection 483
and reinspection station data and records; 484

(5) The manner of identifying exempt vehicles; 485

(6) Inspection, and supervision thereof, of fleets and 486
governmental vehicles under divisions (G) and (H) of this section; 487

(7) Establishment of specifications for an identification 488
sign that reinspection stations licensed under division (C) of 489

this section shall display in a conspicuous manner; 490

(8) The issuance of motor vehicle inspection certificates 491
only to reinspection stations licensed under division (C) of this 492
section that continue to comply with this section; 493

(9) The surveillance of reinspection stations licensed under 494
division (C) of this section and of inspection stations operated 495
by any contractor hired to conduct inspections under this section 496
to ensure that quality testing and this section and rules adopted 497
under it are being adhered to throughout the inspection and 498
reinspection process; 499

(10) The information to be included in applications for 500
licenses filed under division (C) of this section and the 501
procedure for filing those applications; 502

(11) The establishment of a referee inspection system by the 503
director to resolve disagreements between owners of motor vehicles 504
and inspection and reinspection stations regarding inspection and 505
reinspection results, including, without limitation, procedures 506
for the collection of an inspection fee that a referee inspection 507
station may charge for any motor vehicle inspection conducted by 508
it. The fee shall not exceed the amount of the inspection or 509
reinspection fee paid by the owner of the motor vehicle 510
established under division (D)(7) of this section for the original 511
inspection or a reinspection of the motor vehicle under this 512
section. 513

(12) The locations of computerized, high-volume, 514
contractor-operated motor vehicle inspection stations conducting 515
inspections for the purposes of this section. The rules shall 516
require both of the following: 517

(a) In urban metropolitan statistical areas and consolidated 518
metropolitan statistical areas, as defined by the bureau of the 519
census in the United States department of commerce, eighty per 520

cent of the population that is subject to this section be no more 521
than five miles from an inspection station and one hundred per 522
cent of that population be no more than ten miles from an 523
inspection station; 524

(b) In rural areas, as defined by the bureau of the census in 525
the United States department of commerce, one hundred per cent of 526
the population that is subject to this section be no more than 527
fifteen miles from an inspection station. 528

(13) A requirement that contractor-operated inspection 529
stations conducting inspections under this section be in operation 530
for at least forty-five hours per week, which shall include, 531
without limitation, operating hours in the evening and on 532
Saturdays; 533

(14) A requirement that any contractor hired to conduct 534
inspections under this section not allow vehicle waiting time to 535
exceed an average of fifteen minutes and the establishment of 536
minimum performance penalties for failure to comply with that 537
requirement; 538

(15) An adequate queuing area, as determined by the director, 539
at each contractor-operated inspection station conducting 540
inspections under this section. The rules adopted under division 541
(B)(15) of this section shall not arbitrarily discriminate against 542
any person who can reasonably be expected to submit a proposal 543
under this section for any contract provided for in division (D) 544
of this section. 545

(16) Conditions for the suspension and revocation of licenses 546
and inspector certifications issued under this section; 547

(17) The commencement date of the basic motor vehicle 548
inspection and maintenance program established under this section 549
shall be July 1, 1994, in all affected counties classified as 550
moderate nonattainment for carbon monoxide or ozone under the 551

"Clean Air Act Amendments" on ~~the effective date of this~~ 552
~~amendment~~ September 27, 1993, other than Cuyahoga county. The 553
commencement date of the enhanced program in a county so 554
classified as moderate nonattainment for carbon monoxide or ozone 555
on ~~the effective date of this amendment~~ September 27, 1993, for 556
which the implementation and supervision of the enhanced program 557
was requested under section 3704.142 of the Revised Code shall be 558
January 1, 1995. The commencement date of the program in any other 559
affected counties, other than Cuyahoga county, shall be the date 560
established by the director. 561

(18) A requirement that reinspections under the enhanced 562
motor vehicle inspection and maintenance program be conducted only 563
by a contractor hired to conduct inspections under this section; 564

(19) A requirement that each inspection station operated by a 565
contractor, each licensed reinspection station, and each referee 566
inspection station, prominently display in a location that is 567
readily visible to persons whose motor vehicles are being tested 568
pursuant to this section a sign that contains the same language 569
that is required to be printed on inspection certificates under 570
division (B)(1) of this section; 571

(20) Procedures that are necessary for the inspection of 572
motor vehicles that are registered biennially under division 573
(A)(1)(b) of section 4503.103 of the Revised Code. 574

(C)(1) The director of environmental protection shall issue 575
licenses for reinspection stations for the purposes of the basic 576
motor vehicle inspection and maintenance program established under 577
this section for two-year periods, except that for the initial 578
license period for any station, the director may issue the license 579
for a period not to exceed five years. The director may include 580
terms and conditions as part of any license issued to ensure 581
compliance with this section and rules adopted under it. 582

The director may issue a license for each reinspection station for which an application is filed that complies with this section and rules adopted under it. Each application shall include both of the following:

(a) A nonrefundable fee of one hundred dollars for each initial license or a nonrefundable fee of fifty dollars for renewal of any license;

(b) A demonstration that the reinspection station will comply with this section and the director's rules adopted under it.

(2) Each licensee shall conduct reinspections as required by the director's rules. The licensee shall provide an inspection certificate for vehicles that pass a reinspection under this section.

(3) A licensee shall charge the fee under the basic program that is established under division (D)(7) of this section for any reinspection performed by the licensee under this section.

(4) A licensee may charge each person for services. However, fees for reinspection shall be separately stated from any other charge to the person.

(5) No licensee shall require as a condition of performing a reinspection that any needed repairs or adjustments to a vehicle be done by the licensee.

(6) A licensee shall maintain and make available for inspection by the director or the director's authorized representative accurate records as required by rules adopted under this section.

(7) The director shall credit the moneys the director receives under division (C) of this section to the motor vehicle inspection and maintenance fund created in division (I) of this section.

(D)(1) The initial motor vehicle inspections conducted under 613
the basic motor vehicle inspection and maintenance program, and 614
all inspections and reinspections conducted under the enhanced 615
program, required under this section shall be conducted by one or 616
more private contractors. The director of administrative services 617
shall issue and award contracts pursuant to a request for proposal 618
process. In doing so, the director shall consider factors in the 619
interest of consumers, including at least consumer price, service 620
quality, service delivery time, and convenience. The director 621
shall use the director's best efforts to secure as many proposals 622
as possible for each contract to be entered into under division 623
(D) of this section, which shall include the division of the state 624
into independent zones for the purpose of submission of the 625
proposals and awarding of the contracts. Each such zone shall 626
consist of a consolidated metropolitan statistical area or, if 627
such an area does not exist, of a metropolitan statistical area, 628
as defined by the bureau of the census ~~of~~ in the United States 629
department of commerce. 630

Contracts awarded under division (D) of this section are 631
subject to section 153.012 of the Revised Code. For the purpose of 632
that section, the operation of the motor vehicle inspection and 633
maintenance program is hereby deemed to be a public improvement. 634

The director shall not enter into a contract for the purposes 635
of this section with any person holding a current, valid contract 636
to act as a deputy registrar under section 4503.03 of the Revised 637
Code. 638

A contractor shall be paid from moneys generated by the 639
applicable inspection fee established by the director of 640
environmental protection under division (D)(7) of this section. No 641
general revenue funds shall be used to pay any contractor. A 642
contractor shall assume, or in accordance with a lease required 643
under division (E) of this section shall provide for the 644

assumption of, all initial capital investment costs of the motor 645
vehicle inspection and maintenance program established under this 646
section with regard to the initial inspections and reinspections 647
required to be conducted by a contractor under this section and 648
shall amortize, or in accordance with such a lease shall provide 649
for the amortization of, those costs over the period of the 650
initial contract. 651

(2) The director of administrative services shall require 652
each potential contractor to include as a part of the potential 653
contractor's proposal detailed information concerning, without 654
limitation, all of the following: 655

(a) The financial condition of the potential contractor; 656

(b) Any specialized experience and technical competence of 657
the potential contractor in connection with the type of services 658
required for the program; 659

(c) The potential contractor's past record of performance 660
with other government agencies or public entities and with private 661
industry, including, without limitation, such matters as the 662
ability to meet schedules and the names of persons who will serve 663
as references concerning the quality of the potential contractor's 664
work; 665

(d) The capacity of the potential contractor to perform the 666
work within the specified time limitations; 667

(e) The potential contractor's proposed method and equipment 668
to accomplish the work required; 669

(f) The person from whom the potential contractor proposes to 670
lease real property, including land, buildings, and other 671
structures, necessary for the operation of the program as required 672
in division (E) of this section, including information concerning 673
at least all of the following: 674

(i) Any specialized experience and technical competence of the person;	675 676
(ii) The person's past record of performance with other government agencies or public entities and with private industry, including the ability to meet schedules;	677 678 679
(iii) Names of individuals who will serve as references concerning the quality of the person's work;	680 681
(iv) The capacity of the person to perform the work within the specified time limitations.	682 683
(g) The potential contractor's proposed schedule for leasing of inspection sites, equipping of facilities, training of personnel, and implementation of a public education program.	684 685 686
Each potential contractor shall include with the potential contractor's proposal a signed statement from the person identified under division (D)(2)(f) of this section indicating that the person understands the applicable requirements established under this section and rules adopted under it and intends to comply with those requirements.	687 688 689 690 691 692
(3) The director of administrative services shall require a performance bond of not less than one million dollars. Each proposal shall be accompanied by a letter of commitment from a bonding company stating that if the proposal is accepted, the bonding company will issue such a bond.	693 694 695 696 697
(4)(a) The director of administrative services shall review all information submitted with proposals under division (D)(2) of this section for compliance with proposal specifications. The director may require any potential contractor to supplement the potential contractor's proposal with oral commentary for clarification of the proposal document and to determine the qualifications of the potential contractor. Any clarification of information included in the proposal also shall be in writing. The	698 699 700 701 702 703 704 705

director shall reject the proposal of any potential contractor 706
whom the director determines to be unqualified. 707

(b) Although the director may require clarification of 708
information submitted with a proposal in accordance with division 709
(D)(4)(a) of this section, the director shall not change the 710
proposal specifications for a contract following the issuance of 711
the request for proposals for that contract. 712

~~(5)(a) The director of administrative services shall award 713
has awarded an initial contract for a period of operation of not 714
more than ten years. Except as otherwise provided in division 715
(D)(5)(b) of this section, a contract may be renewed for periods 716
of not more than five years each, by mutual agreement of the 717
director and the contractor. Any contract awarded under division 718
(D)(5)(a) of this section is subject to the approval of the 719
controlling board. 720~~

~~(b) If the implementation and supervision of the enhanced 721
motor vehicle inspection and maintenance program in Cuyahoga 722
county is requested under section 3704.142 of the Revised Code and 723
the initial contract for the operation of the motor vehicle 724
inspection and maintenance program in that county is modified to 725
provide for the operation of the enhanced program in that county, 726
the initial contract for the operation of the motor vehicle 727
inspection and maintenance program in that county that is in 728
effect on the effective date of this amendment, as so modified, 729
may be renewed for a period of not more than ten years so that the 730
first renewal of that contract will expire on the same date as the 731
initial contract for the operation of the enhanced program in the 732
other counties in the same nonattainment area as Cuyahoga county. 733
That first renewal shall be made by mutual agreement of the 734
director and the contractor and is subject to the approval of the 735
controlling board. Any subsequent renewals of the contract for the 736
operation of the program in Cuyahoga county are subject to 737~~

~~division (D)(5)(a) of this section.~~ 738

(6) A contract entered into under division (D) of this 739
section shall include, without limitation, all of the following 740
provisions: 741

(a) A requirement that the contractor enter into a lease with 742
the person identified in the contractor's proposal under division 743
(D)(2)(f) of this section for real property, including land, 744
buildings, and other structures, necessary for the operation of 745
the program as required in division (E) of this section; 746

(b) A requirement that the contractor provide any equipment, 747
parts, tools, services, personnel, supplies, materials, and 748
program software and software updates, and design and implement a 749
comprehensive public information program, necessary to conduct 750
motor vehicle inspections and reinspections required to be 751
conducted by a contractor under this section and data 752
communication links for reinspection stations licensed under 753
division (C) of this section; 754

(c) A provision allowing reasonable compensation, as 755
determined by the director of environmental protection, as 756
liquidated damages to the contractor if the motor vehicle 757
inspection and maintenance program established under this section 758
is terminated by law or its operation is discontinued during the 759
term of a contract or renewal, including, without limitation, 760
reasonable compensation for the unamortized costs of the 761
buildings, improvements, equipment, parts, tools, services, 762
supplies, and materials used by the contractor in the operation of 763
the program and the value of the remaining term of the contract to 764
the contractor. If a dispute arises as to the amount of the 765
compensation to be paid, it shall be submitted to and determined 766
by the court of claims under Chapter 2743. of the Revised Code. 767
The contractor shall remit any compensation so received for the 768
unamortized costs of the buildings and improvements to the person 769

with whom the contractor has entered into a lease in accordance 770
with division (E) of this section. 771

(d) A provision specifying that the forms for inspection 772
certificates are to be furnished by the contractor to the director 773
of environmental protection and that they shall conform to the 774
standards established by the director of environmental protection 775
in rules adopted under division (B)(1) of this section. The 776
director of environmental protection shall distribute the 777
inspection certificates to reinspection stations licensed under 778
division (C) of this section as needed. 779

(e) A provision allowing the director to require the 780
contractor to upgrade testing equipment in response to 781
improvements in technology and to negotiate reasonable 782
compensation for that upgrading. 783

(7) The director of environmental protection shall establish 784
inspection and reinspection fees to be paid by owners of motor 785
vehicles inspected under this section, provided that an owner 786
shall pay the inspection fee for the initial, annual, or biennial 787
inspection, as appropriate, only if the owner's vehicle passes 788
that inspection. The fees shall be sufficient to provide the 789
contractor's compensation identified in any contract entered into 790
under division (D) of this section plus the costs of the 791
environmental protection agency in implementing and administering 792
the motor vehicle inspection and maintenance program established 793
in this section. The inspection and reinspection fees shall not 794
differ in amount and shall not exceed ten dollars and fifty cents 795
under the basic motor vehicle inspection and maintenance program 796
or twenty-five dollars under the enhanced program. The director, 797
during the term of a contract or renewal, may increase the 798
inspection and reinspection fees if the director determines that 799
it is necessary to cover costs of the program, including increased 800
costs resulting from any upgrading of testing equipment pursuant 801

to division (D)(6)(e) of this section, or to prevent a possible 802
breach of contract, but shall not increase the fees above ten 803
dollars and fifty cents under the basic program or twenty-five 804
dollars under the enhanced program. 805

(8) The contractor shall do both of the following: 806

(a) Collect the fees established under division (D)(7) of 807
this section and forward to the director of environmental 808
protection the portion due the environmental protection agency; 809

(b) Maintain and make available for inspection by the 810
director of environmental protection, the auditor of state, or 811
their authorized representatives accurate records concerning the 812
collection of the fees. For the purposes of division (D)(8)(b) of 813
this section, record-keeping and accounting practices shall be 814
approved by the director. Failure to maintain or falsification of 815
fee collection records is grounds for breach of contract. 816

(9) The director of environmental protection shall credit the 817
moneys the director receives under division (D)(8)(a) of this 818
section to the motor vehicle inspection and maintenance fund 819
created in division (I) of this section. 820

(10) A contractor shall maintain and make available for 821
inspection by the director of environmental protection or the 822
director's authorized representative accurate records as required 823
by rules adopted under this section. 824

(11) If a contractor fails to perform an obligation imposed 825
by the contract entered into under division (D) of this section, 826
the director of environmental protection shall request the 827
attorney general to bring a civil action to recover the amount of 828
the bond executed under division (D)(3) of this section as well as 829
other appropriate relief. The director shall deposit any moneys 830
recovered in such a civil action in the motor vehicle inspection 831
and maintenance fund created in division (I) of this section. 832

(12) The director of environmental protection shall compile 833
and periodically revise lists of reinspection stations licensed 834
under division (C) of this section and located within individual 835
areas that are subject to the basic motor vehicle inspection and 836
maintenance program under this section. Each such list also shall 837
contain the locations of inspection stations operated by a 838
contractor within the applicable area. A contractor shall provide 839
the appropriate list to any owner whose motor vehicle fails the 840
initial inspection required under this section. 841

(13) The director of environmental protection shall compile 842
and periodically revise lists of inspection stations operated by a 843
contractor located within individual areas subject to the enhanced 844
motor vehicle inspection and maintenance program under this 845
section. A contractor shall provide the appropriate list to any 846
owner whose motor vehicle fails the initial inspection required 847
under this section. 848

(14) No owners, officers, or employees of a contractor 849
submitting a proposal or awarded a contract under division (D) of 850
this section shall have a principal interest in the person 851
identified by the contractor under division (D)(2)(f) of this 852
section or in any reinspection station licensed under division (C) 853
of this section. 854

(15) The department of administrative services may issue to 855
the environmental protection agency a release and permit under 856
section 125.06 of the Revised Code pursuant to which that agency 857
may issue and award a contract or contracts under division (D) of 858
this section. If a release and permit is issued, any reference to 859
the director of administrative services under divisions (D) and 860
(E) of this section is deemed to be a reference to the director of 861
environmental protection. 862

(E)(1) Notwithstanding section 3704.01 of the Revised Code, 863
as used in division (E) of this section, "person" has the same 864

meaning as in section 1.59 of the Revised Code. 865

(2) In order to fulfill the requirements of this section and 866
to comply with the "Clean Air Act Amendments," any contractor that 867
is awarded one or more contracts under division (D) of this 868
section shall enter into one or more assignable and renewable 869
leases with another person for the rental and use of real 870
property, including land, buildings, and other structures. 871

(3) The director of administrative services shall require a 872
contractor to make assignments of all leases under which the 873
contractor is lessee for real property to another contractor 874
awarded a contract under division (D) of this section. The 875
director shall require any contractor that is awarded a subsequent 876
contract under that division to renew the lease into which the 877
contractor entered under division (E)(2) of this section, or, if a 878
different contractor is awarded such a subsequent contract, the 879
director shall require that contractor to enter into a lease with 880
the person who was the lessor of the previous contractor. 881

(F)(1)(a) Except as otherwise provided in this section and 882
rules adopted under it, the owner of any self-propelled motor 883
vehicle the district of registration of which is or is located in 884
a county that is subject to this section shall have the vehicle 885
inspected annually, within three hundred sixty-five days prior to 886
the registration deadline established pursuant to rules adopted 887
under section 4503.101 of the Revised Code, by a contractor in 888
accordance with rules adopted under division (B)(3) of this 889
section if that county is subject to the basic motor vehicle 890
inspection and maintenance program pursuant to rules adopted under 891
that division or shall have the vehicle so inspected biennially 892
within three hundred sixty-five days prior to the registration 893
deadline so established if that county is subject to the enhanced 894
program pursuant to those rules. If the district of registration 895
of the motor vehicle is or is located in a county that is subject 896

to the enhanced program pursuant to rules adopted under division 897
(B)(3) of this section, the owner of the motor vehicle shall have 898
it inspected and, if necessary, reinspected only in a county that 899
is subject to the enhanced program under those rules. Any motor 900
vehicle that fails the inspection shall be reinspected in 901
accordance with rules adopted under that division. If the owner's 902
vehicle passes the inspection or any reinspection, the owner, at 903
the time of the inspection or reinspection, shall pay the 904
applicable fee established under division (D)(7) of this section. 905
~~An~~ 906

An owner of a motor vehicle the district of registration of 907
which is or is located in a county that is subject to the basic 908
program under this section and for which a multi-year registration 909
is in effect under division (A)(1)(a) of section 4503.103 of the 910
Revised Code or rules adopted under it, in each of the years 911
intervening between the year of the issuance of that registration 912
and its expiration, shall have the vehicle inspected annually 913
within the three hundred sixty-five days prior to the anniversary 914
of the registration deadline applicable in the year in which the 915
multi-year registration was issued. An owner of a motor vehicle 916
the district of registration of which is or is located in a county 917
that is subject to the enhanced program under this section for 918
which a multi-year registration is in effect under division 919
(A)(1)(a) of section 4503.103 of the Revised Code or rules adopted 920
under it, biennially during the years intervening between the year 921
of issuance of that registration and its expiration, shall have 922
the vehicle inspected within three hundred sixty-five days prior 923
to each of the biennial anniversaries of the registration deadline 924
applicable in the year in which the multi-year registration was 925
issued. ~~An~~ 926

An owner of a motor vehicle the district of registration of 927
which is or is located in a county that is subject to a basic or 928

enhanced program under this section who has voluntarily chosen to 929
register the vehicle biennially in accordance with division 930
(A)(1)(b) of section 4503.103 of the Revised Code shall have the 931
vehicle inspected annually or biennially, as applicable, in 932
accordance with rules adopted under this section. 933

An owner who registers a motor vehicle after the registration 934
deadline for the vehicle has passed in a year in which the vehicle 935
is required to be inspected under division (F)(1)(a) of this 936
section may have the vehicle inspected at any time between the 937
registration deadline and the actual registration date. 938

Division (F)(1) of this section does not require the 939
inspection of a motor vehicle upon transfer of ownership or 940
possession. 941

Except as otherwise provided in division (F)(3) or (4) of 942
this section, proof that an inspection certificate was issued for 943
a motor vehicle during the previous twelve months shall be 944
provided before the registrar of motor vehicles may issue license 945
plates for that vehicle under section 4503.40 or 4503.42 of the 946
Revised Code. 947

The owner of any motor vehicle that is required to be 948
inspected under this section, but that is leased to another person 949
may require the lessee to have the vehicle inspected and obtain 950
the inspection certificate on behalf of the owner. 951

(b) If a vehicle required to be inspected passes the 952
inspection, the contractor shall give the owner an inspection 953
certificate for the vehicle. 954

(c) The contractor shall include as part of the inspection 955
required under this section a visual anti-tampering inspection 956
that meets the requirements established by rules adopted under 957
division (B)(3) of this section. If the visual anti-tampering 958
inspection indicates that any emission control device has been 959

removed, modified, or impaired, the owner shall have performed on 960
the vehicle whatever repairs are necessary to pass the visual 961
anti-tampering inspection and to restore the vehicle to its proper 962
condition, including, without limitation, the restoration of any 963
emission control device that was removed, modified, or impaired. 964
If the district of registration of the vehicle is or is located in 965
a county that is subject to the basic motor vehicle inspection and 966
maintenance program under this section, the owner then shall take 967
the vehicle to a contractor or a licensee. If the district of 968
registration of the vehicle is or is located in a county that is 969
subject to the enhanced program under this section, the owner then 970
shall take the vehicle to a contractor. If the contractor or 971
licensee determines that the vehicle has been restored to its 972
proper condition and the vehicle then passes the tailpipe 973
emissions inspection required under this section, the contractor 974
or licensee shall give the owner an inspection certificate for the 975
vehicle. 976

(d) Except as otherwise provided in division (F)(1)(f) of 977
this section, if a vehicle required to be inspected under this 978
section fails the inspection, and the contractor's visual 979
anti-tampering inspection conducted under division (F)(1)(c) of 980
this section does not reveal any removal, modification, or 981
impairment of an emission control device or, if the original 982
visual anti-tampering inspection revealed such a removal, 983
modification, or impairment, the vehicle again fails the tailpipe 984
emissions inspection after the owner has performed all necessary 985
repairs to restore the vehicle to its proper condition, the owner 986
shall have the cost of repairs necessary to pass the tailpipe 987
emissions inspection estimated by a repair facility, which cost 988
shall include the cost of an engine tune-up. If the cost of the 989
repairs that are necessary for the vehicle to pass the tailpipe 990
emissions inspection do not exceed the waiver limit for that 991
vehicle, the owner shall have the repairs performed on the 992

vehicle. The owner then shall have the vehicle reinspected by a contractor or licensee.

If the vehicle passes the reinspection, the contractor or licensee shall give the owner an inspection certificate for the vehicle. If the vehicle fails the reinspection, and the cost of the repairs already performed on the vehicle is less than the applicable waiver limit, the owner shall have additional repairs performed on the vehicle in order to enable it to pass another reinspection. If, after repairs costing at least the applicable waiver limit have been performed on the vehicle under division (F)(1)(d) of this section, the vehicle fails the reinspection, but the reinspection indicates an improvement in tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division (B)(3) of this section and if, following the repairs, no emission levels increase above the standard established by rules adopted under that division for any pollutant concerning which the vehicle did not initially fail, the contractor shall give the owner an inspection certificate for the vehicle that includes a waiver indicating that the vehicle did not pass the required inspection, but that the owner had repairs costing at least the applicable waiver limit performed on the vehicle.

For the purposes of divisions (F)(1)(d) to (f) of this section, only a contractor may do either of the following:

(i) Issue inspection certificates that include waivers;

(ii) Notwithstanding any provision of those divisions, conduct reinspections of vehicles the district of registration of which is or is located in a county that is subject to the enhanced program under this section.

(e) Except as otherwise provided in division (F)(1)(f) of this section, if the cost of the repairs that are necessary for

the vehicle to pass the tailpipe emissions inspection is estimated 1024
to be more than the applicable waiver limit, the owner need not 1025
have all of those repairs performed on the vehicle, but shall have 1026
an engine tune-up performed on the vehicle that meets the 1027
standards established by rules adopted under division (B)(3) of 1028
this section as well as any other necessary repairs the cost of 1029
which, together with the cost of the engine tune-up, equals at 1030
least the applicable waiver limit. Upon the owner's presentation 1031
of original repair receipts attesting that repairs costing at 1032
least the applicable waiver limit, including, without limitation, 1033
the engine tune-up required under division (F)(1)(e) of this 1034
section, have been performed on the vehicle, the contractor or 1035
licensee shall reinspect the vehicle to determine the 1036
effectiveness of the required engine tune-up. If the reinspection 1037
indicates an improvement in tailpipe emissions of the pollutant 1038
concerning which the vehicle initially failed the inspection as 1039
specified in rules adopted under division (B)(3) of this section 1040
and if, following the engine tune-up, no emission levels increase 1041
above the standard established by rules adopted under that 1042
division for any pollutant concerning which the vehicle did not 1043
initially fail, the contractor shall give the owner an inspection 1044
certificate for the vehicle that includes a waiver indicating that 1045
the vehicle did not pass the required inspection, but that the 1046
owner complied with all requirements governing waivers. 1047

(f) If a vehicle required to be inspected under this section 1048
fails the inspection, and the contractor's visual anti-tampering 1049
inspection conducted under division (F)(1)(c) of this section does 1050
not reveal any removal, modification, or impairment of an emission 1051
control device or, if the original visual anti-tampering 1052
inspection revealed such a removal, modification, or impairment, 1053
the vehicle again fails the tailpipe emissions inspection after 1054
the owner has performed all necessary repairs to restore the 1055
vehicle to its proper condition, the owner may perform the repairs 1056

necessary for the vehicle to pass the tailpipe emissions 1057
inspection. The owner shall keep a detailed record of the costs 1058
incurred in performing those repairs. After performing repairs on 1059
the vehicle costing not more than the applicable waiver limit, the 1060
owner shall have the vehicle reinspected by the contractor or a 1061
licensee. 1062

If the vehicle passes the reinspection, the contractor or 1063
licensee shall give the owner an inspection certificate for the 1064
vehicle. If the vehicle fails the reinspection and the documented 1065
cost of the repairs performed by the owner is less than the 1066
applicable waiver limit, the owner shall have the cost of repairs 1067
necessary to pass the tailpipe emissions inspection estimated by a 1068
repair facility. The estimate shall include, without limitation, 1069
the cost of an engine tune-up that meets the standards established 1070
by rules adopted under division (B)(3) of this section. If the 1071
cost of the engine tune-up, together with the documented cost of 1072
the repairs performed by the owner, does not exceed the applicable 1073
waiver limit, the owner shall have the engine tune-up performed on 1074
the vehicle as well as any other necessary repairs the cost of 1075
which, together with that documented cost and the cost of the 1076
engine tune-up, equals at least the applicable waiver limit. 1077

If the documented cost of repairs performed by the owner and 1078
the estimated cost of an engine tune-up that meets the standards 1079
established in rules adopted under division (B)(3) of this section 1080
exceed the applicable waiver limit, the owner shall have 1081
additional repairs performed on the vehicle by a repair facility 1082
in order to enable it to pass another reinspection or until a 1083
minimum expenditure equal to the applicable waiver limit is met, 1084
whichever occurs first. 1085

If, after repairs costing at least the applicable waiver 1086
limit have been performed on the vehicle under division (F)(1)(f) 1087
of this section, the vehicle fails the tailpipe reinspection, but 1088

the reinspection indicates an improvement in the tailpipe 1089
emissions of the pollutant concerning which the vehicle initially 1090
failed the inspection as specified in rules adopted under division 1091
(B)(3) of this section and if, following the repairs, no emission 1092
levels increase above the standard established by rules adopted 1093
under that division for any pollutant concerning which the vehicle 1094
did not initially fail, the contractor shall give the owner an 1095
inspection certificate for the vehicle that includes a waiver 1096
indicating that the vehicle did not pass the required inspection, 1097
but that the owner performed or had performed on the vehicle 1098
repairs costing at least the applicable waiver limit. 1099

(g) If a motor vehicle that is required to be inspected under 1100
this section is covered by a valid and unexpired emission 1101
performance warranty as provided under section 207(b) of the 1102
"Clean Air Act Amendments," the owner shall have any repairs 1103
necessary for the vehicle to pass that inspection performed on the 1104
vehicle under that warranty. Such a vehicle is not eligible for a 1105
waiver under division (F)(1)(d), (e), or (f) of this section. 1106

(2) An owner or lessee of a motor vehicle required to be 1107
inspected under this section and applicable rules adopted under it 1108
shall present an inspection certificate issued for that vehicle by 1109
a contractor or a licensee under this section when registering the 1110
vehicle under Chapter 4503. of the Revised Code. 1111

(3) The following motor vehicles are exempt from the 1112
inspection requirements of this section and applicable rules 1113
adopted under it: 1114

(a) Vehicles over twenty-five years old, as determined by 1115
model year, on the date on which proof of an annual inspection 1116
otherwise would be required to be submitted with an application 1117
for registration of the vehicles under this section and Chapter 1118
4503. of the Revised Code; 1119

(b) Vehicles registered to military personnel assigned to military reservations outside this state, the district of registration of which is or is located in any county that is subject to this section;	1120 1121 1122 1123
(c) Passenger cars and noncommercial motor vehicles, as defined in section 4501.01 of the Revised Code, that weigh over ten thousand pounds gross vehicle weight;	1124 1125 1126
(d) Commercial cars, as defined in section 4501.01 of the Revised Code, having a taxable gross vehicle weight of more than ten thousand pounds as provided in section 4503.042 of the Revised Code;	1127 1128 1129 1130
(e) Historical vehicles registered under section 4503.181 of the Revised Code;	1131 1132
(f) Licensed collector's vehicles as defined in section 4501.01 of the Revised Code;	1133 1134
(g) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code;	1135 1136
(h) Motorcycles as defined in section 4511.01 of the Revised Code;	1137 1138
(i) Electrically powered and alternatively fueled vehicles, including at least those that are equipped to operate using primarily one hundred per cent propane, butane, hydrogen, alcohol, or natural gas as fuel;	1139 1140 1141 1142
(j) Recreational vehicles as defined in section 4501.01 of the Revised Code.	1143 1144
(4) A motor vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of one year commencing on	1145 1146 1147 1148 1149

the date when the first certificate of title to the vehicle was 1150
issued on behalf of the ultimate purchaser under Chapter 4503. of 1151
the Revised Code if the district of registration of the vehicle is 1152
or is located in a county that is subject to the basic motor 1153
vehicle inspection and maintenance program under this section and 1154
rules adopted under it or is exempt from those inspection 1155
requirements for a period of two years commencing on the date when 1156
the first certificate of title to the vehicle was issued on behalf 1157
of the ultimate purchaser under that chapter if the district of 1158
registration of the vehicle is or is located in a county that is 1159
subject to the enhanced program under this section and rules 1160
adopted under it. 1161

(5) The director shall notify, by mail, the owners of all 1162
motor vehicles, the district of registration of which is or is 1163
located in any county that is subject to this section, of the 1164
applicable requirements established under this section. 1165

(G) The owner of a fleet of twenty-five or more vehicles 1166
required to be inspected under this section, instead of having the 1167
owner's motor vehicles inspected by a contractor or reinspected by 1168
a contractor or a licensee, may conduct self-inspection of those 1169
vehicles in accordance with rules adopted by the director of 1170
environmental protection under this section. The rules shall 1171
establish, without limitation, requirements governing inspections 1172
and reinspections conducted by any such owner, any inspection 1173
stations owned and operated by any such owner for that purpose, 1174
and inspection equipment used for that purpose; an annual 1175
reporting requirement to assist the director in determining 1176
compliance with this division; and the method of and procedures 1177
for payment of a fee that shall not exceed three dollars for each 1178
vehicle that is included in the self-inspection program. 1179

(H) The federal government, the state, any political 1180
subdivision, and any agency or instrumentality of those entities, 1181

in accordance with rules adopted by the director of environmental 1182
protection under this section, shall have inspected by a 1183
contractor or reinspected by a contractor or a licensee or shall 1184
self-inspect any motor vehicles that they own and operate in any 1185
county that is subject to this section. The director shall adopt 1186
rules under this section for the purposes of this division. The 1187
rules shall establish, without limitation, an annual reporting 1188
requirement to assist the director in determining compliance with 1189
this division. The director may issue a notice of violation to a 1190
governmental entity that the director finds has violated any 1191
specific prohibition or has failed to comply with any affirmative 1192
requirement of this section or any rule adopted under it. The 1193
notice of violation shall set forth the specific violation or 1194
failure to comply allegedly committed by the governmental entity 1195
and shall be accompanied by an order requiring the governmental 1196
entity to pay to the director the appropriate civil penalty 1197
prescribed in this division. A governmental entity that receives a 1198
notice of violation and order under this division for a violation 1199
or failure to comply is liable for a civil penalty of two hundred 1200
fifty dollars. The director may request the attorney general to 1201
take appropriate action to effect compliance. Notwithstanding 1202
division (A) of this section, as used in this division, "motor 1203
vehicle" has the same meaning as in section 4511.01 of the Revised 1204
Code. 1205

(I) There is hereby created in the state treasury the motor 1206
vehicle inspection and maintenance fund, which shall consist of 1207
moneys received by the director under this section and section 1208
3704.17 of the Revised Code. The director shall use moneys in the 1209
fund solely for administration, supervision, and enforcement of 1210
the program established under this section and rules adopted under 1211
it and public education concerning the program. 1212

(J) The director periodically shall review the information 1213

submitted to the director by licensed reinspection stations 1214
pursuant to rules adopted under division (C)(6) of this section, 1215
information submitted to the director by any contractor under 1216
division (D)(10) of this section, annual reports submitted by 1217
motor vehicle fleet owners under division (G) of this section and 1218
rules adopted under that division, and the list of motor vehicles 1219
for which multi-year registrations are in effect provided to the 1220
director under division (I)(2)(b) of section 4503.10 of the 1221
Revised Code, as necessary to determine whether owners of motor 1222
vehicles who have obtained multi-year registrations under section 1223
4503.103 of the Revised Code or rules adopted under it have 1224
complied with the requirement of division (F)(1)(a) of this 1225
section to have their vehicles inspected and obtain inspection 1226
certificates for them annually or biennially, whichever is 1227
applicable. If the director finds from that information that, in a 1228
year intervening between the years of issuance and expiration of a 1229
multi-year registration in which an owner is required to have a 1230
vehicle inspected and obtain an inspection certificate for it 1231
under that division, the owner has not done so within the 1232
applicable three hundred sixty-five day period, the director 1233
immediately shall send written notice of that fact to the 1234
registrar of motor vehicles. Upon receipt of information submitted 1235
pursuant to rules adopted under division (C)(6) of this section, 1236
information submitted under division (D)(10) of this section, or 1237
the annual report of a fleet owner submitted pursuant to rules 1238
adopted under division (G) of this section indicating that an 1239
owner who was the subject of an earlier notice to the registrar 1240
under this division has had the vehicle named in the notice 1241
inspected and has obtained an inspection certificate for it in 1242
compliance with division (F)(1)(a) of this section, the director 1243
immediately shall send written notice of that fact to the 1244
registrar. 1245

(K)(1)(a) If a redesignation request demonstrating compliance 1246

with the national ambient air quality standard for carbon monoxide 1247
or ozone in a county designated as nonattainment for carbon 1248
monoxide or ozone and demonstrating that operation of a motor 1249
vehicle inspection and maintenance program is not necessary for 1250
attainment and maintenance of those standards in that county has 1251
been submitted to and is pending before the United States 1252
environmental protection agency under the "Clean Air Act 1253
Amendments," and if no release and permit has been issued to the 1254
environmental protection agency under division (D)~~(14)~~(15) of this 1255
section and section 125.06 of the Revised Code, the director of 1256
environmental protection may submit a written request to the 1257
director of administrative services to indefinitely delay the 1258
issuance of a request for proposals or the award of a contract 1259
under division (D) of this section for the operation of a motor 1260
vehicle inspection and maintenance program in that county or, if 1261
such a request for proposals has been issued under that division, 1262
to withdraw it. Upon receipt of such a written request from the 1263
director of environmental protection, the director of 1264
administrative services shall take the requested actions. 1265

(b) If a release and permit has been issued to the 1266
environmental protection agency under division (D)~~(14)~~(15) of this 1267
section and section 125.06 of the Revised Code, the director of 1268
environmental protection may indefinitely delay the issuance of a 1269
request for proposals and award of a contract under division (D) 1270
of this section for the operation of a motor vehicle inspection 1271
and maintenance program or may withdraw any such request that has 1272
been issued under that division in connection with a county for 1273
which a redesignation request making the demonstrations described 1274
in division (K)(1)(a) of this section has been submitted to and is 1275
pending before the United States environmental protection agency 1276
under the "Clean Air Act Amendments." 1277

(c) If no release and permit has been issued to the 1278

environmental protection agency under division (D)~~(14)~~(15) of this 1279
section and section 125.06 of the Revised Code, the director of 1280
environmental protection may submit a written request to the 1281
director of administrative services to proceed with the issuance 1282
of a request for proposals and the award of a contract for the 1283
operation of a motor vehicle inspection and maintenance program 1284
under division (D) of this section in a county for which a 1285
redesignation request described in division (K)(1)(a) of this 1286
section was submitted to the United States environmental 1287
protection agency or, if such a release and permit has been issued 1288
to the environmental protection agency, the director of 1289
environmental protection may proceed with the issuance of such a 1290
request under either of the following circumstances: 1291

(i) Upon disapproval of the redesignation request by the 1292
United States environmental protection agency; 1293

(ii) Upon approval of the redesignation request by the United 1294
States environmental protection agency if the director of 1295
environmental protection determines that operation of a motor 1296
vehicle inspection and maintenance program in the county is 1297
necessary to protect and maintain compliance with the national 1298
ambient air quality standard for carbon monoxide or ozone in the 1299
county. 1300

If no such release and permit has been issued to the 1301
environmental protection agency, the director of administrative 1302
services, upon receipt of a written request from the director of 1303
environmental protection under division (K)(1)(c) of this section, 1304
shall take the requested actions. 1305

(2) If at any time air quality monitoring data in any county 1306
where a motor vehicle inspection and maintenance program is 1307
required under this section and rules adopted under it demonstrate 1308
that that county has attained and maintained compliance for three 1309
consecutive years with the national ambient air quality standard 1310

for carbon monoxide or ozone under the "Clean Air Act Amendments," 1311
the director, at the earliest possible date, shall prepare and 1312
submit to the administrator of the United States environmental 1313
protection agency a demonstration that such attainment has been so 1314
achieved and maintained in that county. If the administrator 1315
approves the director's submittal as demonstrating that compliance 1316
with the national ambient air quality standard for carbon monoxide 1317
or ozone under that act has been achieved and maintained in the 1318
county and if the director determines that continued operation of 1319
a motor vehicle inspection and maintenance program in the county 1320
is not necessary to protect and maintain compliance with the 1321
national ambient air quality standard for carbon monoxide or 1322
ozone, the director may rescind the rules adopted under division 1323
(B) of this section requiring implementation and operation of the 1324
program in that county. A rescission shall take effect in such a 1325
county on the date of the expiration of the contract or renewal 1326
thereof provided for in division (D) of this section that next 1327
succeeds the administrator's approval of the demonstration in that 1328
county. 1329

(L) There is hereby created the motor vehicle inspection and 1330
maintenance program legislative oversight committee, which shall 1331
be comprised of six members. The speaker of the house of 1332
representatives shall appoint three members of the house of 1333
representatives to the committee, not more than two of whom shall 1334
be from any one political party, and the president of the senate 1335
shall appoint three members of the senate to the committee, not 1336
more than two of whom shall be from any one political party. Each 1337
member shall serve at the pleasure of the member's appointing 1338
authority. During the first year of any legislative session, the 1339
~~chairman~~ chairperson of the committee shall be a member from the 1340
house of representatives and the ~~vice-chairman~~ vice-chairperson 1341
shall be a member from the senate, as designated by their 1342
appointing authorities. During the second year of any legislative 1343

session, the ~~chairman~~ chairperson shall be a member from the 1344
senate and the ~~vice-chairman~~ vice-chairperson shall be a member 1345
from the house of representatives, as designated by their 1346
appointing authorities. 1347

The committee shall monitor the motor vehicle inspection and 1348
maintenance program established under this section and, in doing 1349
so, shall work in complete cooperation with the Ohio environmental 1350
protection agency and the United States environmental protection 1351
agency. The former agency shall provide to the committee any data, 1352
reports, and other information and materials requested by the 1353
committee. 1354

The director shall notify the committee whenever the program 1355
established under this section is required to be implemented in a 1356
county because of a change in that county's nonattainment 1357
classification under the "Clean Air Act Amendments" or if an 1358
enhanced program is required to be implemented in a county under 1359
section 3704.142 of the Revised Code. 1360

If at any time the program established under this section is 1361
terminated, the committee shall cease to exist on the date of 1362
termination. 1363

(M) Implementation of the motor vehicle inspection and 1364
maintenance program established under this section is an essential 1365
state function mandated by the "Clean Air Act Amendments." The 1366
director or the director's authorized representative may perform 1367
essential governmental duties that are necessary to implement the 1368
program properly within any county that is subject to this 1369
section, including at least the placement of directional traffic 1370
signs to assist citizens in finding inspection stations. The 1371
director or the director's authorized representative need not 1372
comply with any applicable ordinances or resolutions of any 1373
political subdivisions if that compliance would prevent the 1374
director or the director's authorized representative from 1375

performing any such essential governmental duties. 1376

Sec. 3704.143. (A) As used in this section, "contract" means 1377
a contract entered into by the state under section 3704.14 of the 1378
Revised Code with a private contractor for the purpose of 1379
conducting emissions inspections under a motor vehicle inspection 1380
and maintenance program. 1381

(B) Notwithstanding division (D)(5) of section 3704.14 of the 1382
Revised Code, the director of administrative services or the 1383
director of environmental protection, as applicable, shall not 1384
renew any contract that is in existence on ~~the effective date of~~ 1385
~~this section~~ September 5, 2001. Further, the director of 1386
administrative services or the director of environmental 1387
protection, as applicable, shall not enter into a new contract 1388
upon the expiration or termination of any contract that is in 1389
existence on ~~the effective date of this section~~ September 5, 2001, 1390
or enter into any new contract for the implementation of a motor 1391
vehicle inspection and maintenance program in a county in which 1392
such a program is not operating on that date. 1393

(C) Notwithstanding section 3704.14 of the Revised Code or 1394
any other section of the Revised Code that requires emissions 1395
inspections to be conducted or proof of such inspections to be 1396
provided, upon the expiration or termination of all contracts that 1397
are in existence on ~~the effective date of this section~~ September 1398
5, 2001, the director of environmental protection shall terminate 1399
all motor vehicle inspection and maintenance programs in this 1400
state and shall not implement a new motor vehicle inspection and 1401
maintenance program unless this section is repealed and such a 1402
program is authorized by the general assembly. 1403

(D) Notwithstanding section 3704.14 of the Revised Code or 1404
any other section of the Revised Code that requires emissions 1405
inspections to be conducted or proof of such inspections to be 1406

provided, if the general assembly authorizes any program for the 1407
inspection of motor vehicle emissions under division (C) of this 1408
section after all contracts for a motor vehicle inspection and 1409
maintenance program that are in existence on September 5, 2001, 1410
terminate or expire, a motor vehicle, the legal title to which has 1411
never been transferred by a manufacturer, distributor, or dealer 1412
to an ultimate purchaser as defined in section 4517.01 of the 1413
Revised Code, shall be exempt from any emissions inspections that 1414
are required under such a program for a period of five years 1415
commencing on the date when the first certificate of title to the 1416
vehicle was issued on behalf of the ultimate purchaser under 1417
Chapter 4503. of the Revised Code. A motor vehicle that is exempt 1418
from any emissions inspections for a period of five years under 1419
this division shall remain exempt during that five-year period 1420
regardless of whether legal title to the motor vehicle is 1421
transferred during that period. 1422

Sec. 4501.10. (A) Except as provided in division divisions 1423
(B) and (C) of this section, money received by the department of 1424
public safety from the sale of motor vehicles and related 1425
equipment pursuant to section 125.13 of the Revised Code shall be 1426
transferred to the highway safety salvage and exchange 1427
administration fund or highway safety salvage and exchange highway 1428
patrol fund, as appropriate. Such funds are hereby created in the 1429
state treasury. The money shall be used only to purchase 1430
replacement motor vehicles and related equipment. All investment 1431
earnings of these funds shall be credited to the funds, 1432
respectively. 1433

(B) Money received by the department of public safety from 1434
the sale of motor vehicles and related equipment of the bureau of 1435
motor vehicles pursuant to section 125.13 of the Revised Code 1436
shall be transferred to the state bureau of motor vehicles fund 1437
created by section 4501.25 of the Revised Code. 1438

(C) Money received by the department of public safety 1439
investigative unit established under section 5502.13 of the 1440
Revised Code from the sale of motor vehicles and other equipment 1441
pursuant to section 125.13 of the Revised Code shall be deposited 1442
into the public safety investigative unit salvage and exchange 1443
fund, which is hereby created in the state treasury. The money in 1444
the fund shall be used only to purchase replacement motor vehicles 1445
and other equipment for that unit. 1446

Sec. 4501.21. (A) There is hereby created in the state 1447
treasury the license plate contribution fund. The fund shall 1448
consist of all contributions paid by motor vehicle registrants and 1449
collected by the registrar of motor vehicles pursuant to sections 1450
4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 1451
4503.69, 4503.71, 4503.711, 4503.72, 4503.73, and 4503.75 of the 1452
Revised Code. 1453

(B) The registrar shall disburse the contributions the 1454
registrar collects in the fund as follows: 1455

(1) The registrar shall pay the contributions the registrar 1456
receives pursuant to section 4503.50 of the Revised Code to the 1457
future farmers of America foundation, which shall deposit the 1458
contributions into its general account to be used for educational 1459
and scholarship purposes of the future farmers of America 1460
foundation. 1461

(2) The registrar shall pay each contribution the registrar 1462
receives pursuant to section 4503.51 of the Revised Code to the 1463
university or college whose name or marking or design appears on 1464
collegiate license plates that are issued to a person under that 1465
section. A university or college that receives contributions from 1466
the fund shall deposit the contributions into its general 1467
scholarship fund. 1468

(3) The registrar shall pay the contributions the registrar 1469

receives pursuant to section 4503.55 of the Revised Code to the 1470
pro football hall of fame, which shall deposit the contributions 1471
into a special bank account that it establishes and which shall be 1472
separate and distinct from any other account the pro football hall 1473
of fame maintains, to be used exclusively for the purpose of 1474
promoting the pro football hall of fame as a travel destination. 1475

(4) The registrar shall pay the contributions the registrar 1476
receives pursuant to section 4503.561 of the Revised Code to the 1477
state of Ohio chapter of ducks unlimited, inc., which shall 1478
deposit the contributions into a special bank account that it 1479
establishes. The special bank account shall be separate and 1480
distinct from any other account the state of Ohio chapter of ducks 1481
unlimited, inc., maintains and shall be used exclusively for the 1482
purpose of protecting, enhancing, restoring, and managing wetlands 1483
and conserving wildlife habitat. The state of Ohio chapter of 1484
ducks unlimited, inc., annually shall notify the registrar in 1485
writing of the name, address, and account to which payments are to 1486
be made under division (B)(4) of this section. 1487

(5) The registrar shall pay to a sports commission created 1488
pursuant to section 4503.591 of the Revised Code each contribution 1489
the registrar receives under section 4503.591 of the Revised Code 1490
that an applicant pays to obtain license plates that bear the logo 1491
of a professional sports team located in the county of that sports 1492
commission and that is participating in the license plate program 1493
established by section 4503.591 of the Revised Code, irrespective 1494
of the county of residence of an applicant. 1495

(6) The registrar shall pay the contributions the registrar 1496
receives pursuant to section 4503.67 of the Revised Code to the 1497
Dan Beard council of the boy scouts of America. The council shall 1498
distribute all contributions in an equitable manner throughout the 1499
state to regional councils of the boy scouts. 1500

(7) The registrar shall pay the contributions the registrar 1501

receives pursuant to section 4503.68 of the Revised Code to the 1502
great river council of the girl scouts of the United States of 1503
America. The council shall distribute all contributions in an 1504
equitable manner throughout the state to regional councils of the 1505
girl scouts. 1506

(8) The registrar shall pay the contributions the registrar 1507
receives pursuant to section 4503.69 of the Revised Code to the 1508
Dan Beard council of the boy scouts of America. The council shall 1509
distribute all contributions in an equitable manner throughout the 1510
state to regional councils of the boy scouts. 1511

(9) The registrar shall pay the contributions the registrar 1512
receives pursuant to section 4503.71 of the Revised Code to the 1513
fraternal order of police of Ohio, incorporated, which shall 1514
deposit the fees into its general account to be used for purposes 1515
of the fraternal order of police of Ohio, incorporated. 1516

(10) The registrar shall pay the contributions the registrar 1517
receives pursuant to section 4503.711 of the Revised Code to the 1518
fraternal order of police of Ohio, incorporated, which shall 1519
deposit the contributions into an account that it creates to be 1520
used for the purpose of advancing and protecting the law 1521
enforcement profession, promoting improved law enforcement 1522
methods, and teaching respect for law and order. 1523

(11) The registrar shall pay the contributions the registrar 1524
receives pursuant to section 4503.72 of the Revised Code to the 1525
organization known on the effective date of this section as the 1526
Ohio CASA/GAL association, a private, nonprofit corporation 1527
organized under Chapter 1702. of the Revised Code. The Ohio 1528
CASA/GAL association shall use these contributions to pay the 1529
expenses it incurs in administering a program to secure the proper 1530
representation in the courts of this state of abused, neglected, 1531
and dependent children, and for the training and supervision of 1532
persons participating in that program. 1533

(12) The registrar shall pay the contributions the registrar receives pursuant to section 4503.73 of the Revised Code to Wright B. Flyer, incorporated, which shall deposit the contributions into its general account to be used for purposes of Wright B. Flyer, incorporated. 1534
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(13) The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on the effective date of this section in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation. 1539
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(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in divisions (B)(1) to (13) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year. 1545
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Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle 1553
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resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, if assigned, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(B) Each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a

physical certificate of title or a memorandum certificate showing 1628
title to the motor vehicle to be registered in the name of the 1629
applicant if a physical certificate of title or memorandum 1630
certificate has been issued by a clerk of a court of common pleas. 1631
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 1632
Code, a clerk instead has issued an electronic certificate of 1633
title for the applicant's motor vehicle, that certificate may be 1634
presented for inspection at the time of first registration in a 1635
manner prescribed by rules adopted by the registrar. When a motor 1636
vehicle inspection and maintenance program is in effect under 1637
section 3704.14 of the Revised Code and rules adopted under it, 1638
each application for registration for a vehicle required to be 1639
inspected under that section and those rules shall be accompanied 1640
by an inspection certificate for the motor vehicle issued in 1641
accordance with that section. The application shall be refused if 1642
any of the following applies: 1643

(1) The application is not in proper form. 1644

(2) The application is prohibited from being accepted by 1645
division (D) of section 2935.27, division (A) of section 2937.221, 1646
division (A) of section 4503.13, division (B) of section 4507.168, 1647
or division (B)(1) of section 4521.10 of the Revised Code. 1648

(3) A certificate of title or memorandum certificate of title 1649
does not accompany the application or, in the case of an 1650
electronic certificate of title, is not presented in a manner 1651
prescribed by the registrar's rules. 1652

(4) All registration and transfer fees for the motor vehicle, 1653
for the preceding year or the preceding period of the current 1654
registration year, have not been paid. 1655

(5) The owner or lessee does not have an inspection 1656
certificate for the motor vehicle as provided in section 3704.14 1657
of the Revised Code, and rules adopted under it, if that section 1658

is applicable. 1659

This section does not require the payment of license or 1660
registration taxes on a motor vehicle for any preceding year, or 1661
for any preceding period of a year, if the motor vehicle was not 1662
taxable for that preceding year or period under sections 4503.02, 1663
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 1664
Revised Code. When a certificate of registration is issued upon 1665
the first registration of a motor vehicle by or on behalf of the 1666
owner, the official issuing the certificate shall indicate the 1667
issuance with a stamp on the certificate of title or memorandum 1668
certificate or, in the case of an electronic certificate of title, 1669
an electronic stamp or other notation as specified in rules 1670
adopted by the registrar, and with a stamp on the inspection 1671
certificate for the motor vehicle, if any. The official also shall 1672
indicate, by a stamp or by other means the registrar prescribes, 1673
on the registration certificate issued upon the first registration 1674
of a motor vehicle by or on behalf of the owner the odometer 1675
reading of the motor vehicle as shown in the odometer statement 1676
included in or attached to the certificate of title. Upon each 1677
subsequent registration of the motor vehicle by or on behalf of 1678
the same owner, the official also shall so indicate the odometer 1679
reading of the motor vehicle as shown on the immediately preceding 1680
certificate of registration. 1681

The registrar shall include in the permanent registration 1682
record of any vehicle required to be inspected under section 1683
3704.14 of the Revised Code the inspection certificate number from 1684
the inspection certificate that is presented at the time of 1685
registration of the vehicle as required under this division. 1686

(C)(1) Commencing with each registration renewal with an 1687
expiration date on or after October 1, 2003, and for each initial 1688
application for registration received on and after that date, the 1689
registrar and each deputy registrar shall collect an additional 1690

fee of eleven dollars for each application for registration and 1691
registration renewal received. The additional fee is for the 1692
purpose of defraying the department of public safety's costs 1693
associated with the administration and enforcement of the motor 1694
vehicle and traffic laws of Ohio. Each deputy registrar shall 1695
transmit the fees collected under division (C)(1) of this section 1696
in the time and manner provided in this section. The registrar 1697
shall deposit all moneys received under division (C)(1) of this 1698
section into the state highway safety fund established in section 1699
4501.06 of the Revised Code. 1700

(2) In addition, a charge of twenty-five cents shall be made 1701
for each reflectorized safety license plate issued, and a single 1702
charge of twenty-five cents shall be made for each county 1703
identification sticker or each set of county identification 1704
stickers issued, as the case may be, to cover the cost of 1705
producing the license plates and stickers, including material, 1706
manufacturing, and administrative costs. Those fees shall be in 1707
addition to the license tax. If the total cost of producing the 1708
plates is less than twenty-five cents per plate, or if the total 1709
cost of producing the stickers is less than twenty-five cents per 1710
sticker or per set issued, any excess moneys accruing from the 1711
fees shall be distributed in the same manner as provided by 1712
section 4501.04 of the Revised Code for the distribution of 1713
license tax moneys. If the total cost of producing the plates 1714
exceeds twenty-five cents per plate, or if the total cost of 1715
producing the stickers exceeds twenty-five cents per sticker or 1716
per set issued, the difference shall be paid from the license tax 1717
moneys collected pursuant to section 4503.02 of the Revised Code. 1718

(D) Each deputy registrar shall be allowed a fee of two 1719
dollars and seventy-five cents commencing on July 1, 2001, three 1720
dollars and twenty-five cents commencing on January 1, 2003, and 1721
three dollars and fifty cents commencing on January 1, 2004, for 1722

each application for registration and registration renewal notice 1723
the deputy registrar receives, which shall be for the purpose of 1724
compensating the deputy registrar for the deputy registrar's 1725
services, and such office and rental expenses, as may be necessary 1726
for the proper discharge of the deputy registrar's duties in the 1727
receiving of applications and renewal notices and the issuing of 1728
registrations. 1729

(E) Upon the certification of the registrar, the county 1730
sheriff or local police officials shall recover license plates 1731
erroneously or fraudulently issued. 1732

(F) Each deputy registrar, upon receipt of any application 1733
for registration or registration renewal notice, together with the 1734
license fee and any local motor vehicle license tax levied 1735
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1736
fee and tax, if any, in the manner provided in this section, 1737
together with the original and duplicate copy of the application, 1738
to the registrar. The registrar, subject to the approval of the 1739
director of public safety, may deposit the funds collected by 1740
those deputies in a local bank or depository to the credit of the 1741
"state of Ohio, bureau of motor vehicles." Where a local bank or 1742
depository has been designated by the registrar, each deputy 1743
registrar shall deposit all moneys collected by the deputy 1744
registrar into that bank or depository not more than one business 1745
day after their collection and shall make reports to the registrar 1746
of the amounts so deposited, together with any other information, 1747
some of which may be prescribed by the treasurer of state, as the 1748
registrar may require and as prescribed by the registrar by rule. 1749
The registrar, within three days after receipt of notification of 1750
the deposit of funds by a deputy registrar in a local bank or 1751
depository, shall draw on that account in favor of the treasurer 1752
of state. The registrar, subject to the approval of the director 1753
and the treasurer of state, may make reasonable rules necessary 1754

for the prompt transmittal of fees and for safeguarding the 1755
interests of the state and of counties, townships, municipal 1756
corporations, and transportation improvement districts levying 1757
local motor vehicle license taxes. The registrar may pay service 1758
charges usually collected by banks and depositories for such 1759
service. If deputy registrars are located in communities where 1760
banking facilities are not available, they shall transmit the fees 1761
forthwith, by money order or otherwise, as the registrar, by rule 1762
approved by the director and the treasurer of state, may 1763
prescribe. The registrar may pay the usual and customary fees for 1764
such service. 1765

(G) This section does not prevent any person from making an 1766
application for a motor vehicle license directly to the registrar 1767
by mail, by electronic means, or in person at any of the 1768
registrar's offices, upon payment of a service fee of two dollars 1769
and seventy-five cents commencing on July 1, 2001, three dollars 1770
and twenty-five cents commencing on January 1, 2003, and three 1771
dollars and fifty cents commencing on January 1, 2004, for each 1772
application. 1773

(H) No person shall make a false statement as to the district 1774
of registration in an application required by division (A) of this 1775
section. Violation of this division is falsification under section 1776
2921.13 of the Revised Code and punishable as specified in that 1777
section. 1778

(I)(1) Where applicable, the requirements of division (B) of 1779
this section relating to the presentation of an inspection 1780
certificate issued under section 3704.14 of the Revised Code and 1781
rules adopted under it for a motor vehicle, the refusal of a 1782
license for failure to present an inspection certificate, and the 1783
stamping of the inspection certificate by the official issuing the 1784
certificate of registration apply to the registration of and 1785
issuance of license plates for a motor vehicle under sections 1786

4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 1787
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 1788
4503.47, and 4503.51 of the Revised Code. 1789

(2)(a) The registrar shall adopt rules ensuring that each 1790
owner registering a motor vehicle in a county where a motor 1791
vehicle inspection and maintenance program is in effect under 1792
section 3704.14 of the Revised Code and rules adopted under it 1793
receives information about the requirements established in that 1794
section and those rules and about the need in those counties to 1795
present an inspection certificate with an application for 1796
registration or preregistration. 1797

(b) Upon request, the registrar shall provide the director of 1798
environmental protection, or any person that has been awarded a 1799
contract under division (D) of section 3704.14 of the Revised 1800
Code, an on-line computer data link to registration information 1801
for all passenger cars, noncommercial motor vehicles, and 1802
commercial cars that are subject to that section. The registrar 1803
also shall provide to the director of environmental protection a 1804
magnetic data tape containing registration information regarding 1805
passenger cars, noncommercial motor vehicles, and commercial cars 1806
for which a multi-year registration is in effect under section 1807
4503.103 of the Revised Code or rules adopted under it, including, 1808
without limitation, the date of issuance of the multi-year 1809
registration, the registration deadline established under rules 1810
adopted under section 4503.101 of the Revised Code that was 1811
applicable in the year in which the multi-year registration was 1812
issued, and the registration deadline for renewal of the 1813
multi-year registration. 1814

(J) Application for registration under the international 1815
registration plan, as set forth in sections 4503.60 to 4503.66 of 1816
the Revised Code, shall be made to the registrar on forms 1817
furnished by the registrar. In accordance with international 1818

registration plan guidelines and pursuant to rules adopted by the 1819
registrar, the forms shall include the following: 1820

(1) A uniform mileage schedule; 1821

(2) The gross vehicle weight of the vehicle or combined gross 1822
vehicle weight of the combination vehicle as declared by the 1823
registrant; 1824

(3) Any other information the registrar requires by rule. 1825

Sec. 4503.101. (A) The registrar of motor vehicles shall 1826
adopt rules to establish a system of motor vehicle registration 1827
based upon the type of vehicle to be registered, the type of 1828
ownership of the vehicle, the class of license plate to be issued, 1829
and any other factor the registrar determines to be relevant. 1830
Except for commercial cars, buses, trailers, and semitrailers 1831
taxed under section 4503.042 of the Revised Code; except for 1832
rental vehicles owned by motor vehicle renting dealers; and except 1833
as otherwise provided by rule, motor vehicles owned by an 1834
individual shall be registered based upon the motor vehicle 1835
owner's date of birth. Beginning with the ~~1989~~ 2004 registration 1836
year, the registrar shall assign motor vehicles to the 1837
registration periods established by rules adopted under this 1838
section. 1839

(B) The registrar shall adopt rules to permit motor vehicle 1840
owners residing together at one address to select the date of 1841
birth of any one of the owners as the date to register any or all 1842
of the vehicles at that residence address, as shown in the records 1843
of the bureau of motor vehicles. 1844

(C) The registrar shall adopt rules to assign and reassign 1845
all commercial cars, buses, trailers, and semitrailers taxed under 1846
section 4503.042 of the Revised Code and all rental vehicles owned 1847
by motor vehicle renting dealers to a system of registration so 1848

that the registrations of approximately one-twelfth of all such 1849
vehicles expire on the last day of each month of a calendar year. 1850
To effect a reassignment from the registration period in effect on 1851
the effective date of this amendment to the new registration 1852
periods established by the rules adopted under this section as 1853
amended, the rules may require the motor vehicle to be registered 1854
for more or less than a twelve-month period at the time the motor 1855
vehicle's registration is subject to its initial renewal following 1856
the effective date of such rules. If necessary to effect an 1857
efficient transition, the rules may provide that the registration 1858
reassignments take place over two consecutive registration 1859
periods. The registration taxes to be charged shall be determined 1860
by the registrar on the basis of the annual tax otherwise due on 1861
the motor vehicle, prorated in accordance with the number of 1862
months for which the motor vehicle is registered, except that the 1863
fee established by division (E) of section 4503.042 or division 1864
(C)(1) of section 4503.10 of the Revised Code, as applicable, 1865
shall be collected in full for each renewal that occurs during the 1866
transition period and shall not be prorated. 1867

(D) The registrar shall adopt rules to permit any ~~person~~ 1868
commercial motor vehicle owner or motor vehicle renting dealer who 1869
owns ~~twenty two~~ two or more motor vehicles to ~~select any single date~~ 1870
as the date request the registrar to permit the owner to separate 1871
the owner's fleet into up to four divisions for assignment to 1872
separate dates upon which to register the vehicles, provided that 1873
the registrar may disapprove any ~~selected date~~ such request 1874
whenever ~~he~~ the registrar has reason to believe that an uneven 1875
distribution of registrations throughout the calendar year has 1876
developed or is likely to develop. ~~If the registrar disapproves a~~ 1877
date, the motor vehicle owner shall select an alternate date for 1878
registration. Upon agreement of the motor vehicle owner, the 1879
registrar may require the motor vehicle owner to register the 1880
vehicles on a specific date designated by the registrar. 1881

~~(D)~~(E) Every owner or lessee of a motor vehicle ~~and every~~ 1882
~~chauffeur~~ holding a certificate of registration shall notify the 1883
registrar ~~in writing~~ of any change of ~~his residence~~ the owner's or 1884
lessee's correct address within ten days after the change occurs. 1885
The notification shall be in writing on a form provided by the 1886
registrar or by electronic means approved by the registrar and 1887
shall include the full name, date of birth if applicable, license 1888
number, county of residence or place of business, social security 1889
account number of an individual or federal tax identification 1890
number of a business, and new address ~~of the person~~. 1891

(F) As used in this section, "motor vehicle renting dealer" 1892
has the same meaning as in section 4549.65 of the Revised Code. 1893

Sec. 4503.103. (A)(1)(a) The registrar of motor vehicles may 1894
adopt rules to permit any person or lessee, other than a person 1895
receiving an apportioned license plate under the international 1896
registration plan, who owns or leases ~~ten~~ one or more motor 1897
vehicles ~~used principally in connection with any established~~ 1898
~~business~~ to file a written application for registration for no 1899
more than five succeeding registration years. The rules adopted by 1900
the registrar may designate the classes of motor vehicles that are 1901
eligible for such registration. At the time of application, all 1902
annual taxes and fees shall be paid for each year for which the 1903
person is registering. ~~No person applying for a multi-year~~ 1904
~~registration is entitled to a refund of any taxes or fees paid.~~ 1905

(b) The registrar ~~may~~ shall adopt rules to permit any person, 1906
other than a person receiving an apportioned license plate under 1907
the international registration plan and other than the owner of a 1908
commercial car used solely in intrastate commerce, who owns a 1909
motor vehicle to file an application for registration for the next 1910
two succeeding registration years. At the time of application, the 1911
person shall pay the annual taxes and fees for each registration 1912

year, calculated in accordance with division (C) of section 1913
4503.11 of the Revised Code. A person who is registering a vehicle 1914
under division (A)(1)(b) of this section shall pay for each year 1915
of registration the additional fee established under division 1916
(C)(1) of section 4503.10 of the Revised Code. The person shall 1917
also pay the amount of the deputy registrar service fee specified 1918
in division (D) of section 4503.10 of the Revised Code or the 1919
bureau of motor vehicles service fee specified in division (G) of 1920
that section, as applicable. 1921

(2) No person applying for a multi-year registration under 1922
division (A)(1) of this section is entitled to a refund of any 1923
taxes or fees paid. 1924

(3) The registrar shall not issue to any applicant who has 1925
been issued a final, nonappealable order under division (B) of 1926
this section a multi-year registration or renewal thereof under 1927
this division or rules adopted under it for any motor vehicle that 1928
is required to be inspected under section 3704.14 of the Revised 1929
Code the district of registration of which, as determined under 1930
section 4503.10 of the Revised Code, is or is located in the 1931
county named in the order. 1932

(B) Upon receipt from the director of environmental 1933
protection of a notice issued under division (J) of section 1934
3704.14 of the Revised Code indicating that an owner of a motor 1935
vehicle that is required to be inspected under that section who 1936
obtained a multi-year registration for the vehicle under division 1937
(A) of this section or rules adopted under that division has not 1938
obtained an inspection certificate for the vehicle in accordance 1939
with that section in a year intervening between the years of 1940
issuance and expiration of the multi-year registration in which 1941
the owner is required to have the vehicle inspected and obtain an 1942
inspection certificate for it under division (F)(1)(a) of that 1943
section, the registrar in accordance with Chapter 119. of the 1944

Revised Code shall issue an order to the owner impounding the
certificate of registration and identification license plates for
the vehicle. The order also shall prohibit the owner from
obtaining or renewing a multi-year registration for any vehicle
that is required to be inspected under that section, the district
of registration of which is or is located in the same county as
the county named in the order during the number of years after
expiration of the current multi-year registration that equals the
number of years for which the current multi-year registration was
issued.

An order issued under this division shall require the owner
to surrender to the registrar the certificate of registration and
license plates for the vehicle named in the order within five days
after its issuance. If the owner fails to do so within that time,
the registrar shall certify that fact to the county sheriff or
local police officials who shall recover the certificate of
registration and license plates for the vehicle.

(C) Upon the occurrence of either of the following
circumstances, the registrar in accordance with Chapter 119. of
the Revised Code shall issue to the owner a modified order
rescinding the provisions of the order issued under division (B)
of this section impounding the certificate of registration and
license plates for the vehicle named in that original order:

(1) Receipt from the director of environmental protection of
a subsequent notice under division (J) of section 3704.14 of the
Revised Code that the owner has obtained the inspection
certificate for the vehicle as required under division (F)(1)(a)
of that section;

(2) Presentation to the registrar by the owner of the
required inspection certificate for the vehicle.

(D) The owner of a motor vehicle for which the certificate of

registration and license plates have been impounded pursuant to an 1976
order issued under division (B) of this section, upon issuance of 1977
a modified order under division (C) of this section, may apply to 1978
the registrar for their return. A fee of two dollars and fifty 1979
cents shall be charged for the return of the certificate of 1980
registration and license plates for each vehicle named in the 1981
application. 1982

Sec. 4503.11. (A) Except as provided by sections 4503.103, 1983
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 1984
person who is the owner or chauffeur of a motor vehicle operated 1985
or driven upon the public roads or highways shall fail to file 1986
annually the application for registration or to pay the tax 1987
therefor. 1988

(B) Except as provided by sections 4503.12 and 4503.16 of the 1989
Revised Code, the taxes payable on all applications made under 1990
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 1991
of the tax due under division (B)(1)(a) or (b) of this section 1992
plus the tax due under division (B)(2)(a) or (b) of this section: 1993

(1)(a) If the application is made before the second month of 1994
the current registration period to which the motor vehicle is 1995
assigned as provided in section 4503.101 of the Revised Code, the 1996
tax due is the full amount of the tax provided in section 4503.04 1997
of the Revised Code; 1998

(b) If the application is made during or after the second 1999
month of the current registration period to which the motor 2000
vehicle is assigned as provided in section 4503.101 of the Revised 2001
Code, and prior to the beginning of the next such registration 2002
period, the amount of the tax provided in section 4503.04 of the 2003
Revised Code shall be reduced by one-twelfth of the amount of such 2004
tax, rounded upward to the nearest cent, multiplied by the number 2005
of full months that have elapsed in the current registration 2006

period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

(2)(a) If the application is made before the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code, the amount of tax due is the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code;

(b) If the application is made during or after the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code and prior to the beginning of the next such registration period, the amount of tax due is one-half of the amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code.

(C) The taxes payable on all applications made under division (A)(1)(b) of section 4503.103 of the Revised Code shall be the sum of the tax due under division (B)(1)(a) or (b) of this section plus the tax due under division (B)(2)(a) or (b) of this section for the first year plus the full amount of the tax provided in section 4503.04 of the Revised Code and the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code for the second year.

Sec. 4503.173. (A) As used in this section:

(1) "Boat trailer" means any trailer designed and used for the transportation of no more than one watercraft.

(2) "Watercraft" means any of the following when used or capable of being used for transportation on the water:

(a) A boat operated by machinery either permanently or temporarily affixed;

(b) A sailboat other than a sailboard;

(c) An inflatable, manually propelled boat having a hull identification number assigned by and meeting the requirements of the United States coast guard;	2037 2038 2039
(d) A canoe or rowboat.	2040
(3) "Disabled veteran" means a person who falls into any of the following categories:	2041 2042
(a) Has been determined by the United States veterans administration to be permanently and totally disabled, receives a pension or compensation from the veterans administration, and received an honorable discharge from the armed forces of the United States;	2043 2044 2045 2046 2047
(b) Because of a service-connected disability, has been or is awarded funds for the purchase of a motor vehicle under the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto;	2048 2049 2050 2051
(c) Has a service-connected disability rated at one hundred per cent by the veterans' administration.	2052 2053
(4) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, the Union of Soviet Socialist Republics, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II.	2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065
(B) Any owner of a boat trailer who is a disabled veteran, congressional medal of honor awardee, or prisoner of war may apply	2066 2067

to the registrar of motor vehicles for the registration of the 2068
boat trailer without the payment of any registration tax and 2069
service fee as required by sections 4503.02, 4503.10, 4503.102, 2070
and 4503.12 of the Revised Code and without the payment of any 2071
applicable county, township, or municipal motor vehicle license 2072
tax levied under Chapter 4504. of the Revised Code. The 2073
application shall be accompanied by such evidence of disability or 2074
by such documentary evidence in support of a congressional medal 2075
of honor as the registrar requires by rule. The application for a 2076
registration by any person who has been a prisoner of war shall be 2077
accompanied by written evidence in the form of a record of 2078
separation, a letter from one of the armed forces of the United 2079
States or other country as listed in division (A)(4) of this 2080
section, or other evidence as the registrar may require by rule, 2081
that the person was a prisoner of war and was honorably discharged 2082
or is presently residing in this state on active duty with one of 2083
the branches of the armed forces of the United States, or was a 2084
prisoner of war and was honorably discharged or received an 2085
equivalent discharge or release from one of the armed forces of a 2086
country listed in division (A)(4) of this section. 2087

~~(C) Annually by the fifteenth day of January, the registrar 2088
of motor vehicles shall determine the amount of taxes and fees 2089
exempted from payment under division (B) of this section and 2090
certify the amount to the director of budget and management for 2091
reimbursement. The director shall thereupon transfer the amount 2092
certified from the general revenue fund to the auto registration 2093
distribution fund and the state highway safety fund in the same 2094
proportions as would be the case if the boat trailer registrations 2095
were not exempted from the payment of taxes and fees under 2096
division (B) of this section. Amounts transferred to the auto 2097
registration distribution fund under this division shall be 2098
distributed in the manner provided by section 4501.03 of the 2099
Revised Code. 2100~~

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 2101
application and proof of purchase of the vehicle, may be issued a 2102
temporary license placard or windshield sticker for the motor 2103
vehicle. 2104

The purchaser of a vehicle applying for a temporary license 2105
placard or windshield sticker under this section shall execute an 2106
affidavit stating that the purchaser has not been issued 2107
previously during the current registration year a license plate 2108
that could legally be transferred to the vehicle. 2109

Placards or windshield stickers shall be issued only for the 2110
applicant's use of the vehicle to enable the applicant to legally 2111
operate the motor vehicle while proper title, license plates, and 2112
a certificate of registration are being obtained, and shall be 2113
displayed on no other motor vehicle. 2114

Placards or windshield stickers issued under this section are 2115
valid for a period of thirty days from date of issuance and are 2116
not transferable or renewable. 2117

The fee for the placards or windshield stickers is two 2118
dollars plus a deputy registrar service fee of two dollars and 2119
seventy-five cents commencing on July 1, 2001, three dollars and 2120
twenty-five cents commencing on January 1, 2003, and three dollars 2121
and fifty cents commencing on January 1, 2004, for each placard 2122
issued by a deputy registrar. 2123

(B) The registrar of motor vehicles may issue to a motorized 2124
bicycle dealer or a licensed motor vehicle dealer temporary 2125
license placards to be issued to purchasers for use on vehicles 2126
sold by the dealer, in accordance with rules prescribed by the 2127
registrar. The dealer shall notify the registrar, within 2128
forty-eight hours, of the issuance of a placard by electronic 2129
means via computer equipment purchased and maintained by the 2130
dealer or in any other manner prescribed by the registrar. 2131

The fee for each placard issued by the registrar to a licensed motor vehicle dealer is two dollars plus a fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004.

(C) The registrar of motor vehicles, at the registrar's discretion, may issue a temporary license placard. Such a placard may be issued in the case of extreme hardship encountered by a citizen from this state or another state who has attempted to comply with all registration laws, but for extreme circumstances is unable to properly register the citizen's vehicle.

(D) In addition to the fees charged under divisions (A) and (B) of this section, commencing on October 1, 2003, the registrar and each deputy registrar shall collect a fee of five dollars for each temporary license placard issued. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. Each deputy registrar shall transmit the fees collected under this division in the same manner as provided for transmission of fees collected under division (A) of this section. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(E) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the procedures for reporting the information from applications for temporary license placards and windshield stickers and for providing the information from these applications to law enforcement agencies.

~~(E)~~(F) Temporary license placards issued under this section shall bear a distinctive combination of seven letters, numerals, or letters and numerals, and shall incorporate a security feature

that, to the greatest degree possible, prevents tampering with any 2164
of the information that is entered upon a placard when it is 2165
issued. 2166

~~(F)~~(G) As used in this section, "motorized bicycle dealer" 2167
means any person engaged in the business of selling at retail, 2168
displaying, offering for sale, or dealing in motorized bicycles 2169
who is not subject to section 4503.09 of the Revised Code. 2170

Sec. 4503.40. The registrar of motor vehicles shall be 2171
allowed a fee, not to exceed ten dollars, for each application 2172
received by the registrar for special state reserved license plate 2173
numbers and the issuing of such licenses, and validation stickers, 2174
in the several series as the registrar may designate. The fee 2175
shall be in addition to the license tax established by this 2176
chapter and, where applicable, Chapter 4504. of the Revised Code. 2177
Seven dollars and fifty cents of the fee shall be for the purpose 2178
of compensating the bureau of motor vehicles for additional 2179
services required in the issuing of such licenses, and the 2180
remaining two dollars and fifty cents shall be transmitted by the 2181
registrar to the treasurer of state for deposit in the state 2182
highway operating safety fund created by section ~~5735.291~~ 4501.06 2183
of the Revised Code. The types of motor vehicles for which special 2184
state reserved license plates may be issued in accordance with 2185
this section shall include at least motorcycles, buses, passenger 2186
cars, and noncommercial motor vehicles. 2187

Sec. 4503.42. The registrar of motor vehicles shall be 2188
allowed a fee of not to exceed thirty-five dollars, which shall be 2189
in addition to the regular license fee for tags as prescribed 2190
under section 4503.04 of the Revised Code and any tax levied under 2191
section 4504.02 or 4504.06 of the Revised Code, for each 2192
application received by the registrar for special reserved license 2193
plate numbers containing more than three letters or numerals, and 2194

the issuing of such licenses and validation stickers in the 2195
several series as the registrar may designate. Five dollars of the 2196
fee shall be for the purpose of compensating the bureau of motor 2197
vehicles for additional services required in the issuing of such 2198
licenses and validation stickers, and the remaining thirty dollars 2199
shall be transmitted by the registrar to the treasurer of state 2200
for deposit in the state highway operating safety fund created by 2201
section ~~5735.291~~ 4501.06 of the Revised Code. 2202

This section does not apply to the issuance of reserved 2203
license plates as authorized by sections 4503.14, 4503.15, and 2204
4503.40 of the Revised Code. The types of motor vehicles for which 2205
license plate numbers containing more than three letters or 2206
numerals may be issued in accordance with this section shall 2207
include at least buses, passenger cars, and noncommercial motor 2208
vehicles. 2209

Sec. 4503.50. (A) The owner or lessee of any passenger car, 2210
noncommercial motor vehicle, motor home, or other vehicle of a 2211
class approved by the registrar of motor vehicles may apply to the 2212
registrar for the registration of the vehicle and issuance of 2213
future farmers of America license plates. The application for 2214
future farmers of America license plates may be combined with a 2215
request for a special reserved license plate under section 4503.40 2216
or 4503.42 of the Revised Code. Upon receipt of the completed 2217
application and compliance with division (B) of this section, the 2218
registrar shall issue to the applicant the appropriate vehicle 2219
registration and a set of future farmers of America license plates 2220
with a validation sticker or a validation sticker alone when 2221
required by section 4503.191 of the Revised Code. 2222

In addition to the letters and numbers ordinarily inscribed 2223
on the license plates, future farmers of America license plates 2224
shall be inscribed with identifying words or markings representing 2225

the future farmers of America and approved by the registrar. 2226
Future farmers of America license plates shall bear county 2227
identification stickers that identify the county of registration 2228
by name or number. 2229

(B) The future farmers of America license plates and 2230
validation sticker shall be issued upon receipt of a contribution 2231
as provided in division (C) of this section and upon payment of 2232
the regular license tax as prescribed under section 4503.04 of the 2233
Revised Code, a fee of ten dollars for the purpose of compensating 2234
the bureau of motor vehicles for additional services required in 2235
the issuing of the future farmers of America license plates, any 2236
applicable motor vehicle tax levied under Chapter 4504. of the 2237
Revised Code, and compliance with all other applicable laws 2238
relating to the registration of motor vehicles. If the application 2239
for future farmers of America license plates is combined with a 2240
request for a special reserved license plate under section 4503.40 2241
or 4503.42 of the Revised Code, the license plate and validation 2242
sticker shall be issued upon payment of the contribution, fees, 2243
and taxes referred to or established in this division and the 2244
additional fee prescribed under section 4503.40 or 4503.42 of the 2245
Revised Code. 2246

(C) For each application for registration and registration 2247
renewal the registrar receives under this section, the registrar 2248
shall collect a contribution of fifteen dollars. The registrar 2249
shall transmit this contribution to the treasurer of state for 2250
deposit in the ~~future farmers of America~~ license plate 2251
contribution fund created in section ~~4501.40~~ 4501.21 of the 2252
Revised Code. 2253

The registrar shall deposit the additional fee of ten dollars 2254
specified in division (B) of this section that the applicant for 2255
registration pays for the purpose of compensating the bureau for 2256
the additional services required in the issuing of the applicant's 2257

future farmers of America license plates in the state bureau of 2258
motor vehicles fund created in section 4501.25 of the Revised 2259
Code. 2260

Sec. 4503.51. (A) The owner or lessee of any passenger car, 2261
noncommercial motor vehicle, recreational vehicle, or vehicle of a 2262
class approved by the registrar of motor vehicles may voluntarily 2263
choose to submit an application to the registrar for registration 2264
of such motor vehicle and for issuance of collegiate license 2265
plates. The request for a collegiate license plate may be combined 2266
with a request for a special reserved license plate under section 2267
4503.40 or 4503.42 of the Revised Code. 2268

Upon receipt of the completed application for registration of 2269
a vehicle in accordance with any rules adopted under this section 2270
and upon compliance with division (B) of this section, the 2271
registrar shall issue to the applicant appropriate vehicle 2272
registration and a set of collegiate license plates with a 2273
validation sticker, or a validation sticker alone when required by 2274
section 4503.191 of the Revised Code. 2275

In addition to the letters and numbers ordinarily inscribed 2276
thereon, collegiate license plates shall be inscribed with the 2277
name of a university or college that is participating with the 2278
registrar in the issuance of collegiate license plates, or any 2279
other identifying marking or design selected by such a university 2280
or college and approved by the registrar. Collegiate license 2281
plates shall bear county identification stickers that identify the 2282
county of registration by name or number. 2283

(B) The collegiate license plates and validation sticker 2284
shall be issued upon receipt of a contribution as provided in 2285
division (C) of this section and payment of the regular license 2286
fees as prescribed under section 4503.04 of the Revised Code, any 2287
applicable motor vehicle tax levied under Chapter 4504. of the 2288

Revised Code, a fee not to exceed ten dollars for the purpose of 2289
compensating the bureau of motor vehicles for additional services 2290
required in the issuing of collegiate license plates, and 2291
compliance with all other applicable laws relating to the 2292
registration of motor vehicles, including presentation of any 2293
inspection certificate required to be obtained for the motor 2294
vehicle under section 3704.14 of the Revised Code. If the 2295
application for a collegiate license plate is combined with a 2296
request for a special reserved license plate under section 4503.40 2297
or 4503.42 of the Revised Code, the license plate and validation 2298
sticker shall be issued upon payment of the contribution, fees, 2299
and taxes referred to in this division, the additional fee 2300
prescribed under section 4503.40 or 4503.42 of the Revised Code, 2301
and compliance with all other laws relating to the registration of 2302
motor vehicles, including presentation of any inspection 2303
certificate required to be obtained for the motor vehicle under 2304
section 3704.14 of the Revised Code. 2305

(C) The registrar shall collect a contribution of twenty-five 2306
dollars for each application for registration and registration 2307
renewal notice under this section. 2308

The registrar shall transmit this contribution to the 2309
treasurer of state for deposit into the ~~collegiate~~ license plate 2310
contribution fund created by section ~~4501.20~~ 4501.21 of the 2311
Revised Code. The additional fee not to exceed ten dollars that 2312
the applicant for registration voluntarily pays for the purpose of 2313
compensating the bureau for the additional services required in 2314
the issuing of the applicant's collegiate license plates shall be 2315
transmitted into the state treasury to the credit of the state 2316
bureau of motor vehicles fund created in section 4501.25 of the 2317
Revised Code. 2318

(D) The registrar, in accordance with Chapter 119. of the 2319
Revised Code, shall adopt rules necessary for the efficient 2320

administration of the collegiate license plate program. 2321

(E) As used in this section, "university or college" means a 2322
state university or college or a private university or college 2323
located in this state that possesses a certificate of 2324
authorization issued by the Ohio board of regents pursuant to 2325
Chapter 1713. of the Revised Code. "University or college" also 2326
includes community colleges created pursuant to Chapter 3354. of 2327
the Revised Code, university branches created pursuant to Chapter 2328
3355. of the Revised Code, technical colleges created pursuant to 2329
Chapter 3357. of the Revised Code, and state community colleges 2330
created pursuant to Chapter 3358. of the Revised Code. 2331

Sec. 4503.55. (A) The owner or lessee of any passenger car, 2332
noncommercial motor vehicle, recreational vehicle, or other 2333
vehicle of a class approved by the registrar of motor vehicles may 2334
apply to the registrar for the registration of the vehicle and 2335
issuance of pro football hall of fame license plates. The 2336
application for pro football hall of fame license plates may be 2337
combined with a request for a special reserved license plate under 2338
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2339
the completed application and compliance with division (B) of this 2340
section, the registrar shall issue to the applicant the 2341
appropriate vehicle registration and a set of pro football hall of 2342
fame license plates with a validation sticker or a validation 2343
sticker alone when required by section 4503.191 of the Revised 2344
Code. 2345

In addition to the letters and numbers ordinarily inscribed 2346
thereon, pro football hall of fame license plates shall be 2347
inscribed with identifying words or markings designed by the pro 2348
football hall of fame and approved by the registrar. Pro football 2349
hall of fame plates shall bear county identification stickers that 2350
identify the county of registration by name or number. 2351

(B) The pro football hall of fame license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license fees as prescribed under section 4503.04 of the Revised Code, a fee not to exceed ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of the pro football hall of fame license plates, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for pro football hall of fame license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plate and validation sticker shall be issued upon payment of the contribution, fees, and taxes contained in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration renewal under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the ~~pro football hall of fame~~ license plate contribution fund created in section ~~4501.22~~ 4501.21 of the Revised Code.

The registrar shall deposit the additional fee not to exceed ten dollars specified in division (B) of this section that the applicant for registration voluntarily pays for the purpose of compensating the bureau for the additional services required in the issuing of the applicant's pro football hall of fame license plates in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

Sec. 4503.561. (A) The owner or lessee of any passenger car,

noncommercial motor vehicle, recreational vehicle, or other 2383
vehicle of a class approved by the registrar of motor vehicles may 2384
apply to the registrar for the registration of the vehicle and 2385
issuance of ducks unlimited license plates. The application for 2386
ducks unlimited license plates may be combined with a request for 2387
a special reserved license plate under section 4503.40 or 4503.42 2388
of the Revised Code. Upon receipt of the completed application and 2389
compliance with division (B) of this section, the registrar shall 2390
issue to the applicant the appropriate vehicle registration and a 2391
set of ducks unlimited license plates with a validation sticker or 2392
a validation sticker alone when required by section 4503.191 of 2393
the Revised Code. 2394

In addition to the letters and numbers ordinarily inscribed 2395
on the license plates, ducks unlimited license plates shall be 2396
inscribed with identifying words or markings representing ducks 2397
unlimited, inc., and approved by the registrar. Ducks unlimited 2398
license plates shall bear county identification stickers that 2399
identify the county of registration by name or number. 2400

(B) The ducks unlimited license plates and validation sticker 2401
shall be issued upon receipt of a contribution as provided in 2402
division (C) of this section and upon payment of the regular 2403
license tax as prescribed under section 4503.04 of the Revised 2404
Code, a fee of ten dollars for the purpose of compensating the 2405
bureau of motor vehicles for additional services required in the 2406
issuing of the ducks unlimited license plates, any applicable 2407
motor vehicle tax levied under Chapter 4504. of the Revised Code, 2408
and compliance with all other applicable laws relating to the 2409
registration of motor vehicles. If the application for ducks 2410
unlimited license plates is combined with a request for a special 2411
reserved license plate under section 4503.40 or 4503.42 of the 2412
Revised Code, the license plate and validation sticker shall be 2413
issued upon payment of the contribution, fees, and taxes referred 2414

to or established in this division and the additional fee 2415
prescribed under section 4503.40 or 4503.42 of the Revised Code. 2416

(C) For each application for registration and registration 2417
renewal the registrar receives under this section, the registrar 2418
shall collect a contribution of fifteen dollars. The registrar 2419
shall transmit this contribution to the treasurer of state for 2420
deposit in the ~~ducks unlimited~~ license plate contribution fund 2421
created in section ~~4501.33~~ 4501.21 of the Revised Code. 2422

The registrar shall deposit the additional fee of ten dollars 2423
specified in division (B) of this section that the applicant for 2424
registration pays for the purpose of compensating the bureau for 2425
the additional services required in the issuing of the applicant's 2426
ducks unlimited license plates in the state bureau of motor 2427
vehicles fund created in section 4501.25 of the Revised Code. 2428

Sec. 4503.591. (A) If a professional sports team located in 2429
this state desires to have its logo appear on license plates 2430
issued by this state, it shall enter into a contract with the 2431
sports commission to permit such display, as permitted in 2432
divisions (D), (E), and (F) of this section ~~4501.32 of the Revised~~ 2433
~~Code~~. The owner or lessee of any passenger car, noncommercial 2434
motor vehicle, recreational vehicle, or other vehicle of a class 2435
approved by the registrar of motor vehicles may apply to the 2436
registrar for the registration of the vehicle and issuance of 2437
license plates bearing the logo of a professional sports team that 2438
has entered into such a contract. The application shall designate 2439
the sports team whose logo the owner or lessee desires to appear 2440
on the license plates. Failure to designate a participating 2441
professional sports team shall result in rejection by the 2442
registrar of the registration application. An application made 2443
under this section may be combined with a request for a special 2444
reserved license plate under section 4503.40 or 4503.42 of the 2445

Revised Code. Upon receipt of the completed application and 2446
compliance by the applicant with divisions (B) and (C) of this 2447
section, the registrar shall issue to the applicant the 2448
appropriate vehicle registration and a set of license plates 2449
bearing the logo of the professional sports team the owner 2450
designated in the application and a validation sticker, or a 2451
validation sticker alone when required by section 4503.191 of the 2452
Revised Code. 2453

In addition to the letters and numbers ordinarily inscribed 2454
thereon, professional sports team license plates shall bear the 2455
logo of a participating professional sports team, and shall 2456
display county identification stickers that identify the county of 2457
registration by name or number. 2458

(B) The professional sports team license plates and 2459
validation sticker, or validation sticker alone, as the case may 2460
be, shall be issued upon payment of the regular license tax as 2461
prescribed under section 4503.04 of the Revised Code, any 2462
applicable motor vehicle license tax levied under Chapter 4504. of 2463
the Revised Code, a fee of ten dollars for the purpose of 2464
compensating the bureau of motor vehicles for additional services 2465
required in the issuing of professional sports team license 2466
plates, and compliance with all other applicable laws relating to 2467
the registration of motor vehicles. If the application for a 2468
professional sports team license plate is combined with a request 2469
for a special reserved license plate under section 4503.40 or 2470
4503.42 of the Revised Code, the license plates and validation 2471
sticker, or validation sticker alone, shall be issued upon payment 2472
of the regular license tax as prescribed under section 4503.04 of 2473
the Revised Code, any applicable motor vehicle tax levied under 2474
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2475
purpose of compensating the bureau of motor vehicles for 2476
additional services required in the issuing of professional sports 2477

team license plates, the additional fee prescribed under section 2478
4503.40 or 4503.42 of the Revised Code, and compliance with all 2479
other applicable laws relating to the registration of motor 2480
vehicles. 2481

(C) For each application for registration and registration 2482
renewal notice the registrar receives under this section, the 2483
registrar shall collect a contribution of twenty-five dollars. The 2484
registrar shall transmit this contribution to the treasurer of 2485
state for deposit into the ~~state treasury for distribution as~~ 2486
~~described in~~ license plate contribution fund created by section 2487
4501.32 4501.21 of the Revised Code. 2488

The registrar shall transmit the additional fee of ten 2489
dollars paid to compensate the bureau for the additional services 2490
required in the issuing of professional sports team license plates 2491
to the treasurer of state for deposit into the state treasury to 2492
the credit of the state bureau of motor vehicles fund created by 2493
section 4501.25 of the Revised Code. 2494

(D) If a professional sports team located in this state 2495
desires to have its logo appear on license plates issued by this 2496
state, it shall inform the largest convention and visitors' bureau 2497
of the county in which the professional sports team is located of 2498
that desire. That convention and visitors' bureau shall create a 2499
sports commission to operate in that county to receive the 2500
contributions that are paid by applicants who choose to be issued 2501
license plates bearing the logo of that professional sports team 2502
for display on their motor vehicles. The sports commission shall 2503
negotiate with the professional sports team to permit the display 2504
of the team's logo on license plates issued by this state, enter 2505
into the contract with the team to permit such display, and pay to 2506
the team any licensing or rights fee that must be paid in 2507
connection with the issuance of the license plates. Upon execution 2508
of the contract, the sports commission shall provide a copy of it 2509

to the registrar of motor vehicles, along with any other 2510
documentation the registrar may require. Upon receipt of the 2511
contract and any required additional documentation, and when the 2512
numerical requirement contained in division (A) of section 4503.78 2513
of the Revised Code has been met relative to that particular 2514
professional sports team, the registrar shall take the measures 2515
necessary to issue license plates bearing the logo of that team. 2516

(E) A sports commission shall expend the money it receives 2517
pursuant to section 4501.21 of the Revised Code to attract amateur 2518
regional, national, and international sporting events to the 2519
municipal corporation, county, or township in which it is located, 2520
and it may sponsor such events. Prior to attracting or sponsoring 2521
such events, the sports commission shall perform an economic 2522
analysis to determine whether the proposed event will have a 2523
positive economic effect on the greater area in which the event 2524
will be held. A sports commission shall not expend any money it 2525
receives under that section to attract or sponsor an amateur 2526
regional, national, or international sporting event if its 2527
economic analysis does not result in a finding that the proposed 2528
event will have a positive economic effect on the greater area in 2529
which the event will be held. 2530

A sports commission that receives money pursuant to that 2531
section, in addition to any other duties imposed on it by law and 2532
notwithstanding the scope of those duties, also shall encourage 2533
the economic development of this state through the promotion of 2534
tourism within all areas of this state. A sports commission that 2535
receives ten thousand dollars or more during any calendar year 2536
shall submit a written report to the director of development, on 2537
or before the first day of October of the next succeeding year, 2538
detailing its efforts and expenditures in the promotion of tourism 2539
during the calendar year in which it received the ten thousand 2540
dollars or more. 2541

As used in this division, "promotion of tourism" means the encouragement through advertising, educational and informational means, and public relations, both within the state and outside of it, of travel by persons away from their homes for pleasure, personal reasons, or other purposes, except to work, to this state or to the region in which the sports commission is located.

(F) For purposes of this section:

(1) The "largest" convention and visitors' bureau of a county is the bureau that receives the largest amount of money generated in that county from excise taxes levied on lodging transactions under sections 351.021, 5739.08, and 5739.09 of the Revised Code.

(2) "Sports commission" means a nonprofit corporation organized under the laws of this state that is entitled to tax exempt status under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and whose function is to attract, promote, or sponsor sports and athletic events within a municipal corporation, county, or township.

Such a commission shall consist of twenty-one members. Seven members shall be appointed by the mayor of the largest city to be served by the commission. Seven members shall be appointed by the board of county commissioners of the county to be served by the commission. Seven members shall be appointed by the largest convention and visitors' bureau in the area to be served by the commission. A sports commission may provide all services related to attracting, promoting, or sponsoring such events, including, but not limited to, the booking of athletes and teams, scheduling, and hiring or contracting for staff, ushers, managers, and other persons whose functions are directly related to the sports and athletic events the commission attracts, promotes, or sponsors.

Sec. 4503.67. (A) If the national organization of the boy

scouts of America desires to have its logo appear on license 2573
plates issued by this state, a representative of the Dan Beard 2574
council shall enter into a contract with the registrar of motor 2575
vehicles as provided in division (D) of this section ~~4501.41 of~~ 2576
~~the Revised Code~~. The owner or lessee of any passenger car, 2577
noncommercial motor vehicle, recreational vehicle, or other 2578
vehicle of a class approved by the registrar may apply to the 2579
registrar for the registration of the vehicle and issuance of 2580
license plates bearing the logo of the boy scouts of America if 2581
the council representative has entered into such a contract. An 2582
application made under this section may be combined with a request 2583
for a special reserved license plate under section 4503.40 or 2584
4503.42 of the Revised Code. Upon receipt of the completed 2585
application and compliance by the applicant with divisions (B) and 2586
(C) of this section, the registrar shall issue to the applicant 2587
the appropriate vehicle registration and a set of license plates 2588
bearing the logo of the boy scouts of America and a validation 2589
sticker, or a validation sticker alone when required by section 2590
4503.191 of the Revised Code. 2591

In addition to the letters and numbers ordinarily inscribed 2592
thereon, the plates shall display county identification stickers 2593
that identify the county of registration by name or number. 2594

(B) The boy scouts logo license plates and validation 2595
sticker, or validation sticker alone, as the case may be, shall be 2596
issued upon payment of the regular license tax as prescribed under 2597
section 4503.04 of the Revised Code, any applicable motor vehicle 2598
license tax levied under Chapter 4504. of the Revised Code, a fee 2599
of ten dollars for the purpose of compensating the bureau of motor 2600
vehicles for additional services required in the issuing of boy 2601
scouts license plates, and compliance with all other applicable 2602
laws relating to the registration of motor vehicles. If the 2603
application for a boy scouts license plate is combined with a 2604

request for a special reserved license plate under section 4503.40 2605
or 4503.42 of the Revised Code, the license plates and validation 2606
sticker, or validation sticker alone, shall be issued upon payment 2607
of the regular license tax as prescribed under section 4503.04 of 2608
the Revised Code, any applicable motor vehicle tax levied under 2609
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2610
purpose of compensating the bureau of motor vehicles for 2611
additional services required in the issuing of the plates, the 2612
additional fee prescribed under section 4503.40 or 4503.42 of the 2613
Revised Code, and compliance with all other applicable laws 2614
relating to the registration of motor vehicles. 2615

(C) For each application for registration and registration 2616
renewal notice the registrar receives under this section, the 2617
registrar shall collect a contribution of fifteen dollars. The 2618
registrar shall transmit this contribution to the treasurer of 2619
state for deposit into the ~~state treasury for distribution as~~ 2620
~~described in~~ license plate contribution fund created by section 2621
~~4501.41~~ 4501.21 of the Revised Code. 2622

The registrar shall transmit the additional fee of ten 2623
dollars paid to compensate the bureau for the additional services 2624
required in the issuing of boy scouts license plates to the 2625
treasurer of state for deposit into the state treasury to the 2626
credit of the state bureau of motor vehicles fund created by 2627
section 4501.25 of the Revised Code. 2628

(D) If the national organization of the boy scouts of America 2629
desires to have its logo appear on license plates issued by this 2630
state, a representative of the Dan Beard council shall contract 2631
with the registrar to permit the display of the logo on license 2632
plates issued by this state. Upon execution of the contract, the 2633
council shall provide a copy of it to the registrar, along with 2634
any other documentation the registrar may require. Upon receiving 2635
the contract and any required additional documentation, and when 2636

the numerical requirement contained in division (A) of section 4503.78 of the Revised Code has been met relative to the boy scouts of America, the registrar shall take the measures necessary to issue license plates bearing the logo of the boy scouts of America.

Sec. 4503.68. (A) If the national organization of the girl scouts of the United States of America desires to have its logo appear on license plates issued by this state, a representative of the Great River council shall enter into a contract with the registrar of motor vehicles as provided in division (D) of this section 4501.61 of the Revised Code. The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar may apply to the registrar for the registration of the vehicle and issuance of license plates bearing the logo of the girl scouts of United States of America if the council representative has entered into such a contract. An application made under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of license plates bearing the logo of the girl scouts of the United States of America and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, the plates shall display county identification stickers that identify the county of registration by name or number.

(B) The girl scouts logo license plates and validation sticker, or validation sticker alone, as the case may be, shall be

issued upon payment of the regular license tax as prescribed under 2668
section 4503.04 of the Revised Code, any applicable motor vehicle 2669
license tax levied under Chapter 4504. of the Revised Code, a fee 2670
of ten dollars for the purpose of compensating the bureau of motor 2671
vehicles for additional services required in the issuing of girl 2672
scouts license plates, and compliance with all other applicable 2673
laws relating to the registration of motor vehicles. If the 2674
application for a girl scouts license plate is combined with a 2675
request for a special reserved license plate under section 4503.40 2676
or 4503.42 of the Revised Code, the license plates and validation 2677
sticker, or validation sticker alone, shall be issued upon payment 2678
of the regular license tax as prescribed under section 4503.04 of 2679
the Revised Code, any applicable motor vehicle tax levied under 2680
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2681
purpose of compensating the bureau of motor vehicles for 2682
additional services required in the issuing of the plates, the 2683
additional fee prescribed under section 4503.40 or 4503.42 of the 2684
Revised Code, and compliance with all other applicable laws 2685
relating to the registration of motor vehicles. 2686

(C) For each application for registration and registration 2687
renewal notice the registrar receives under this section, the 2688
registrar shall collect a contribution of fifteen dollars. The 2689
registrar shall transmit this contribution to the treasurer of 2690
state for deposit into the ~~state treasury for distribution as~~ 2691
~~described in~~ license plate contribution fund created by section 2692
~~4501.61~~ 4501.21 of the Revised Code. 2693

The registrar shall transmit the additional fee of ten 2694
dollars paid to compensate the bureau for the additional services 2695
required in the issuing of girl scouts license plates to the 2696
treasurer of state for deposit into the state treasury to the 2697
credit of the state bureau of motor vehicles fund created by 2698
section 4501.25 of the Revised Code. 2699

(D) If the national organization of the girl scouts of the United States of America desires to have its logo appear on license plates issued by this state, a representative from the Great River council shall contract with the registrar to permit the display of the logo on license plates issued by this state. Upon execution of the contract, the council shall provide a copy of it to the registrar, along with any other documentation the registrar may require. Upon receiving the contract and any required additional documentation, and when the numerical requirement contained in division (A) of section 4503.78 of the Revised Code has been met relative to the girl scouts of the United States of America, the registrar shall take the measures necessary to issue license plates bearing the logo of the girl scouts of the United States of America.

Sec. 4503.69. (A) If the national organization of the eagle scouts desires to have its logo appear on license plates issued by this state, a representative of the Dan Beard council shall enter into a contract with the registrar of motor vehicles as provided in division (D) of this section 4501.71 of the Revised Code. The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar may apply to the registrar for the registration of the vehicle and issuance of license plates bearing the logo of the eagle scouts if the council representative has entered into such a contract on behalf of the eagle scouts. An application made under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of license plates bearing the logo of the eagle scouts and a validation sticker, or a validation sticker

alone when required by section 4503.191 of the Revised Code. 2732

In addition to the letters and numbers ordinarily inscribed 2733
thereon, the plates shall display county identification stickers 2734
that identify the county of registration by name or number. 2735

(B) The eagle scouts logo license plates and validation 2736
sticker, or validation sticker alone, as the case may be, shall be 2737
issued upon payment of the regular license tax as prescribed under 2738
section 4503.04 of the Revised Code, any applicable motor vehicle 2739
license tax levied under Chapter 4504. of the Revised Code, a fee 2740
of ten dollars for the purpose of compensating the bureau of motor 2741
vehicles for additional services required in the issuing of eagle 2742
scouts license plates, and compliance with all other applicable 2743
laws relating to the registration of motor vehicles. If the 2744
application for an eagle scouts license plate is combined with a 2745
request for a special reserved license plate under section 4503.40 2746
or 4503.42 of the Revised Code, the license plates and validation 2747
sticker, or validation sticker alone, shall be issued upon payment 2748
of the regular license tax as prescribed under section 4503.04 of 2749
the Revised Code, any applicable motor vehicle tax levied under 2750
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2751
purpose of compensating the bureau of motor vehicles for 2752
additional services required in the issuing of the plates, the 2753
additional fee prescribed under section 4503.40 or 4503.42 of the 2754
Revised Code, and compliance with all other applicable laws 2755
relating to the registration of motor vehicles. 2756

(C) For each application for registration and registration 2757
renewal notice the registrar receives under this section, the 2758
registrar shall collect a contribution of fifteen dollars. The 2759
registrar shall transmit this contribution to the treasurer of 2760
state for deposit into the ~~state treasury for distribution as~~ 2761
~~described in~~ license plate contribution fund created by section 2762
4501.71 4501.21 of the Revised Code. 2763

The registrar shall transmit the additional fee of ten 2764
dollars paid to compensate the bureau for the additional services 2765
required in the issuing of eagle scouts license plates to the 2766
treasurer of state for deposit into the state treasury to the 2767
credit of the state bureau of motor vehicles fund created by 2768
section 4501.25 of the Revised Code. 2769

(D) If the national organization of the eagle scouts desires 2770
to have its logo appear on license plates issued by this state, a 2771
representative from the Dan Beard council shall contract with the 2772
registrar to permit the display of the logo on license plates 2773
issued by this state. Upon execution of the contract, the council 2774
shall provide a copy of it to the registrar, along with any other 2775
documentation the registrar may require. Upon receiving the 2776
contract and any required additional documentation, and when the 2777
numerical requirement contained in division (A) of section 4503.78 2778
of the Revised Code has been met relative to the eagle scouts, the 2779
registrar shall take the measures necessary to issue license 2780
plates bearing the logo of the eagle scouts. 2781

Sec. 4503.71. (A) The owner or lessee of any passenger car, 2782
noncommercial motor vehicle, recreational vehicle, or other 2783
vehicle of a class approved by the registrar of motor vehicles who 2784
also is a member in good standing of the fraternal order of police 2785
may apply to the registrar for the registration of the vehicle and 2786
issuance of fraternal order of police license plates. The 2787
application for fraternal order of police license plates may be 2788
combined with a request for a special reserved license plate under 2789
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2790
the completed application, presentation by the applicant of the 2791
required evidence that the applicant is a member in good standing 2792
of the fraternal order of police, and compliance by the applicant 2793
with this section, the registrar shall issue to the applicant the 2794
appropriate vehicle registration and a set of fraternal order of 2795

police license plates with a validation sticker or a validation
sticker alone when required by section 4503.191 of the Revised
Code.

In addition to the letters and numbers ordinarily inscribed
thereon, fraternal order of police license plates shall be
inscribed with identifying words and a symbol or logo designed by
the fraternal order of police of Ohio, incorporated, and approved
by the registrar. Fraternal order of police license plates shall
bear county identification stickers that identify the county of
registration by name or number.

Fraternal order of police license plates and validation
stickers shall be issued upon payment of the regular license fee
required by section 4503.04 of the Revised Code, payment of any
local motor vehicle license tax levied under Chapter 4504. of the
Revised Code, payment of a fee of ten dollars, and compliance with
all other applicable laws relating to the registration of motor
vehicles. If the application for fraternal order of police license
plates is combined with a request for a special reserved license
plate under section 4503.40 or 4503.42 of the Revised Code, the
license plates and validation sticker shall be issued upon payment
of the fees and taxes contained in this section and the additional
fee prescribed under section 4503.40 or 4503.42 of the Revised
Code. The fee of ten dollars shall be for the purpose of
compensating the bureau of motor vehicles for additional services
required in the issuing of fraternal order of police license
plates, and shall be transmitted by the registrar to the treasurer
of state for deposit into the state treasury to the credit of the
state bureau of motor vehicles fund created by section 4501.25 of
the Revised Code.

(B) For each application for registration and registration
renewal the registrar receives under this section, the registrar
shall collect an additional fee of two dollars. The registrar

shall transmit this additional fee to the treasurer of state for 2828
deposit in the ~~fraternal order of police~~ license plate 2829
contribution fund created in section ~~4501.311~~ 4501.21 of the 2830
Revised Code. 2831

Sec. 4503.711. (A) The owner or lessee of any passenger car, 2832
noncommercial motor vehicle, recreational vehicle, or other 2833
vehicle of a class approved by the registrar of motor vehicles who 2834
is a member in good standing of the fraternal order of police 2835
associates of Ohio, inc., may apply to the registrar for the 2836
registration of the vehicle and issuance of fraternal order of 2837
police associate license plates. The application for fraternal 2838
order of police associate license plates may be combined with a 2839
request for a special reserved license plate under section 4503.40 2840
or 4503.42 of the Revised Code. Upon receipt of the completed 2841
application, presentation by the applicant of the required 2842
evidence that the applicant is a member in good standing of the 2843
fraternal order of police associates of Ohio, inc., and compliance 2844
with division (B) of this section, the registrar shall issue to 2845
the applicant the appropriate vehicle registration and a set of 2846
fraternal order of police associate license plates with a 2847
validation sticker or a validation sticker alone when required by 2848
section 4503.191 of the Revised Code. 2849

In addition to the letters and numbers ordinarily inscribed 2850
thereon, fraternal order of police associate license plates shall 2851
be inscribed with identifying words or markings designed by the 2852
fraternal order of police of Ohio, inc., and approved by the 2853
registrar. Fraternal order of police associate plates shall bear 2854
county identification stickers that identify the county of 2855
registration by name and number. 2856

(B) The registrar shall issue a set of fraternal order of 2857
police associate license plates with a validation sticker or a 2858

validation sticker alone upon receipt of a contribution as 2859
provided in division (C) of this section and upon payment of the 2860
regular license fees prescribed under section 4503.04 of the 2861
Revised Code, an additional fee of ten dollars for the purpose of 2862
compensating the bureau of motor vehicles for additional services 2863
required in the issuing of the fraternal order of police associate 2864
license plates, any applicable motor vehicle tax levied under 2865
Chapter 4504. of the Revised Code, and compliance with all other 2866
applicable laws relating to the registration of motor vehicles. If 2867
the application for fraternal order of police associate license 2868
plates is combined with a request for a special reserved license 2869
plate under section 4503.40 or 4503.42 of the Revised Code, the 2870
license plate and validation sticker shall be issued upon payment 2871
of the contribution, fees, and taxes contained in this division 2872
and the additional fee prescribed under section 4503.40 or 4503.42 2873
of the Revised Code. 2874

(C) For each application for registration and registration 2875
renewal the registrar receives under this section, the registrar 2876
shall collect a contribution of fifteen dollars. The registrar 2877
shall transmit this contribution to the treasurer of state for 2878
deposit in the ~~fraternal order of police associate~~ license plate 2879
contribution fund created in section ~~4501.25~~ 4501.21 of the 2880
Revised Code. 2881

The registrar shall transmit the additional fee of ten 2882
dollars specified in division (B) of this section to the treasurer 2883
of state for deposit into the state treasury to the credit of the 2884
state bureau of motor vehicles fund created by section 4501.25 of 2885
the Revised Code. 2886

Sec. 4503.72. (A) The owner or lessee of any passenger car, 2887
noncommercial motor vehicle, recreational vehicle, or other 2888
vehicle of a class approved by the registrar of motor vehicles may 2889

apply to the registrar for the registration of the vehicle and 2890
issuance of Ohio court-appointed special advocate/guardian ad 2891
litem license plates. The application for Ohio court-appointed 2892
special advocate/guardian ad litem license plates may be combined 2893
with a request for a special reserved license plate under section 2894
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 2895
completed application and compliance with division (B) of this 2896
section, the registrar shall issue to the applicant the 2897
appropriate vehicle registration and a set of Ohio court-appointed 2898
special advocate/guardian ad litem license plates with a 2899
validation sticker or a validation sticker alone when required by 2900
section 4503.191 of the Revised Code. 2901

In addition to the letters and numbers ordinarily inscribed 2902
thereon, Ohio court-appointed special advocate/guardian ad litem 2903
license plates shall be inscribed with identifying words or 2904
markings designed by the board of directors of the Ohio CASA/GAL 2905
association and approved by the registrar. Ohio court-appointed 2906
special advocate/guardian ad litem license plates shall bear 2907
county identification stickers that identify the county of 2908
registration by name or number. 2909

(B) The Ohio court-appointed special advocate/guardian ad 2910
litem license plates and validation sticker shall be issued upon 2911
receipt of a contribution as provided in division (C) of this 2912
section and upon payment of the regular license tax as prescribed 2913
under section 4503.04 of the Revised Code, a fee of ten dollars 2914
for the purpose of compensating the bureau of motor vehicles for 2915
additional services required in the issuing of the Ohio 2916
court-appointed special advocate/guardian ad litem license plates, 2917
any applicable motor vehicle tax levied under Chapter 4504. of the 2918
Revised Code, and compliance with all other applicable laws 2919
relating to the registration of motor vehicles. If the application 2920
for Ohio court-appointed special advocate/guardian ad litem 2921

license plates is combined with a request for a special reserved 2922
license plate under section 4503.40 or 4503.42 of the Revised 2923
Code, the license plate and validation sticker shall be issued 2924
upon payment of the contribution, fees, and taxes contained in 2925
this division and the additional fee prescribed under section 2926
4503.40 or 4503.42 of the Revised Code. 2927

(C) For each application for registration and registration 2928
renewal the registrar receives under this section, the registrar 2929
shall collect a contribution in an amount not to exceed forty 2930
dollars as determined by the board of directors of the Ohio 2931
CASA/GAL association. The registrar shall transmit this 2932
contribution to the treasurer of state for deposit in the ~~Ohio~~ 2933
~~court-appointed special advocate/guardian ad litem~~ license plate 2934
contribution fund created in section ~~4501.20~~ 4501.21 of the 2935
Revised Code. 2936

The registrar shall deposit the additional fee of ten dollars 2937
specified in division (B) of this section that the applicant for 2938
registration voluntarily pays for the purpose of compensating the 2939
bureau for the additional services required in the issuing of the 2940
applicant's Ohio court-appointed special advocate/guardian ad 2941
litem license plates in the state bureau of motor vehicles fund 2942
created in section 4501.25 of the Revised Code. 2943

Sec. 4503.73. (A) The owner or lessee of any passenger car, 2944
noncommercial motor vehicle, motor home, or other vehicle of a 2945
class approved by the registrar of motor vehicles may apply to the 2946
registrar for the registration of the vehicle and issuance of "the 2947
leader in flight" license plates. The application for "the leader 2948
in flight" license plates may be combined with a request for a 2949
special reserved license plate under section 4503.40 or 4503.42 of 2950
the Revised Code. Upon receipt of the completed application and 2951
compliance with division (B) of this section, the registrar shall 2952

issue to the applicant the appropriate vehicle registration and a 2953
set of "the leader in flight" license plates with a validation 2954
sticker or a validation sticker alone when required by section 2955
4503.191 of the Revised Code. 2956

In addition to the letters and numbers ordinarily inscribed 2957
thereon, "the leader in flight" license plates shall be inscribed 2958
with the words "the leader in flight" and illustrations of a space 2959
shuttle in a vertical position and the Wright "B" airplane. "The 2960
leader in flight" license plates shall bear county identification 2961
stickers that identify the county of registration by name or 2962
number. 2963

(B) "The leader in flight" license plates and validation 2964
sticker shall be issued upon receipt of a contribution as provided 2965
in division (C) of this section and payment of the regular license 2966
tax as prescribed under section 4503.04 of the Revised Code, a fee 2967
of ten dollars for the purpose of compensating the bureau of motor 2968
vehicles for additional services required in the issuing of "the 2969
leader in flight" license plates, any applicable motor vehicle tax 2970
levied under Chapter 4504. of the Revised Code, and compliance 2971
with all other applicable laws relating to the registration of 2972
motor vehicles. If the application for "the leader in flight" 2973
license plates is combined with a request for a special reserved 2974
license plate under section 4503.40 or 4503.42 of the Revised 2975
Code, the license plate and validation sticker shall be issued 2976
upon payment of the fees and taxes referred to or established in 2977
this division and the additional fee prescribed under section 2978
4503.40 or 4503.42 of the Revised Code. 2979

(C) For each application for registration and registration 2980
renewal received under this section, the registrar shall collect a 2981
contribution of fifteen dollars. The registrar shall transmit this 2982
contribution to the treasurer of state for deposit in the ~~leader~~ 2983
~~in-flight~~ license plate contribution fund created in section 2984

~~4501.39~~ 4501.21 of the Revised Code. 2985

The registrar shall deposit the additional fee of ten dollars 2986
specified in division (B) of this section that the applicant for 2987
registration voluntarily pays for the purpose of compensating the 2988
bureau for the additional services required in the issuing of the 2989
applicant's "the leader in flight" license plates in the state 2990
bureau of motor vehicles fund created in section 4501.25 of the 2991
Revised Code. 2992

Sec. 4503.75. (A) The owner or lessee of any passenger car, 2993
noncommercial motor vehicle, recreational vehicle, or other 2994
vehicle of a class approved by the registrar of motor vehicles who 2995
also is a member of the rotary international may apply to the 2996
registrar for the registration of the vehicle and issuance of 2997
rotary international license plates. The application for rotary 2998
international license plates may be combined with a request for a 2999
special reserved license plate under section 4503.40 or 4503.42 of 3000
the Revised Code. Upon receipt of the completed application, proof 3001
of membership in rotary international as required by the 3002
registrar, and compliance with division (B) of this section, the 3003
registrar shall issue to the applicant the appropriate vehicle 3004
registration and a set of rotary international license plates with 3005
a validation sticker or a validation sticker alone when required 3006
by section 4503.191 of the Revised Code. 3007

In addition to the letters and numbers ordinarily inscribed 3008
thereon, rotary international license plates shall be inscribed 3009
with identifying words or markings representing the international 3010
rotary and approved by the registrar. Rotary international license 3011
plates shall bear county identification stickers that identify the 3012
county of registration by name or number. 3013

(B) The rotary international license plates and validation 3014
sticker shall be issued upon receipt of a contribution as provided 3015

in division (C) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of the rotary international license plates, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for rotary international license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plate and validation sticker shall be issued upon payment of the contribution, fees, and taxes contained in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration renewal the registrar receives under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the ~~rotary international~~ license plate contribution fund created in section ~~4501.29~~ 4501.21 of the Revised Code.

The registrar shall deposit the additional fee of ten dollars specified in division (B) of this section that the applicant for registration voluntarily pays for the purpose of compensating the bureau for the additional services required in the issuing of the applicant's rotary international license plates in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

Sec. 4506.08. (A) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars; except as provided in division (B) of this section, each application for a commercial driver's license,

restricted commercial driver's license, or renewal of such a 3047
license shall be accompanied by a fee of twenty-five dollars; and 3048
each application for a duplicate commercial driver's license shall 3049
be accompanied by a fee of ten dollars. In addition, the registrar 3050
of motor vehicles or deputy registrar may collect and retain an 3051
additional fee of no more than two dollars and seventy-five cents 3052
commencing on July 1, 2001, three dollars and twenty-five cents 3053
commencing on January 1, 2003, and three dollars and fifty cents 3054
commencing on January 1, 2004, for each application for a 3055
commercial driver's license temporary instruction permit, 3056
commercial driver's license, renewal of a commercial driver's 3057
license, or duplicate commercial driver's license received by the 3058
registrar or deputy. No fee shall be charged for the annual 3059
issuance of a waiver for farm-related service industries pursuant 3060
to section 4506.24 of the Revised Code. 3061

Each deputy registrar shall transmit the fees collected to 3062
the registrar at the time and in the manner prescribed by the 3063
registrar by rule. The registrar shall pay the fees into the state 3064
highway safety fund established in section 4501.06 of the Revised 3065
Code. 3066

(B) In addition to the fees imposed under division (A) of 3067
this section, the registrar of motor vehicles or deputy registrar 3068
shall collect a fee of twelve dollars commencing on October 1, 3069
2003, for each application for a commercial driver's license 3070
temporary instruction permit, commercial driver's license, or 3071
duplicate commercial driver's license and for each application for 3072
renewal of a commercial driver's license with an expiration date 3073
on or after that date received by the registrar or deputy 3074
registrar. The additional fee is for the purpose of defraying the 3075
department of public safety's costs associated with the 3076
administration and enforcement of the motor vehicle and traffic 3077
laws of Ohio. Each deputy registrar shall transmit the fees 3078

collected under division (B) of this section in the time and 3079
manner prescribed by the registrar. The registrar shall deposit 3080
all moneys received under division (B) of this section into the 3081
state highway safety fund established in section 4501.06 of the 3082
Revised Code. 3083

(C) Information regarding the driving record of any person 3084
holding a commercial driver's license issued by this state shall 3085
be furnished by the registrar, upon request and payment of a fee 3086
of three dollars, to the employer or prospective employer of such 3087
a person and to any insurer. 3088

Sec. 4507.23. (A) Except as provided in division ~~(H)~~(I) of 3089
this section, each application for a temporary instruction permit 3090
and examination shall be accompanied by a fee of four dollars. 3091

(B) Except as provided in division ~~(H)~~(I) of this section, 3092
each application for a driver's license made by a person who 3093
previously held such a license and whose license has expired not 3094
more than two years prior to the date of application, and who is 3095
required under this chapter to give an actual demonstration of the 3096
person's ability to drive, shall be accompanied by a fee of three 3097
dollars in addition to any other fees. 3098

(C) Except as provided in divisions (E) and ~~(H)~~(I) of this 3099
section, each application for a driver's license, or motorcycle 3100
operator's endorsement, or renewal of a driver's license shall be 3101
accompanied by a fee of six dollars. Except as provided in 3102
division ~~(H)~~(I) of this section, each application for a duplicate 3103
driver's license shall be accompanied by a fee of two dollars and 3104
fifty cents. The duplicate driver's licenses issued under this 3105
section shall be distributed by the deputy registrar in accordance 3106
with rules adopted by the registrar of motor vehicles. 3107

(D) Except as provided in division ~~(H)~~(I) of this section, 3108
each application for a motorized bicycle license or duplicate 3109

thereof shall be accompanied by a fee of two dollars and fifty cents. 3110
3111

(E) Except as provided in division ~~(H)~~(I) of this section, 3112
each application for a driver's license or renewal of a driver's 3113
license that will be issued to a person who is less than 3114
twenty-one years of age shall be accompanied by whichever of the 3115
following fees is applicable: 3116

(1) If the person is sixteen years of age or older, but less 3117
than seventeen years of age, a fee of seven dollars and 3118
twenty-five cents; 3119

(2) If the person is seventeen years of age or older, but 3120
less than eighteen years of age, a fee of six dollars; 3121

(3) If the person is eighteen years of age or older, but less 3122
than nineteen years of age, a fee of four dollars and seventy-five 3123
cents; 3124

(4) If the person is nineteen years of age or older, but less 3125
than twenty years of age, a fee of three dollars and fifty cents; 3126

(5) If the person is twenty years of age or older, but less 3127
than twenty-one years of age, a fee of two dollars and twenty-five 3128
cents. 3129

(F) Neither the registrar nor any deputy registrar shall 3130
charge a fee in excess of one dollar and fifty cents for 3131
laminating a driver's license, motorized bicycle license, or 3132
temporary instruction permit identification cards as required by 3133
sections 4507.13 and 4511.521 of the Revised Code. A deputy 3134
registrar laminating a driver's license, motorized bicycle 3135
license, or temporary instruction permit identification cards 3136
shall retain the entire amount of the fee charged for lamination, 3137
less the actual cost to the registrar of the laminating materials 3138
used for that lamination, as specified in the contract executed by 3139
the bureau for the laminating materials and laminating equipment. 3140

The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.

(G) Except as provided in division (I) of this section and except for the renewal of a driver's license, commencing on October 1, 2003, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. A transaction involving the renewal of a driver's license with an expiration date on or after that date shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio.

(H) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), ~~and~~ those portions of the fees specified in and collected under division (F), and the additional fee under division (G) of this section to the registrar. The registrar shall pay two dollars and fifty cents of each fee collected under divisions (A), (B), (C), (D), and (E)(1) to (4) of this section, and the entire fee collected under division (E)(5) of this section, into the state highway safety fund established in section 4501.06 of the Revised Code, and such fees shall be used for the sole purpose of supporting driver licensing activities. The registrar also shall pay the entire fee collected under division (G) of this section into the state highway safety fund created in section 4501.06 of the Revised Code. The remaining fees collected by the registrar under this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

~~(H)~~(I) A disabled veteran who has a service-connected

disability rated at one hundred per cent by the veterans'	3173
administration may apply to the registrar or a deputy registrar	3174
for the issuance to that veteran, without the payment of any fee	3175
prescribed in this section, of any of the following items:	3176
(1) A temporary instruction permit and examination;	3177
(2) A new, renewal, or duplicate driver's or commercial	3178
driver's license;	3179
(3) A motorcycle operator's endorsement;	3180
(4) A motorized bicycle license or duplicate thereof;	3181
(5) Lamination of a driver's license, motorized bicycle	3182
license, or temporary instruction permit identification card as	3183
provided in division (F) of this section, if the circumstances	3184
specified in division (H) <u>(I)</u> (5) of this section are met.	3185
If the driver's license, motorized bicycle license, or	3186
temporary instruction permit identification card of a disabled	3187
veteran described in division (H) <u>(I)</u> of this section is laminated	3188
by a deputy registrar who is acting as a deputy registrar pursuant	3189
to a contract with the registrar that is in effect on October 14,	3190
1997, the disabled veteran shall be required to pay the deputy	3191
registrar the lamination fee provided in division (F) of this	3192
section. If the driver's license, motorized bicycle license, or	3193
temporary instruction permit identification card of such a	3194
disabled veteran is laminated by a deputy registrar who is acting	3195
as a deputy registrar pursuant to a contract with the registrar	3196
that is executed after October 14, 1997, the disabled veteran is	3197
not required to pay the deputy registrar the lamination fee	3198
provided in division (F) of this section.	3199
A disabled veteran whose driver's license, motorized bicycle	3200
license, or temporary instruction permit identification card is	3201
laminated by the registrar is not required to pay the registrar	3202
any lamination fee.	3203

An application made under division ~~(H)~~(I) of this section 3204
shall be accompanied by such documentary evidence of disability as 3205
the registrar may require by rule. 3206

Sec. 4508.08. There is hereby created in the department of 3207
public safety the motorcycle safety and education program. The 3208
director of public safety shall administer the program in 3209
accordance with the following guidelines: 3210

(A) The program shall include courses of instruction 3211
conducted at vocational schools, community colleges, or other 3212
suitable locations, by instructors who have obtained certification 3213
in the manner and form prescribed by the director. The courses 3214
shall meet standards established by the motorcycle safety 3215
foundation for courses of instruction in motorcycle safety and 3216
education. The courses may include instruction for novice 3217
motorcycle operators, instruction in motorist awareness and 3218
alcohol and drug awareness, and any other kind of instruction the 3219
director considers appropriate. A tuition fee of not more than 3220
~~twenty-five~~ fifty dollars per student may be charged for each 3221
course if sufficient funds are not available in the motorcycle 3222
safety and education fund created in section 4501.13 of the 3223
Revised Code to pay all of the costs of conducting the motorcycle 3224
safety and education program. 3225

(B) In addition to courses of instruction, the program may 3226
include provisions for equipment purchases, marketing and 3227
promotion, improving motorcycle license testing procedures, and 3228
any other provisions the director considers appropriate. 3229

(C) The director shall evaluate the program every two years 3230
and shall periodically inspect the facilities, equipment, and 3231
procedures used in the courses of instruction. 3232

(D) The director shall appoint at least one training 3233
specialist who shall oversee the operation of the program, 3234

establish courses of instruction, and supervise instructors. The 3235
training specialist shall be a licensed motorcycle operator and 3236
shall obtain certification in the manner and form prescribed by 3237
the director. 3238

(E) The director may contract with other public agencies or 3239
with private organizations or corporations to assist in 3240
administering the program. 3241

(F) Notwithstanding any provision of Chapter 102. of the 3242
Revised Code, the director, in order to administer the program, 3243
may participate in a motorcycle manufacturer's motorcycle loan 3244
program. 3245

(G) The director shall contract with an insurance company or 3246
companies authorized to do business in this state to purchase a 3247
policy or policies of insurance with respect to the establishment 3248
or administration, or any other aspect of the operation of the 3249
program. 3250

Sec. 4511.04. (A) Sections 4511.01 to 4511.18, 4511.20 to 3251
4511.78, ~~inclusive, section~~ 4511.99, and ~~sections~~ 4513.01 to 3252
4513.37, ~~inclusive,~~ of the Revised Code do not apply to persons, 3253
teams, motor vehicles, and other equipment while actually engaged 3254
in work upon the surface of a highway within an area designated by 3255
traffic control devices, but apply to such persons and vehicles 3256
when traveling to or from such work. 3257

(B) ~~The drivers driver of snow plows, traffic line strippers,~~ 3258
~~road sweepers, mowing machines, tar distributing vehicles, and~~ 3259
~~other vehicles utilized in snow and ice removal or road surface a~~ 3260
highway maintenance vehicle owned by this state or any political 3261
subdivision of this state, while the driver is engaged in work the 3262
performance of official duties upon a street or highway, provided 3263
~~such vehicles are~~ the highway maintenance vehicle is equipped with 3264
flashing lights and such other markings as are required by law. 3265

and such lights are in operation when the ~~vehicles~~ driver and 3266
vehicle are so engaged, shall be exempt from criminal prosecution 3267
for violations of sections 4511.22, 4511.25, 4511.26, 4511.27, 3268
4511.28, 4511.30, 4511.31, 4511.33, 4511.35, ~~and~~ 4511.66, 4513.02, 3269
and 5577.01 to 5577.09 of the Revised Code. ~~Such exemption shall~~ 3270
~~not apply to such drivers when their vehicles are not so engaged.~~ 3271
~~This~~ 3272

(C)(1) This section shall does not exempt a driver of such 3273
equipment a highway maintenance vehicle from civil liability 3274
arising from ~~the a~~ violation of ~~sections~~ section 4511.22, 4511.25, 3275
4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, ~~and~~ 3276
4511.66, or 4513.02 or sections 5577.01 to 5577.09 of the Revised 3277
Code. 3278

(2) This section does not exempt the driver of a vehicle that 3279
is engaged in the transport of highway maintenance equipment from 3280
criminal liability for a violation of sections 5577.01 to 5577.09 3281
of the Revised Code. 3282

(D) As used in this section, "highway maintenance vehicle" 3283
means a vehicle used in snow and ice removal or road surface 3284
maintenance, including a snow plow, traffic line striper, road 3285
sweeper, mowing machine, asphalt distributing vehicle, or other 3286
such vehicle designed for use in specific highway maintenance 3287
activities. 3288

Sec. 4511.19. (A) No person shall operate any vehicle, 3289
streetcar, or trackless trolley within this state, if any of the 3290
following apply: 3291

(1) The person is under the influence of alcohol, a drug of 3292
abuse, or alcohol and a drug of abuse~~+~~. 3293

(2) The person has a concentration of ~~ten-hundredths~~ 3294
eight-hundredths of one per cent or more but less than 3295

seventeen-hundredths of one per cent by weight of alcohol in the 3296
person's blood+ 3297

(3) The person has a concentration of ~~ten-hundredths~~ 3298
eight-hundredths of one gram or more but less than 3299
seventeen-hundredths of one gram by weight of alcohol per two 3300
hundred ten liters of the person's breath+ 3301

(4) The person has a concentration of ~~fourteen-hundredths~~ 3302
eleven-hundredths of one gram or more but less than two hundred 3303
thirty-eight-thousandths of one gram by weight of alcohol per one 3304
hundred milliliters of the person's urine+ 3305

(5) The person has a concentration of seventeen-hundredths of 3306
one per cent or more by weight of alcohol in the person's blood+ 3307

(6) The person has a concentration of seventeen-hundredths of 3308
one gram or more by weight of alcohol per two hundred ten liters 3309
of the person's breath+ 3310

(7) The person has a concentration of two hundred 3311
thirty-eight-thousandths of one gram or more by weight of alcohol 3312
per one hundred milliliters of the person's urine. 3313

(B) No person under twenty-one years of age shall operate any 3314
vehicle, streetcar, or trackless trolley within this state, if any 3315
of the following apply: 3316

(1) The person has a concentration of at least two-hundredths 3317
of one per cent but less than ~~ten-hundredths~~ eight-hundredths of 3318
one per cent by weight of alcohol in the person's blood+ 3319

(2) The person has a concentration of at least two-hundredths 3320
of one gram but less than ~~ten-hundredths~~ eight-hundredths of one 3321
gram by weight of alcohol per two hundred ten liters of the 3322
person's breath+ 3323

(3) The person has a concentration of at least twenty-eight 3324
one-thousandths of one gram but less than ~~fourteen-hundredths~~ 3325

eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 3326
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(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions. 3328
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(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within two hours of the time of the alleged violation. 3333
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When a person submits to a blood test at the request of a police officer under section 4511.191 of the Revised Code, only a physician, a registered nurse, or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse, or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in the opinion of the physician, nurse, technician, or chemist the physical welfare of the person would be endangered by the 3346
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withdrawing of blood. 3357

Such bodily substance shall be analyzed in accordance with 3358
methods approved by the director of health by an individual 3359
possessing a valid permit issued by the director of health 3360
pursuant to section 3701.143 of the Revised Code. 3361

(2) In a criminal prosecution or juvenile court proceeding 3362
for a violation of division (A) of this section, of a municipal 3363
ordinance relating to operating a vehicle while under the 3364
influence of alcohol, a drug of abuse, or alcohol and a drug of 3365
abuse, or of a municipal ordinance substantially equivalent to 3366
division (A) of this section relating to operating a vehicle with 3367
a prohibited concentration of alcohol in the blood, breath, or 3368
urine, if there was at the time the bodily substance was withdrawn 3369
a concentration of less than ~~ten-hundredths~~ eight-hundredths of 3370
one per cent by weight of alcohol in the defendant's blood, less 3371
than ~~ten-hundredths~~ eight-hundredths of one gram by weight of 3372
alcohol per two hundred ten liters of the defendant's breath, or 3373
less than ~~fourteen-hundredths~~ eleven-hundredths of one gram by 3374
weight of alcohol per one hundred milliliters of the defendant's 3375
urine, ~~such that~~ fact may be considered with other competent 3376
evidence in determining the guilt or innocence of the defendant. 3377
This division does not limit or affect a criminal prosecution or 3378
juvenile court proceeding for a violation of division (B) of this 3379
section or of a municipal ordinance substantially equivalent to 3380
division (B) of this section relating to operating a vehicle with 3381
a prohibited concentration of alcohol in the blood, breath, or 3382
urine. 3383

(3) Upon the request of the person who was tested, the 3384
results of the chemical test shall be made available to the person 3385
or the person's attorney or agent immediately upon the completion 3386
of the chemical test analysis. 3387

The person tested may have a physician, a registered nurse, 3388
or a qualified technician or chemist of the person's own choosing 3389
administer a chemical test or tests in addition to any 3390
administered at the request of a police officer, and shall be so 3391
advised. The failure or inability to obtain an additional chemical 3392
test by a person shall not preclude the admission of evidence 3393
relating to the chemical test or tests taken at the request of a 3394
police officer. 3395

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3396
section, "national highway traffic safety administration" means 3397
the national highway traffic safety administration established as 3398
an administration of the United States department of 3399
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3400

(b) In any criminal prosecution or juvenile court proceeding 3401
for a violation of division (A) or (B) of this section, of a 3402
municipal ordinance relating to operating a vehicle while under 3403
the influence of alcohol, a drug of abuse, or alcohol and a drug 3404
of abuse, or of a municipal ordinance relating to operating a 3405
vehicle with a prohibited concentration of alcohol in the blood, 3406
breath, or urine, if a law enforcement officer has administered a 3407
field sobriety test to the operator of the vehicle involved in the 3408
violation and if it is shown by clear and convincing evidence that 3409
the officer administered the test in substantial compliance with 3410
the testing standards for any reliable, credible, and generally 3411
accepted field sobriety tests that were in effect at the time the 3412
tests were administered, including, but not limited to, any 3413
testing standards then in effect that were set by the national 3414
highway traffic safety administration, all of the following apply: 3415

(i) The officer may testify concerning the results of the 3416
field sobriety test so administered. 3417

(ii) The prosecution may introduce the results of the field 3418

sobriety test so administered as evidence in any proceedings in 3419
the criminal prosecution or juvenile court proceeding. 3420

(iii) If testimony is presented or evidence is introduced 3421
under division (D)(4)(b)(i) or (ii) of this section and if the 3422
testimony or evidence is admissible under the Rules of Evidence, 3423
the court shall admit the testimony or evidence and the trier of 3424
fact shall give it whatever weight the trier of fact considers to 3425
be appropriate. 3426

(c) Division (D)(4)(b) of this section does not limit or 3427
preclude a court, in its determination of whether the arrest of a 3428
person was supported by probable cause or its determination of any 3429
other matter in a criminal prosecution or juvenile court 3430
proceeding of a type described in that division, from considering 3431
evidence or testimony that is not otherwise disallowed by division 3432
(D)(4)(b) of this section. 3433

(5) Any physician, registered nurse, or qualified technician 3434
or chemist who withdraws blood from a person pursuant to this 3435
section, and any hospital, first-aid station, or clinic at which 3436
blood is withdrawn from a person pursuant to this section, is 3437
immune from criminal liability, and from civil liability that is 3438
based upon a claim of assault and battery or based upon any other 3439
claim that is not in the nature of a claim of malpractice, for any 3440
act performed in withdrawing blood from the person. 3441

Sec. 4511.191. (A) Any person who operates a vehicle upon a 3442
highway or any public or private property used by the public for 3443
vehicular travel or parking within this state shall be deemed to 3444
have given consent to a chemical test or tests of the person's 3445
blood, breath, or urine for the purpose of determining the 3446
alcohol, drug, or alcohol and drug content of the person's blood, 3447
breath, or urine if arrested for operating a vehicle while under 3448

the influence of alcohol, a drug of abuse, or alcohol and a drug 3449
of abuse or for operating a vehicle with a prohibited 3450
concentration of alcohol in the blood, breath, or urine. The 3451
chemical test or tests shall be administered at the request of a 3452
police officer having reasonable grounds to believe the person to 3453
have been operating a vehicle upon a highway or any public or 3454
private property used by the public for vehicular travel or 3455
parking in this state while under the influence of alcohol, a drug 3456
of abuse, or alcohol and a drug of abuse or with a prohibited 3457
concentration of alcohol in the blood, breath, or urine. The law 3458
enforcement agency by which the officer is employed shall 3459
designate which of the tests shall be administered. 3460

(B) Any person who is dead or unconscious, or who is 3461
otherwise in a condition rendering the person incapable of 3462
refusal, shall be deemed not to have withdrawn consent as provided 3463
by division (A) of this section and the test or tests may be 3464
administered, subject to sections 313.12 to 313.16 of the Revised 3465
Code. 3466

(C)(1) Any person under arrest for operating a vehicle while 3467
under the influence of alcohol, a drug of abuse, or alcohol and a 3468
drug of abuse or for operating a vehicle with a prohibited 3469
concentration of alcohol in the blood, breath, or urine shall be 3470
advised at a police station, or at a hospital, first-aid station, 3471
or clinic to which the person has been taken for first-aid or 3472
medical treatment, of both of the following: 3473

(a) The consequences, as specified in division (E) of this 3474
section, of the person's refusal to submit upon request to a 3475
chemical test designated by the law enforcement agency as provided 3476
in division (A) of this section; 3477

(b) The consequences, as specified in division (F) of this 3478
section, of the person's submission to the designated chemical 3479

test if the person is found to have a prohibited concentration of 3480
alcohol in the blood, breath, or urine. 3481

(2)(a) The advice given pursuant to division (C)(1) of this 3482
section shall be in a written form containing the information 3483
described in division (C)(2)(b) of this section and shall be read 3484
to the person. The form shall contain a statement that the form 3485
was shown to the person under arrest and read to the person in the 3486
presence of the arresting officer and either another police 3487
officer, a civilian police employee, or an employee of a hospital, 3488
first-aid station, or clinic, if any, to which the person has been 3489
taken for first-aid or medical treatment. The witnesses shall 3490
certify to this fact by signing the form. 3491

(b) The form required by division (C)(2)(a) of this section 3492
shall read as follows: 3493

"You now are under arrest for operating a vehicle while under 3494
the influence of alcohol, a drug of abuse, or both alcohol and a 3495
drug of abuse and will be requested by a police officer to submit 3496
to a chemical test to determine the concentration of alcohol, 3497
drugs of abuse, or alcohol and drugs of abuse in your blood, 3498
breath, or urine. 3499

If you refuse to submit to the requested test or if you 3500
submit to the requested test and are found to have a prohibited 3501
concentration of alcohol in your blood, breath, or urine, your 3502
driver's or commercial driver's license or permit or nonresident 3503
operating privilege immediately will be suspended for the period 3504
of time specified by law by the officer, on behalf of the 3505
registrar of motor vehicles. You may appeal this suspension at 3506
your initial appearance before the court that hears the charges 3507
against you resulting from the arrest, and your initial appearance 3508
will be conducted no later than five days after the arrest. This 3509
suspension is independent of the penalties for the offense, and 3510
you may be subject to other penalties upon conviction." 3511

(D)(1) If a person under arrest as described in division 3512
(C)(1) of this section is not asked by a police officer to submit 3513
to a chemical test designated as provided in division (A) of this 3514
section, the arresting officer shall seize the Ohio or 3515
out-of-state driver's or commercial driver's license or permit of 3516
the person and immediately forward the seized license or permit to 3517
the court in which the arrested person is to appear on the charge 3518
for which the person was arrested. If the arrested person does not 3519
have the person's driver's or commercial driver's license or 3520
permit on the person's self or in the person's vehicle, the 3521
arresting officer shall order the arrested person to surrender it 3522
to the law enforcement agency that employs the officer within 3523
twenty-four hours after the arrest, and, upon the surrender, the 3524
officer's employing agency immediately shall forward the license 3525
or permit to the court in which the arrested person is to appear 3526
on the charge for which the person was arrested. Upon receipt of 3527
the license or permit, the court shall retain it pending the 3528
initial appearance of the arrested person and any action taken 3529
under section 4511.196 of the Revised Code. 3530

If a person under arrest as described in division (C)(1) of 3531
this section is asked by a police officer to submit to a chemical 3532
test designated as provided in division (A) of this section and is 3533
advised of the consequences of the person's refusal or submission 3534
as provided in division (C) of this section and if the person 3535
either refuses to submit to the designated chemical test or the 3536
person submits to the designated chemical test and the test 3537
results indicate that the person's blood contained a concentration 3538
of ~~ten-hundredths~~ eight-hundredths of one per cent or more by 3539
weight of alcohol, the person's breath contained a concentration 3540
of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight 3541
of alcohol per two hundred ten liters of the person's breath, or 3542
the person's urine contained a concentration of 3543
~~fourteen-hundredths~~ eleven-hundredths of one gram or more by 3544

weight of alcohol per one hundred milliliters of the person's 3545
urine at the time of the alleged offense, the arresting officer 3546
shall do all of the following: 3547

(a) On behalf of the registrar, serve a notice of suspension 3548
upon the person that advises the person that, independent of any 3549
penalties or sanctions imposed upon the person pursuant to any 3550
other section of the Revised Code or any other municipal 3551
ordinance, the person's driver's or commercial driver's license or 3552
permit or nonresident operating privilege is suspended, that the 3553
suspension takes effect immediately, that the suspension will last 3554
at least until the person's initial appearance on the charge that 3555
will be held within five days after the date of the person's 3556
arrest or the issuance of a citation to the person, and that the 3557
person may appeal the suspension at the initial appearance; seize 3558
the Ohio or out-of-state driver's or commercial driver's license 3559
or permit of the person; and immediately forward the seized 3560
license or permit to the registrar. If the arrested person does 3561
not have the person's driver's or commercial driver's license or 3562
permit on the person's self or in the person's vehicle, the 3563
arresting officer shall order the person to surrender it to the 3564
law enforcement agency that employs the officer within twenty-four 3565
hours after the service of the notice of suspension, and, upon the 3566
surrender, the officer's employing agency immediately shall 3567
forward the license or permit to the registrar. 3568

(b) Verify the current residence of the person and, if it 3569
differs from that on the person's driver's or commercial driver's 3570
license or permit, notify the registrar of the change; 3571

(c) In addition to forwarding the arrested person's driver's 3572
or commercial driver's license or permit to the registrar, send to 3573
the registrar, within forty-eight hours after the arrest of the 3574
person, a sworn report that includes all of the following 3575
statements: 3576

(i) That the officer had reasonable grounds to believe that, 3577
at the time of the arrest, the arrested person was operating a 3578
vehicle upon a highway or public or private property used by the 3579
public for vehicular travel or parking within this state while 3580
under the influence of alcohol, a drug of abuse, or alcohol and a 3581
drug of abuse or with a prohibited concentration of alcohol in the 3582
blood, breath, or urine; 3583

(ii) That the person was arrested and charged with operating 3584
a vehicle while under the influence of alcohol, a drug of abuse, 3585
or alcohol and a drug of abuse or with operating a vehicle with a 3586
prohibited concentration of alcohol in the blood, breath, or 3587
urine; 3588

(iii) That the officer asked the person to take the 3589
designated chemical test, advised the person of the consequences 3590
of submitting to the chemical test or refusing to take the 3591
chemical test, and gave the person the form described in division 3592
(C)(2) of this section; 3593

(iv) That the person refused to submit to the chemical test 3594
or that the person submitted to the chemical test and the test 3595
results indicate that the person's blood contained a concentration 3596
of ~~ten-hundredths~~ eight-hundredths of one per cent or more by 3597
weight of alcohol, the person's breath contained a concentration 3598
of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight 3599
of alcohol per two hundred ten liters of the person's breath, or 3600
the person's urine contained a concentration of 3601
~~fourteen-hundredths~~ eleven-hundredths of one gram or more by 3602
weight of alcohol per one hundred milliliters of the person's 3603
urine at the time of the alleged offense; 3604

(v) That the officer served a notice of suspension upon the 3605
person as described in division (D)(1)(a) of this section. 3606

(2) The sworn report of an arresting officer completed under 3607

division (D)(1)(c) of this section shall be given by the officer 3608
to the arrested person at the time of the arrest or sent to the 3609
person by regular first class mail by the registrar as soon 3610
thereafter as possible, but no later than fourteen days after 3611
receipt of the report. An arresting officer may give an unsworn 3612
report to the arrested person at the time of the arrest provided 3613
the report is complete when given to the arrested person and 3614
subsequently is sworn to by the arresting officer. As soon as 3615
possible, but no later than forty-eight hours after the arrest of 3616
the person, the arresting officer shall send a copy of the sworn 3617
report to the court in which the arrested person is to appear on 3618
the charge for which the person was arrested. 3619

(3) The sworn report of an arresting officer completed and 3620
sent to the registrar and the court under divisions (D)(1)(c) and 3621
(D)(2) of this section is prima-facie proof of the information and 3622
statements that it contains and shall be admitted and considered 3623
as prima-facie proof of the information and statements that it 3624
contains in any appeal under division (H) of this section relative 3625
to any suspension of a person's driver's or commercial driver's 3626
license or permit or nonresident operating privilege that results 3627
from the arrest covered by the report. 3628

(E)(1) Upon receipt of the sworn report of an arresting 3629
officer completed and sent to the registrar and a court pursuant 3630
to divisions (D)(1)(c) and (D)(2) of this section in regard to a 3631
person who refused to take the designated chemical test, the 3632
registrar shall enter into the registrar's records the fact that 3633
the person's driver's or commercial driver's license or permit or 3634
nonresident operating privilege was suspended by the arresting 3635
officer under division (D)(1)(a) of this section and the period of 3636
the suspension, as determined under divisions (E)(1)(a) to (d) of 3637
this section. The suspension shall be subject to appeal as 3638
provided in this section and shall be for whichever of the 3639

following periods applies: 3640

(a) If the arrested person, within five years of the date on 3641
which the person refused the request to consent to the chemical 3642
test, had not refused a previous request to consent to a chemical 3643
test of the person's blood, breath, or urine to determine its 3644
alcohol content, the period of suspension shall be one year. If 3645
the person is a resident without a license or permit to operate a 3646
vehicle within this state, the registrar shall deny to the person 3647
the issuance of a driver's or commercial driver's license or 3648
permit for a period of one year after the date of the alleged 3649
violation. 3650

(b) If the arrested person, within five years of the date on 3651
which the person refused the request to consent to the chemical 3652
test, had refused one previous request to consent to a chemical 3653
test of the person's blood, breath, or urine to determine its 3654
alcohol content, the period of suspension or denial shall be two 3655
years. 3656

(c) If the arrested person, within five years of the date on 3657
which the person refused the request to consent to the chemical 3658
test, had refused two previous requests to consent to a chemical 3659
test of the person's blood, breath, or urine to determine its 3660
alcohol content, the period of suspension or denial shall be three 3661
years. 3662

(d) If the arrested person, within five years of the date on 3663
which the person refused the request to consent to the chemical 3664
test, had refused three or more previous requests to consent to a 3665
chemical test of the person's blood, breath, or urine to determine 3666
its alcohol content, the period of suspension or denial shall be 3667
five years. 3668

(2) The suspension or denial imposed under division (E)(1) of 3669
this section shall continue for the entire one-year, two-year, 3670

three-year, or five-year period, subject to appeal as provided in 3671
this section and subject to termination as provided in division 3672
(K) of this section. 3673

(F) Upon receipt of the sworn report of an arresting officer 3674
completed and sent to the registrar and a court pursuant to 3675
divisions (D)(1)(c) and (D)(2) of this section in regard to a 3676
person whose test results indicate that the person's blood 3677
contained a concentration of ~~ten-hundredths~~ eight-hundredths of 3678
one per cent or more by weight of alcohol, the person's breath 3679
contained a concentration of ~~ten-hundredths~~ eight-hundredths of 3680
one gram or more by weight of alcohol per two hundred ten liters 3681
of the person's breath, or the person's urine contained a 3682
concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram 3683
or more by weight of alcohol per one hundred milliliters of the 3684
person's urine at the time of the alleged offense, the registrar 3685
shall enter into the registrar's records the fact that the 3686
person's driver's or commercial driver's license or permit or 3687
nonresident operating privilege was suspended by the arresting 3688
officer under division (D)(1)(a) of this section and the period of 3689
the suspension, as determined under divisions (F)(1) to (4) of 3690
this section. The suspension shall be subject to appeal as 3691
provided in this section and shall be for whichever of the 3692
following periods that applies: 3693

(1) Except when division (F)(2), (3), or (4) of this section 3694
applies and specifies a different period of suspension or denial, 3695
the period of the suspension or denial shall be ninety days. 3696

(2) The period of suspension or denial shall be one year if 3697
the person has been convicted, within six years of the date the 3698
test was conducted, of a violation of one of the following: 3699

(a) Division (A) or (B) of section 4511.19 of the Revised 3700
Code; 3701

(b) A municipal ordinance relating to operating a vehicle 3702
while under the influence of alcohol, a drug of abuse, or alcohol 3703
and a drug of abuse; 3704

(c) A municipal ordinance relating to operating a vehicle 3705
with a prohibited concentration of alcohol in the blood, breath, 3706
or urine; 3707

(d) Section 2903.04 of the Revised Code in a case in which 3708
the offender was subject to the sanctions described in division 3709
(D) of that section; 3710

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 3711
section 2903.08 of the Revised Code or a municipal ordinance that 3712
is substantially similar to either of those divisions; 3713

(f) Division (A)(2), (3), or (4) of section 2903.06, division 3714
(A)(2) of section 2903.08, or former section 2903.07 of the 3715
Revised Code, or a municipal ordinance that is substantially 3716
similar to any of those divisions or that former section, in a 3717
case in which the jury or judge found that at the time of the 3718
commission of the offense the offender was under the influence of 3719
alcohol, a drug of abuse, or alcohol and a drug of abuse; 3720

(g) A statute of the United States or of any other state or a 3721
municipal ordinance of a municipal corporation located in any 3722
other state that is substantially similar to division (A) or (B) 3723
of section 4511.19 of the Revised Code. 3724

(3) If the person has been convicted, within six years of the 3725
date the test was conducted, of two violations of a statute or 3726
ordinance described in division (F)(2) of this section, the period 3727
of the suspension or denial shall be two years. 3728

(4) If the person has been convicted, within six years of the 3729
date the test was conducted, of more than two violations of a 3730
statute or ordinance described in division (F)(2) of this section, 3731
the period of the suspension or denial shall be three years. 3732

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

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

(H)(1) If a person is arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and if the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended under division (E) or (F) of this section, the person may appeal the suspension at the person's initial appearance on the charge resulting from the arrest in the court in which the person will appear on that

charge. If the person appeals the suspension at the person's 3765
initial appearance, the appeal does not stay the operation of the 3766
suspension. Subject to division (H)(2) of this section, no court 3767
has jurisdiction to grant a stay of a suspension imposed under 3768
division (E) or (F) of this section, and any order issued by any 3769
court that purports to grant a stay of any suspension imposed 3770
under either of those divisions shall not be given administrative 3771
effect. 3772

If the person appeals the suspension at the person's initial 3773
appearance, either the person or the registrar may request a 3774
continuance of the appeal. Either the person or the registrar 3775
shall make the request for a continuance of the appeal at the same 3776
time as the making of the appeal. If either the person or the 3777
registrar requests a continuance of the appeal, the court may 3778
grant the continuance. The court also may continue the appeal on 3779
its own motion. The granting of a continuance applies only to the 3780
conduct of the appeal of the suspension and does not extend the 3781
time within which the initial appearance must be conducted, and 3782
the court shall proceed with all other aspects of the initial 3783
appearance in accordance with its normal procedures. Neither the 3784
request for nor the granting of a continuance stays the operation 3785
of the suspension that is the subject of the appeal. 3786

If the person appeals the suspension at the person's initial 3787
appearance, the scope of the appeal is limited to determining 3788
whether one or more of the following conditions have not been met: 3789

(a) Whether the law enforcement officer had reasonable ground 3790
to believe the arrested person was operating a vehicle upon a 3791
highway or public or private property used by the public for 3792
vehicular travel or parking within this state while under the 3793
influence of alcohol, a drug of abuse, or alcohol and a drug of 3794
abuse or with a prohibited concentration of alcohol in the blood, 3795
breath, or urine and whether the arrested person was in fact 3796

placed under arrest; 3797

(b) Whether the law enforcement officer requested the 3798
arrested person to submit to the chemical test designated pursuant 3799
to division (A) of this section; 3800

(c) Whether the arresting officer informed the arrested 3801
person of the consequences of refusing to be tested or of 3802
submitting to the test; 3803

(d) Whichever of the following is applicable: 3804

(i) Whether the arrested person refused to submit to the 3805
chemical test requested by the officer; 3806

(ii) Whether the chemical test results indicate that the 3807
arrested person's blood contained a concentration of 3808
~~ten-hundredths~~ eight-hundredths of one per cent or more by weight 3809
of alcohol, the person's breath contained a concentration of 3810
~~ten-hundredths~~ eight-hundredths of one gram or more by weight of 3811
alcohol per two hundred ten liters of the person's breath, or the 3812
person's urine contained a concentration of ~~fourteen-hundredths~~ 3813
eleven-hundredths of one gram or more by weight of alcohol per one 3814
hundred milliliters of the person's urine at the time of the 3815
alleged offense. 3816

(2) If the person appeals the suspension at the initial 3817
appearance, the judge or referee of the court or the mayor of the 3818
mayor's court shall determine whether one or more of the 3819
conditions specified in divisions (H)(1)(a) to (d) of this section 3820
have not been met. The person who appeals the suspension has the 3821
burden of proving, by a preponderance of the evidence, that one or 3822
more of the specified conditions has not been met. If during the 3823
appeal at the initial appearance the judge or referee of the court 3824
or the mayor of the mayor's court determines that all of those 3825
conditions have been met, the judge, referee, or mayor shall 3826
uphold the suspension, shall continue the suspension, and shall 3827

notify the registrar of the decision on a form approved by the 3828
registrar. Except as otherwise provided in division (H)(2) of this 3829
section, if the suspension is upheld or if the person does not 3830
appeal the suspension at the person's initial appearance under 3831
division (H)(1) of this section, the suspension shall continue 3832
until the complaint alleging the violation for which the person 3833
was arrested and in relation to which the suspension was imposed 3834
is adjudicated on the merits by the judge or referee of the trial 3835
court or by the mayor of the mayor's court. If the suspension was 3836
imposed under division (E) of this section and it is continued 3837
under this division, any subsequent finding that the person is not 3838
guilty of the charge that resulted in the person being requested 3839
to take the chemical test or tests under division (A) of this 3840
section does not terminate or otherwise affect the suspension. If 3841
the suspension was imposed under division (F) of this section and 3842
it is continued under this division, the suspension shall 3843
terminate if, for any reason, the person subsequently is found not 3844
guilty of the charge that resulted in the person taking the 3845
chemical test or tests under division (A) of this section. 3846

If, during the appeal at the initial appearance, the judge or 3847
referee of the trial court or the mayor of the mayor's court 3848
determines that one or more of the conditions specified in 3849
divisions (H)(1)(a) to (d) of this section have not been met, the 3850
judge, referee, or mayor shall terminate the suspension, subject 3851
to the imposition of a new suspension under division (B) of 3852
section 4511.196 of the Revised Code; shall notify the registrar 3853
of the decision on a form approved by the registrar; and, except 3854
as provided in division (B) of section 4511.196 of the Revised 3855
Code, shall order the registrar to return the driver's or 3856
commercial driver's license or permit to the person or to take 3857
such measures as may be necessary, if the license or permit was 3858
destroyed under section 4507.55 of the Revised Code, to permit the 3859
person to obtain a replacement driver's or commercial driver's 3860

license or permit from the registrar or a deputy registrar in 3861
accordance with that section. The court also shall issue to the 3862
person a court order, valid for not more than ten days from the 3863
date of issuance, granting the person operating privileges for 3864
that period of time. 3865

If the person appeals the suspension at the initial 3866
appearance, the registrar shall be represented by the prosecuting 3867
attorney of the county in which the arrest occurred if the initial 3868
appearance is conducted in a juvenile court or county court, 3869
except that if the arrest occurred within a city or village within 3870
the jurisdiction of the county court in which the appeal is 3871
conducted, the city director of law or village solicitor of that 3872
city or village shall represent the registrar. If the appeal is 3873
conducted in a municipal court, the registrar shall be represented 3874
as provided in section 1901.34 of the Revised Code. If the appeal 3875
is conducted in a mayor's court, the registrar shall be 3876
represented by the city director of law, village solicitor, or 3877
other chief legal officer of the municipal corporation that 3878
operates that mayor's court. 3879

(I)(1)(a) A person is not entitled to request, and a court 3880
shall not grant to the person, occupational driving privileges 3881
under division (I)(1) of this section if a person's driver's or 3882
commercial driver's license or permit or nonresident operating 3883
privilege has been suspended pursuant to division (E) of this 3884
section, and the person, within the preceding seven years, has 3885
refused three previous requests to consent to a chemical test of 3886
the person's blood, breath, or urine to determine its alcohol 3887
content or has been convicted of or pleaded guilty to three or 3888
more violations of one or more of the following: 3889

(i) Division (A) or (B) of section 4511.19 of the Revised 3890
Code; 3891

(ii) A municipal ordinance relating to operating a vehicle 3892

while under the influence of alcohol, a drug of abuse, or alcohol 3893
and a drug of abuse; 3894

(iii) A municipal ordinance relating to operating a vehicle 3895
with a prohibited concentration of alcohol in the blood, breath, 3896
or urine; 3897

(iv) Section 2903.04 of the Revised Code in a case in which 3898
the person was subject to the sanctions described in division (D) 3899
of that section; 3900

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 3901
section 2903.08 of the Revised Code or a municipal ordinance that 3902
is substantially similar to either of those divisions; 3903

(vi) Division (A)(2), (3), or (4) of section 2903.06, 3904
division (A)(2) of section 2903.08, or former section 2903.07 of 3905
the Revised Code, or a municipal ordinance that is substantially 3906
similar to any of those divisions or that former section, in a 3907
case in which the jury or judge found that the person was under 3908
the influence of alcohol, a drug of abuse, or alcohol and a drug 3909
of abuse; 3910

(vii) A statute of the United States or of any other state or 3911
a municipal ordinance of a municipal corporation located in any 3912
other state that is substantially similar to division (A) or (B) 3913
of section 4511.19 of the Revised Code. 3914

(b) Any other person who is not described in division 3915
(I)(1)(a) of this section and whose driver's or commercial 3916
driver's license or nonresident operating privilege has been 3917
suspended pursuant to division (E) of this section may file a 3918
petition requesting occupational driving privileges in the common 3919
pleas court, municipal court, county court, mayor's court, or, if 3920
the person is a minor, juvenile court with jurisdiction over the 3921
related criminal or delinquency case. The petition may be filed at 3922
any time subsequent to the date on which the notice of suspension 3923

is served upon the arrested person. The person shall pay the costs 3924
of the proceeding, notify the registrar of the filing of the 3925
petition, and send the registrar a copy of the petition. 3926

In the proceedings, the registrar shall be represented by the 3927
prosecuting attorney of the county in which the arrest occurred if 3928
the petition is filed in the juvenile court, county court, or 3929
common pleas court, except that, if the arrest occurred within a 3930
city or village within the jurisdiction of the county court in 3931
which the petition is filed, the city director of law or village 3932
solicitor of that city or village shall represent the registrar. 3933
If the petition is filed in the municipal court, the registrar 3934
shall be represented as provided in section 1901.34 of the Revised 3935
Code. If the petition is filed in a mayor's court, the registrar 3936
shall be represented by the city director of law, village 3937
solicitor, or other chief legal officer of the municipal 3938
corporation that operates the mayor's court. 3939

The court, if it finds reasonable cause to believe that 3940
suspension would seriously affect the person's ability to continue 3941
in the person's employment, may grant the person occupational 3942
driving privileges during the period of suspension imposed 3943
pursuant to division (E) of this section, subject to the 3944
limitations contained in this division and division (I)(2) of this 3945
section. The court may grant the occupational driving privileges, 3946
subject to the limitations contained in this division and division 3947
(I)(2) of this section, regardless of whether the person appeals 3948
the suspension at the person's initial appearance under division 3949
(H)(1) of this section or appeals the decision of the court made 3950
pursuant to the appeal conducted at the initial appearance, and, 3951
if the person has appealed the suspension or decision, regardless 3952
of whether the matter at issue has been heard or decided by the 3953
court. The court shall not grant occupational driving privileges 3954
for employment as a driver of commercial motor vehicles to any 3955

person who is disqualified from operating a commercial motor 3956
vehicle under section 3123.611 or 4506.16 of the Revised Code or 3957
whose commercial driver's license or commercial driver's temporary 3958
instruction permit has been suspended under section 3123.58 of the 3959
Revised Code. 3960

(2)(a) In granting occupational driving privileges under 3961
division (I)(1) of this section, the court may impose any 3962
condition it considers reasonable and necessary to limit the use 3963
of a vehicle by the person. The court shall deliver to the person 3964
a permit card, in a form to be prescribed by the court, setting 3965
forth the time, place, and other conditions limiting the 3966
defendant's use of a vehicle. The grant of occupational driving 3967
privileges shall be conditioned upon the person's having the 3968
permit in the person's possession at all times during which the 3969
person is operating a vehicle. 3970

A person granted occupational driving privileges who operates 3971
a vehicle for other than occupational purposes, in violation of 3972
any condition imposed by the court, or without having the permit 3973
in the person's possession, is guilty of a violation of section 3974
4507.02 of the Revised Code. 3975

(b) The court may not grant a person occupational driving 3976
privileges under division (I)(1) of this section when prohibited 3977
by a limitation contained in that division or during any of the 3978
following periods of time: 3979

(i) The first thirty days of suspension imposed upon a person 3980
who, within five years of the date on which the person refused the 3981
request to consent to a chemical test of the person's blood, 3982
breath, or urine to determine its alcohol content and for which 3983
refusal the suspension was imposed, had not refused a previous 3984
request to consent to a chemical test of the person's blood, 3985
breath, or urine to determine its alcohol content; 3986

(ii) The first ninety days of suspension imposed upon a 3987
person who, within five years of the date on which the person 3988
refused the request to consent to a chemical test of the person's 3989
blood, breath, or urine to determine its alcohol content and for 3990
which refusal the suspension was imposed, had refused one previous 3991
request to consent to a chemical test of the person's blood, 3992
breath, or urine to determine its alcohol content; 3993

(iii) The first year of suspension imposed upon a person who, 3994
within five years of the date on which the person refused the 3995
request to consent to a chemical test of the person's blood, 3996
breath, or urine to determine its alcohol content and for which 3997
refusal the suspension was imposed, had refused two previous 3998
requests to consent to a chemical test of the person's blood, 3999
breath, or urine to determine its alcohol content; 4000

(iv) The first three years of suspension imposed upon a 4001
person who, within five years of the date on which the person 4002
refused the request to consent to a chemical test of the person's 4003
blood, breath, or urine to determine its alcohol content and for 4004
which refusal the suspension was imposed, had refused three or 4005
more previous requests to consent to a chemical test of the 4006
person's blood, breath, or urine to determine its alcohol content. 4007

(3) The court shall give information in writing of any action 4008
taken under this section to the registrar. 4009

(4) If a person's driver's or commercial driver's license or 4010
permit or nonresident operating privilege has been suspended 4011
pursuant to division (F) of this section, and the person, within 4012
the preceding seven years, has been convicted of or pleaded guilty 4013
to three or more violations of division (A) or (B) of section 4014
4511.19 of the Revised Code, a municipal ordinance relating to 4015
operating a vehicle while under the influence of alcohol, a drug 4016
of abuse, or alcohol and a drug of abuse, a municipal ordinance 4017
relating to operating a vehicle with a prohibited concentration of 4018

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

(J) When it finally has been determined under the procedures

of this section that a nonresident's privilege to operate a 4052
vehicle within this state has been suspended, the registrar shall 4053
give information in writing of the action taken to the motor 4054
vehicle administrator of the state of the person's residence and 4055
of any state in which the person has a license. 4056

(K) A suspension of the driver's or commercial driver's 4057
license or permit of a resident, a suspension of the operating 4058
privilege of a nonresident, or a denial of a driver's or 4059
commercial driver's license or permit pursuant to division (E) or 4060
(F) of this section shall be terminated by the registrar upon 4061
receipt of notice of the person's entering a plea of guilty to, or 4062
of the person's conviction of, operating a vehicle while under the 4063
influence of alcohol, a drug of abuse, or alcohol and a drug of 4064
abuse or with a prohibited concentration of alcohol in the blood, 4065
breath, or urine, if the offense for which the plea is entered or 4066
that resulted in the conviction arose from the same incident that 4067
led to the suspension or denial. 4068

The registrar shall credit against any judicial suspension of 4069
a person's driver's or commercial driver's license or permit or 4070
nonresident operating privilege imposed pursuant to division (B) 4071
or (E) of section 4507.16 of the Revised Code any time during 4072
which the person serves a related suspension imposed pursuant to 4073
division (E) or (F) of this section. 4074

(L) At the end of a suspension period under this section, 4075
section 4511.196, or division (B) of section 4507.16 of the 4076
Revised Code and upon the request of the person whose driver's or 4077
commercial driver's license or permit was suspended and who is not 4078
otherwise subject to suspension, revocation, or disqualification, 4079
the registrar shall return the driver's or commercial driver's 4080
license or permit to the person upon the person's compliance with 4081
all of the conditions specified in divisions (L)(1) and (2) of 4082
this section: 4083

(1) A showing by the person that the person has proof of 4084
financial responsibility, a policy of liability insurance in 4085
effect that meets the minimum standards set forth in section 4086
4509.51 of the Revised Code, or proof, to the satisfaction of the 4087
registrar, that the person is able to respond in damages in an 4088
amount at least equal to the minimum amounts specified in section 4089
4509.51 of the Revised Code. 4090

(2) Subject to the limitation contained in division (L)(3) of 4091
this section, payment by the person of a license reinstatement fee 4092
of four hundred twenty-five dollars to the bureau of motor 4093
vehicles, which fee shall be deposited in the state treasury and 4094
credited as follows: 4095

(a) One hundred twelve dollars and fifty cents shall be 4096
credited to the statewide treatment and prevention fund created by 4097
section 4301.30 of the Revised Code. The fund shall be used to pay 4098
the costs of driver treatment and intervention programs operated 4099
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4100
director of alcohol and drug addiction services shall determine 4101
the share of the fund that is to be allocated to alcohol and drug 4102
addiction programs authorized by section 3793.02 of the Revised 4103
Code, and the share of the fund that is to be allocated to 4104
drivers' intervention programs authorized by section 3793.10 of 4105
the Revised Code. 4106

(b) Seventy-five dollars shall be credited to the reparations 4107
fund created by section 2743.191 of the Revised Code. 4108

(c) Thirty-seven dollars and fifty cents shall be credited to 4109
the indigent drivers alcohol treatment fund, which is hereby 4110
established. Except as otherwise provided in division (L)(2)(c) of 4111
this section, moneys in the fund shall be distributed by the 4112
department of alcohol and drug addiction services to the county 4113
indigent drivers alcohol treatment funds, the county juvenile 4114
indigent drivers alcohol treatment funds, and the municipal 4115

indigent drivers alcohol treatment funds that are required to be 4116
established by counties and municipal corporations pursuant to 4117
division (N) of this section, and shall be used only to pay the 4118
cost of an alcohol and drug addiction treatment program attended 4119
by an offender or juvenile traffic offender who is ordered to 4120
attend an alcohol and drug addiction treatment program by a 4121
county, juvenile, or municipal court judge and who is determined 4122
by the county, juvenile, or municipal court judge not to have the 4123
means to pay for attendance at the program or to pay the costs 4124
specified in division (N)(4) of this section in accordance with 4125
that division. Moneys in the fund that are not distributed to a 4126
county indigent drivers alcohol treatment fund, a county juvenile 4127
indigent drivers alcohol treatment fund, or a municipal indigent 4128
drivers alcohol treatment fund under division (N) of this section 4129
because the director of alcohol and drug addiction services does 4130
not have the information necessary to identify the county or 4131
municipal corporation where the offender or juvenile offender was 4132
arrested may be transferred by the director of budget and 4133
management to the statewide treatment and prevention fund created 4134
by section 4301.30 of the Revised Code, upon certification of the 4135
amount by the director of alcohol and drug addiction services. 4136

(d) Seventy-five dollars shall be credited to the Ohio 4137
rehabilitation services commission established by section 3304.12 4138
of the Revised Code, to the services for rehabilitation fund, 4139
which is hereby established. The fund shall be used to match 4140
available federal matching funds where appropriate, and for any 4141
other purpose or program of the commission to rehabilitate people 4142
with disabilities to help them become employed and independent. 4143

(e) Seventy-five dollars shall be deposited into the state 4144
treasury and credited to the drug abuse resistance education 4145
programs fund, which is hereby established, to be used by the 4146
attorney general for the purposes specified in division (L)(4) of 4147

this section. 4148

(f) Thirty dollars shall be credited to the state bureau of 4149
motor vehicles fund created by section 4501.25 of the Revised 4150
Code. 4151

(g) Twenty dollars shall be credited to the trauma and 4152
emergency medical services grants fund created by section 4513.263 4153
of the Revised Code. 4154

(3) If a person's driver's or commercial driver's license or 4155
permit is suspended under division (E) or (F) of this section, 4156
section 4511.196, or division (B) of section 4507.16 of the 4157
Revised Code, or any combination of the suspensions described in 4158
division (L)(3) of this section, and if the suspensions arise from 4159
a single incident or a single set of facts and circumstances, the 4160
person is liable for payment of, and shall be required to pay to 4161
the bureau, only one reinstatement fee of four hundred five 4162
dollars. The reinstatement fee shall be distributed by the bureau 4163
in accordance with division (L)(2) of this section. 4164

(4) The attorney general shall use amounts in the drug abuse 4165
resistance education programs fund to award grants to law 4166
enforcement agencies to establish and implement drug abuse 4167
resistance education programs in public schools. Grants awarded to 4168
a law enforcement agency under division ~~(L)(2)(e)~~(4) of this 4169
section shall be used by the agency to pay for not more than fifty 4170
per cent of the amount of the salaries of law enforcement officers 4171
who conduct drug abuse resistance education programs in public 4172
schools. The attorney general shall not use more than six per cent 4173
of the amounts the attorney general's office receives under 4174
division (L)(2)(e) of this section to pay the costs it incurs in 4175
administering the grant program established by division 4176
~~(L)(2)(e)~~(4) of this section and in providing training and 4177
materials relating to drug abuse resistance education programs. 4178

The attorney general shall report to the governor and the 4179
general assembly each fiscal year on the progress made in 4180
establishing and implementing drug abuse resistance education 4181
programs. These reports shall include an evaluation of the 4182
effectiveness of these programs. 4183

(M) Suspension of a commercial driver's license under 4184
division (E) or (F) of this section shall be concurrent with any 4185
period of disqualification under section 3123.611 or 4506.16 of 4186
the Revised Code or any period of suspension under section 3123.58 4187
of the Revised Code. No person who is disqualified for life from 4188
holding a commercial driver's license under section 4506.16 of the 4189
Revised Code shall be issued a driver's license under Chapter 4190
4507. of the Revised Code during the period for which the 4191
commercial driver's license was suspended under division (E) or 4192
(F) of this section, and no person whose commercial driver's 4193
license is suspended under division (E) or (F) of this section 4194
shall be issued a driver's license under that chapter during the 4195
period of the suspension. 4196

(N)(1) Each county shall establish an indigent drivers 4197
alcohol treatment fund, each county shall establish a juvenile 4198
indigent drivers alcohol treatment fund, and each municipal 4199
corporation in which there is a municipal court shall establish an 4200
indigent drivers alcohol treatment fund. All revenue that the 4201
general assembly appropriates to the indigent drivers alcohol 4202
treatment fund for transfer to a county indigent drivers alcohol 4203
treatment fund, a county juvenile indigent drivers alcohol 4204
treatment fund, or a municipal indigent drivers alcohol treatment 4205
fund, all portions of fees that are paid under division (L) of 4206
this section and that are credited under that division to the 4207
indigent drivers alcohol treatment fund in the state treasury for 4208
a county indigent drivers alcohol treatment fund, a county 4209
juvenile indigent drivers alcohol treatment fund, or a municipal 4210

indigent drivers alcohol treatment fund, and all portions of fines 4211
that are specified for deposit into a county or municipal indigent 4212
drivers alcohol treatment fund by section 4511.193 of the Revised 4213
Code shall be deposited into that county indigent drivers alcohol 4214
treatment fund, county juvenile indigent drivers alcohol treatment 4215
fund, or municipal indigent drivers alcohol treatment fund in 4216
accordance with division (N)(2) of this section. Additionally, all 4217
portions of fines that are paid for a violation of section 4511.19 4218
of the Revised Code or division (B)(2) of section 4507.02 of the 4219
Revised Code, and that are required under division (A)(1), (2), 4220
(5), or (6) of section 4511.99 or division (B)(5) of section 4221
4507.99 of the Revised Code to be deposited into a county indigent 4222
drivers alcohol treatment fund or municipal indigent drivers 4223
alcohol treatment fund shall be deposited into the appropriate 4224
fund in accordance with the applicable division. 4225

(2) That portion of the license reinstatement fee that is 4226
paid under division (L) of this section and that is credited under 4227
that division to the indigent drivers alcohol treatment fund shall 4228
be deposited into a county indigent drivers alcohol treatment 4229
fund, a county juvenile indigent drivers alcohol treatment fund, 4230
or a municipal indigent drivers alcohol treatment fund as follows: 4231

(a) If the suspension in question was imposed under this 4232
section, that portion of the fee shall be deposited as follows: 4233

(i) If the fee is paid by a person who was charged in a 4234
county court with the violation that resulted in the suspension, 4235
the portion shall be deposited into the county indigent drivers 4236
alcohol treatment fund under the control of that court; 4237

(ii) If the fee is paid by a person who was charged in a 4238
juvenile court with the violation that resulted in the suspension, 4239
the portion shall be deposited into the county juvenile indigent 4240
drivers alcohol treatment fund established in the county served by 4241
the court; 4242

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

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

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

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

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of attendance at the treatment program or for payment of the costs specified in division (N)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to

section 340.02 or 340.021 of the Revised Code and serving the 4275
alcohol, drug addiction, and mental health service district in 4276
which the court is located shall administer the indigent drivers 4277
alcohol treatment program of the court. When a court orders an 4278
offender or juvenile traffic offender to attend an alcohol and 4279
drug addiction treatment program, the board shall determine which 4280
program is suitable to meet the needs of the offender or juvenile 4281
traffic offender, and when a suitable program is located and space 4282
is available at the program, the offender or juvenile traffic 4283
offender shall attend the program designated by the board. A 4284
reasonable amount not to exceed five per cent of the amounts 4285
credited to and deposited into the county indigent drivers alcohol 4286
treatment fund, the county juvenile indigent drivers alcohol 4287
treatment fund, or the municipal indigent drivers alcohol 4288
treatment fund serving every court whose program is administered 4289
by that board shall be paid to the board to cover the costs it 4290
incurs in administering those indigent drivers alcohol treatment 4291
programs. 4292

(4) If a county, juvenile, or municipal court determines, in 4293
consultation with the alcohol and drug addiction services board or 4294
the board of alcohol, drug addiction, and mental health services 4295
established pursuant to section 340.02 or 340.021 of the Revised 4296
Code and serving the alcohol, drug addiction, and mental health 4297
district in which the court is located, that the funds in the 4298
county indigent drivers alcohol treatment fund, the county 4299
juvenile indigent drivers alcohol treatment fund, or the municipal 4300
indigent drivers alcohol treatment fund under the control of the 4301
court are more than sufficient to satisfy the purpose for which 4302
the fund was established, as specified in divisions (N)(1) to (3) 4303
of this section, the court may declare a surplus in the fund. If 4304
the court declares a surplus in the fund, the court may expend the 4305
amount of the surplus in the fund for alcohol and drug abuse 4306
assessment and treatment of persons who are charged in the court 4307

with committing a criminal offense or with being a delinquent 4308
child or juvenile traffic offender and in relation to whom both of 4309
the following apply: 4310

(a) The court determines that substance abuse was a 4311
contributing factor leading to the criminal or delinquent activity 4312
or the juvenile traffic offense with which the person is charged. 4313

(b) The court determines that the person is unable to pay the 4314
cost of the alcohol and drug abuse assessment and treatment for 4315
which the surplus money will be used. 4316

Sec. 4511.197. (A) If a person is arrested for operating a 4317
vehicle, streetcar, or trackless trolley in violation of division 4318
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4319
OVI ordinance or for being in physical control of a vehicle, 4320
streetcar, or trackless trolley in violation of section 4511.194 4321
of the Revised Code and if the person's driver's or commercial 4322
driver's license or permit or nonresident operating privilege is 4323
suspended under section 4511.191 of the Revised Code, the person 4324
may appeal the suspension at the person's initial appearance on 4325
the charge resulting from the arrest or within the period ending 4326
thirty days after the person's initial appearance on that charge, 4327
in the court in which the person will appear on that charge. If 4328
the person appeals the suspension, the appeal itself does not stay 4329
the operation of the suspension. If the person appeals the 4330
suspension, either the person or the registrar of motor vehicles 4331
may request a continuance of the appeal, and the court may grant 4332
the continuance. The court also may continue the appeal on its own 4333
motion. Neither the request for, nor the granting of, a 4334
continuance stays the suspension that is the subject of the 4335
appeal, unless the court specifically grants a stay. 4336

(B) A person shall file an appeal under division (A) of this 4337
section in the municipal court, county court, juvenile court, 4338

mayor's court, or court of common pleas that has jurisdiction over 4339
the charge in relation to which the person was arrested. 4340

(C) If a person appeals a suspension under division (A) of 4341
this section, the scope of the appeal is limited to determining 4342
whether one or more of the following conditions have not been met: 4343

(1) Whether the arresting law enforcement officer had 4344
reasonable ground to believe the arrested person was operating a 4345
vehicle, streetcar, or trackless trolley in violation of division 4346
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4347
OVI ordinance or was in physical control of a vehicle, streetcar, 4348
or trackless trolley in violation of section 4511.194 of the 4349
Revised Code and whether the arrested person was in fact placed 4350
under arrest; 4351

(2) Whether the law enforcement officer requested the 4352
arrested person to submit to the chemical test or tests designated 4353
pursuant to division (A) of section 4511.191 of the Revised Code; 4354

(3) Whether the arresting officer informed the arrested 4355
person of the consequences of refusing to be tested or of 4356
submitting to the test or tests; 4357

(4) Whichever of the following is applicable: 4358

(a) Whether the arrested person refused to submit to the 4359
chemical test or tests requested by the officer; 4360

(b) Whether the arrest was for a violation of division (A) or 4361
(B) of section 4511.19 of the Revised Code or a municipal OVI 4362
ordinance and, if it was, whether the chemical test results 4363
indicate that the arrested person's whole blood contained a 4364
concentration of ~~ten-hundredths~~ eight-hundredths of one per cent 4365
or more by weight of alcohol, the person's blood serum or plasma 4366
contained a concentration of ~~twelve-hundredths~~ 4367
ninety-six-thousandths of one per cent or more by weight of 4368
alcohol, the person's breath contained a concentration of 4369

~~ten-hundredths~~ eight-hundredths of one gram or more by weight of 4370
alcohol per two hundred ten liters of the person's breath, or the 4371
person's urine contained a concentration of ~~fourteen-hundredths~~ 4372
eleven-hundredths of one gram or more by weight of alcohol per one 4373
hundred milliliters of the person's urine at the time of the 4374
alleged offense. 4375

(D) A person who appeals a suspension under division (A) of 4376
this section has the burden of proving, by a preponderance of the 4377
evidence, that one or more of the conditions specified in division 4378
(C) of this section has not been met. If, during the appeal, the 4379
judge or magistrate of the court or the mayor of the mayor's court 4380
determines that all of those conditions have been met, the judge, 4381
magistrate, or mayor shall uphold the suspension, continue the 4382
suspension, and notify the registrar of motor vehicles of the 4383
decision on a form approved by the registrar. 4384

Except as otherwise provided in this section, if a suspension 4385
imposed under section 4511.191 of the Revised Code is upheld on 4386
appeal or if the subject person does not appeal the suspension 4387
under division (A) of this section, the suspension shall continue 4388
until the complaint alleging the violation for which the person 4389
was arrested and in relation to which the suspension was imposed 4390
is adjudicated on the merits or terminated pursuant to law. If the 4391
suspension was imposed under division (B)(1) of section 4511.191 4392
of the Revised Code and it is continued under this section, any 4393
subsequent finding that the person is not guilty of the charge 4394
that resulted in the person being requested to take the chemical 4395
test or tests under division (A) of section 4511.191 of the 4396
Revised Code does not terminate or otherwise affect the 4397
suspension. If the suspension was imposed under division (C) of 4398
section 4511.191 of the Revised Code in relation to an alleged 4399
misdemeanor violation of division (A) or (B) of section 4511.19 of 4400
the Revised Code or of a municipal OVI ordinance and it is 4401

continued under this section, the suspension shall terminate if, 4402
for any reason, the person subsequently is found not guilty of the 4403
charge that resulted in the person taking the chemical test or 4404
tests. 4405

If, during the appeal, the judge or magistrate of the trial 4406
court or the mayor of the mayor's court determines that one or 4407
more of the conditions specified in division (C) of this section 4408
have not been met, the judge, magistrate, or mayor shall terminate 4409
the suspension, subject to the imposition of a new suspension 4410
under division (B) of section 4511.196 of the Revised Code; shall 4411
notify the registrar of motor vehicles of the decision on a form 4412
approved by the registrar; and, except as provided in division (B) 4413
of section 4511.196 of the Revised Code, shall order the registrar 4414
to return the driver's or commercial driver's license or permit to 4415
the person or to take any other measures that may be necessary, if 4416
the license or permit was destroyed under section 4510.53 of the 4417
Revised Code, to permit the person to obtain a replacement 4418
driver's or commercial driver's license or permit from the 4419
registrar or a deputy registrar in accordance with that section. 4420
The court also shall issue to the person a court order, valid for 4421
not more than ten days from the date of issuance, granting the 4422
person operating privileges for that period. 4423

(E) Any person whose driver's or commercial driver's license 4424
or permit or nonresident operating privilege has been suspended 4425
pursuant to section 4511.191 of the Revised Code may file a 4426
petition requesting limited driving privileges in the common pleas 4427
court, municipal court, county court, mayor's court, or juvenile 4428
court with jurisdiction over the related criminal or delinquency 4429
case. The petition may be filed at any time subsequent to the date 4430
on which the arresting law enforcement officer serves the notice 4431
of suspension upon the arrested person but no later than thirty 4432
days after the arrested person's initial appearance or 4433

arraignment. Upon the making of the request, limited driving 4434
privileges may be granted under sections 4510.021 and 4510.13 of 4435
the Revised Code, regardless of whether the person appeals the 4436
suspension under this section or appeals the decision of the court 4437
on the appeal, and, if the person has so appealed the suspension 4438
or decision, regardless of whether the matter has been heard or 4439
decided by the court. The person shall pay the costs of the 4440
proceeding, notify the registrar of the filing of the petition, 4441
and send the registrar a copy of the petition. 4442

The court may not grant the person limited driving privileges 4443
when prohibited by section 4510.13 or 4511.191 of the Revised 4444
Code. 4445

(F) Any person whose driver's or commercial driver's license 4446
or permit has been suspended under section 4511.19 of the Revised 4447
Code or under section 4510.07 of the Revised Code for a conviction 4448
of a municipal OVI offense and who desires to retain the license 4449
or permit during the pendency of an appeal, at the time sentence 4450
is pronounced, shall notify the court of record or mayor's court 4451
that suspended the license or permit of the person's intention to 4452
appeal. If the person so notifies the court, the court, mayor, or 4453
clerk of the court shall retain the license or permit until the 4454
appeal is perfected, and, if execution of sentence is stayed, the 4455
license or permit shall be returned to the person to be held by 4456
the person during the pendency of the appeal. If the appeal is not 4457
perfected or is dismissed or terminated in an affirmance of the 4458
conviction, then the license or permit shall be taken up by the 4459
court, mayor, or clerk, at the time of putting the sentence into 4460
execution, and the court shall proceed in the same manner as if no 4461
appeal was taken. 4462

(G) Except as otherwise provided in this division, if a 4463
person whose driver's or commercial driver's license or permit or 4464
nonresident operating privilege was suspended under section 4465

4511.191 of the Revised Code appeals the suspension under division 4466
(A) of this section, the prosecuting attorney of the county in 4467
which the arrest occurred shall represent the registrar of motor 4468
vehicles in the appeal. If the arrest occurred within a municipal 4469
corporation within the jurisdiction of the court in which the 4470
appeal is conducted, the city director of law, village solicitor, 4471
or other chief legal officer of that municipal corporation shall 4472
represent the registrar. If the appeal is conducted in a municipal 4473
court, the registrar shall be represented as provided in section 4474
1901.34 of the Revised Code. If the appeal is conducted in a 4475
mayor's court, the city director of law, village solicitor, or 4476
other chief legal officer of the municipal corporation that 4477
operates that mayor's court shall represent the registrar. 4478

(H) The court shall give information in writing of any action 4479
taken under this section to the registrar of motor vehicles. 4480

(I) When it finally has been determined under the procedures 4481
of this section that a nonresident's privilege to operate a 4482
vehicle within this state has been suspended, the registrar of 4483
motor vehicles shall give information in writing of the action 4484
taken to the motor vehicle administrator of the state of the 4485
nonresident's residence and of any state in which the nonresident 4486
has a license. 4487

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 4488
whose model year was 2001 or earlier, when being operated or 4489
traveling on a street or highway at the times specified in section 4490
4513.03 of the Revised Code, at a minimum shall be equipped with 4491
and display reflectors and illuminated amber lamps so that the 4492
extreme left and right projections of the tractor are indicated by 4493
flashing lamps displaying amber light, visible to the front and 4494
the rear, by amber reflectors, all visible to the front, and by 4495
red reflectors, all visible to the rear. 4496

(2) The lamps displaying amber light need not flash 4497
simultaneously and need not flash in conjunction with any 4498
directional signals of the tractor. 4499

(3) The lamps and reflectors required by division (A)(1) of 4500
this section and their placement shall meet standards and 4501
specifications contained in rules adopted by the director of 4502
public safety in accordance with Chapter 119. of the Revised Code. 4503
The rules governing the amber lamps, amber reflectors, and red 4504
reflectors and their placement shall correlate with and, as far as 4505
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 4506
respectively of the American society of agricultural engineers 4507
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 4508
agricultural equipment on highways. 4509

(B) Every unit of farm machinery whose model year was 2002 or 4510
later, when being operated or traveling on a street or highway at 4511
the times specified in section 4513.03 of the Revised Code, shall 4512
be equipped with and display markings and illuminated lamps that 4513
meet or exceed the lighting, illumination, and marking standards 4514
and specifications that are applicable to that type of farm 4515
machinery for the unit's model year specified in the American 4516
society of agricultural engineers standard ANSI/ASAE ~~S279.10 OCT98~~ 4517
S279.11 APR01, lighting and marking of agricultural equipment on 4518
highways, or any subsequent revisions of that standard. 4519

(C) The lights and reflectors required by division (A) of 4520
this section are in addition to the slow-moving vehicle emblem and 4521
lights required or permitted by section 4513.11 or 4513.17 of the 4522
Revised Code to be displayed on farm machinery being operated or 4523
traveling on a street or highway. 4524

(D) No person shall operate any unit of farm machinery on a 4525
street or highway or cause any unit of farm machinery to travel on 4526
a street or highway in violation of division (A) or (B) of this 4527
section. 4528

Sec. 4513.52. (A) The department of public safety, with the 4529
advice of the public utilities commission, shall adopt and enforce 4530
rules relating to the inspection of buses to determine whether a 4531
bus is safe and lawful, including whether its equipment is in 4532
proper adjustment or repair. 4533

(B) The rules shall determine the safety features, items of 4534
equipment, and other safety-related conditions subject to 4535
inspection. The rules may authorize the state highway patrol to 4536
operate safety inspection sites, or to enter in or upon the 4537
property of any bus operator to conduct the safety inspections, or 4538
both. The rules also shall establish a fee, not to exceed ~~one~~ two 4539
hundred dollars, for each bus inspected. 4540

(C) The state highway patrol shall conduct the bus safety 4541
inspections at least on an annual basis. An inspection conducted 4542
under this section is valid for twelve months unless, prior to 4543
that time, the bus fails a subsequent inspection or ownership of 4544
the bus is transferred. 4545

(D) The state highway patrol shall collect a fee for each bus 4546
inspected. 4547

(E) Upon determining that a bus is in safe operating 4548
condition, that its equipment is in proper adjustment and repair, 4549
and that it is otherwise lawful, the inspecting officer shall do 4550
both of the following: 4551

(1) Affix an official safety inspection decal to the outside 4552
surface of each side of the bus; 4553

(2) Issue the owner or operator of the bus a safety 4554
inspection report, to be presented to the registrar or a deputy 4555
registrar upon application for registration of the bus. 4556

Sec. 4513.53. (A) The superintendent of the state highway 4557
patrol, with approval of the director of public safety, may 4558

appoint and maintain necessary staff to carry out the inspection 4559
of buses. 4560

(B) The superintendent of the state highway patrol shall 4561
adopt a distinctive annual safety inspection decal bearing the 4562
date of inspection. The state highway patrol may remove any decal 4563
from a bus that fails any inspection. 4564

(C) Fees collected by the state highway patrol shall be paid 4565
into the state treasury to the credit of the general revenue fund. 4566
Annually by the first day of June, the director of public safety 4567
shall determine the amount of fees collected under section 4513.52 4568
of the Revised Code and shall certify the amount to the director 4569
of budget and management for reimbursement. The director of budget 4570
and management then may transfer cash up to the amount certified 4571
from the general revenue fund to the state highway safety fund. 4572

Sec. 4921.02. As used in sections 4921.01 to 4921.32 of the 4573
Revised Code: 4574

(A) "Motor transportation company," or "common carrier by 4575
motor vehicle," includes every corporation, company, association, 4576
joint-stock association, person, firm, or copartnership, and their 4577
lessees, legal or personal representatives, trustees, and 4578
receivers or trustees appointed by any court, when engaged or 4579
proposing to engage in the business of transporting persons or 4580
property, or the business of providing or furnishing such 4581
transportation service, for hire, whether directly or by lease or 4582
other arrangement, for the public in general, in or by 4583
motor-propelled vehicles of any kind, including trailers, over any 4584
public highway in this state. All laws regulating the business of 4585
motor transportation, their context notwithstanding, apply to such 4586
motor transportation company or common carrier by motor vehicle. 4587
"Motor transportation company," as so used, does not include any 4588
person, firm, copartnership, voluntary association, joint-stock 4589

association, company, or corporation, wherever organized or	4590
incorporated:	4591
(1) Engaged or proposing to engage as a private motor carrier	4592
as defined by section 4923.02 of the Revised Code;	4593
(2) Insofar as they own, control, operate, or manage motor	4594
vehicles used for the transportation of property, operated	4595
exclusively within the territorial limits of a municipal	4596
corporation, or within such limits and the territorial limits of	4597
municipal corporations immediately contiguous to such municipal	4598
corporation;	4599
(3) Insofar as they are engaged in the transportation of	4600
persons in taxicabs in the usual taxicab service;	4601
(4) Engaged in the transportation of pupils in school busses	4602
operating to or from school sessions or school events;	4603
(5) Engaged in the transportation of farm supplies to the	4604
farm or farm products from farm to market or to food fabricating	4605
plants;	4606
(6) Engaged in the distribution of newspapers;	4607
(7) Engaged in the transportation of crude petroleum	4608
incidental to gathering from wells and delivery to destination by	4609
pipe line;	4610
(8) Engaged in the towing of disabled or wrecked motor	4611
vehicles;	4612
(9) Engaged in the transportation of injured, ill, or	4613
deceased persons by hearse or ambulance;	4614
(10) <u>(9)</u> Engaged in the transportation of compost (a	4615
combination of manure and sand or shredded bark mulch) or shredded	4616
bark mulch;	4617
(11) <u>(10)</u> Engaged in the transportation of persons in a	4618
ridesharing arrangement when any fee charged each person so	4619

transported is in such amount as to recover only the person's 4620
share of the costs of operating the motor vehicle for such 4621
purpose. 4622

(B) "Trailer" means any vehicle without motive power designed 4623
or used for carrying property or persons and for being drawn by a 4624
separate motor-propelled vehicle, including any vehicle of the 4625
trailer type, whether designed or used for carrying property or 4626
persons wholly on its own structure, or so designed or used that a 4627
part of its own weight or the weight of its load rests upon and is 4628
carried by such motor-propelled vehicle. 4629

(C) "Public highway" means any public street, road, or 4630
highway in this state, whether within or without the corporate 4631
limits of a municipal corporation. 4632

(D) "Fixed termini" refers to the points between which any 4633
motor transportation company usually or ordinarily operates, 4634
provides, or proposes to operate or provide motor transportation 4635
service. 4636

(E) "Regular route" refers to that portion of the public 4637
highway over which any motor transportation company usually or 4638
ordinarily operates, provides, or proposes to operate or provide 4639
motor transportation service. 4640

(F) "Irregular route" refers to that portion of the public 4641
highway over which is conducted or provided any other operation of 4642
any motor vehicle by a motor transportation company transporting 4643
property. 4644

(G) "Ridesharing arrangement" means the transportation of 4645
persons in a motor vehicle where such transportation is incidental 4646
to another purpose of a volunteer driver, and includes ridesharing 4647
arrangements known as carpools, vanpools, and buspools. 4648

Whether or not any motor-propelled vehicle is operated or 4649
such transportation service is provided or furnished by such motor 4650

transportation company, between fixed termini or over a regular 4651
route, or over an irregular route, or whether or not a 4652
corporation, company, association, joint-stock association, 4653
person, firm, or copartnership, or their lessees, trustees, or 4654
receivers or trustees appointed by any court, is engaged as a 4655
motor transportation company, are questions of fact. The finding 4656
of the public utilities commission on such questions is a final 4657
order which may be reviewed as provided in section 4921.17 of the 4658
Revised Code. The commission has jurisdiction to receive, hear, 4659
and determine such questions upon complaint of any party, or upon 4660
its own motion, upon not less than fifteen days' notice of the 4661
time and place of such hearing and of the matter to be heard. 4662

Sec. 4921.30. Any person, firm, copartnership, voluntary 4663
association, joint-stock association, company, or corporation, 4664
wherever organized or incorporated, that is engaged in the towing 4665
of motor vehicles is subject to regulation by the public utilities 4666
commission as a for-hire motor carrier under this chapter. Such an 4667
entity is not subject to any ordinance, rule, or resolution of a 4668
municipal corporation, county, or township that provides for the 4669
licensing, registering, or regulation of entities that tow motor 4670
vehicles. 4671

Sec. 5501.20. (A) As used in this section: 4672

(1) "Career professional service" means that part of the 4673
competitive classified service that consists of employees of the 4674
department of transportation who, regardless of job 4675
classification, meet both of the following qualifications: 4676

(a) They are supervisors, professional employees who are not 4677
in a collective bargaining unit, confidential employees, or 4678
management level employees, all as defined in section 4117.01 of 4679
the Revised Code. 4680

(b) They exercise authority that is not merely routine or 4681
clerical in nature and report only to a higher level unclassified 4682
employee or employee in the career professional service. 4683

(2) "Demoted" means that an employee is placed in a position 4684
where the employee's wage rate equals, or is not more than twenty 4685
per cent less than, the employee's wage rate immediately prior to 4686
demotion or where the employee's job responsibilities are reduced, 4687
or both. 4688

(3) "Employee in the career professional service with 4689
restoration rights" means an employee in the career professional 4690
service who has been in the classified civil service for at least 4691
two years and who has a cumulative total of at least ten years of 4692
continuous service with the department of transportation. 4693

(B) Not later than the first day of July of each odd-numbered 4694
year, the director of transportation shall adopt a rule in 4695
accordance with section 111.15 of the Revised Code that 4696
establishes a business plan for the department of transportation 4697
that states the department's mission, business objectives, and 4698
strategies and that establishes a procedure by which employees in 4699
the career professional service will be held accountable for their 4700
performance. The director shall adopt a rule that establishes a 4701
business plan for the department only once in each two years. 4702
Within sixty days after the effective date of a rule that 4703
establishes a business plan for the department, the director shall 4704
adopt a rule in accordance with section 111.15 of the Revised Code 4705
that identifies specific positions within the department of 4706
transportation that are included in the career professional 4707
service. The director may amend the rule that identifies the 4708
specific positions included in the career professional service 4709
whenever the director determines necessary. Any rule adopted under 4710
this division is subject to review and invalidation by the joint 4711
committee on agency rule review as provided in division (D) of 4712

section 111.15 of the Revised Code. The director shall provide a 4713
copy of any rule adopted under this division to the director of 4714
budget and management. 4715

Except as otherwise provided in this section, an employee in 4716
the career professional service is subject to the provisions of 4717
Chapter 124. of the Revised Code that govern employees in the 4718
classified civil service. 4719

(C) After an employee is appointed to a position in the 4720
career professional service, the employee's direct supervisor 4721
shall provide the employee appointed to that position with a 4722
written performance action plan that describes the department's 4723
expectations for that employee in fulfilling the mission, business 4724
objectives, and strategies stated in the department's business 4725
plan. No sooner than four months after being appointed to a 4726
position in the career professional service, an employee appointed 4727
to that position shall receive a written performance review based 4728
on the employee's fulfillment of the mission, business objectives, 4729
and strategies stated in the department's business plan. After the 4730
initial performance review, the employee shall receive a written 4731
performance review at least once each year or as often as the 4732
director considers necessary. The department shall give an 4733
employee whose performance is unsatisfactory an opportunity to 4734
improve performance for a period of at least six months, by means 4735
of a written corrective action plan, before the department takes 4736
any disciplinary action under this section or section 124.34 of 4737
the Revised Code. The department shall base its performance review 4738
forms on its business plan. 4739

(D) An employee in the career professional service may be 4740
suspended, demoted, or removed because of performance that hinders 4741
or restricts the fulfillment of the department's business plan or 4742
for disciplinary reasons under section 124.34 or 124.57 of the 4743
Revised Code. An employee in the career professional service may 4744

appeal only the employee's removal to the state personnel board of 4745
review. An employee in the career professional service may appeal 4746
a demotion or a suspension of more than three days pursuant to 4747
rules the director adopts in accordance with section 111.15 of the 4748
Revised Code. 4749

(E) An employee in the career professional service with 4750
restoration rights has restoration rights if demoted because of 4751
performance that hinders or restricts fulfillment of the mission, 4752
business objectives, or strategies stated in the department's 4753
business plan, but not if involuntarily demoted or removed for any 4754
of the reasons described in section 124.34 or for a violation of 4755
section 124.57 of the Revised Code. The director shall demote an 4756
employee who has restoration rights of that nature to a position 4757
in the classified service that in the director's judgment is 4758
similar in nature to the position the employee held immediately 4759
prior to being appointed to the position in the career 4760
professional service. The director shall assign to an employee who 4761
is demoted to a position in the classified service as provided in 4762
this division a wage rate that equals, or that is not more than 4763
twenty per cent less than, the wage rate assigned to the employee 4764
in the career professional service immediately prior to the 4765
employee's demotion. 4766

~~(F) This section establishes a pilot program for employees in 4767
the career professional service of the department of 4768
transportation. At the end of each fiscal biennium that this 4769
program is in effect, the director of transportation shall prepare 4770
a report describing and evaluating the operation of the program 4771
and forward a copy of the report to the governor, director of 4772
administrative services, speaker of the house of representatives, 4773
and president of the senate. 4774~~

~~(G) No person shall be appointed to a position in the career 4775
professional service of the Department of Transportation after 4776~~

~~June 30, 2003, including for the purpose of filling a vacancy 4777~~
~~within the career professional service that occurs for any reason. 4778~~

Sec. 5501.34. (A) ~~In the event that~~ If circumstances alter 4779
the highway requirements after the director of transportation has 4780
acquired property so that the real property, or part thereof, of 4781
the real property is no longer required for highway purposes, the 4782
director, in the name of the state, may sell all the right, title, 4783
and interest of the state in any of the real property. After 4784
determining that a parcel of real property is no longer required 4785
for highway purposes, the director shall have the parcel appraised 4786
by a department prequalified appraiser. 4787

(B) Except as otherwise provided in this section, the 4788
director shall advertise the sale of real property that is no 4789
longer required for highway purposes in a newspaper of general 4790
circulation in the county in which the real property is situated 4791
for at least two consecutive weeks prior to the date set for the 4792
sale. The real property may be sold at public auction to the 4793
highest bidder for not less than two-thirds of its appraised 4794
value, but the director may reject all bids that are less than the 4795
full appraised value of the real property. However, if no sale has 4796
been effected after an effort to sell under this division, the 4797
director may set aside the appraisal, order a new appraisal, and, 4798
except as otherwise provided in this section, readvertise the 4799
property for sale. 4800

(C) If real property no longer required for highway purposes 4801
is appraised or reappraised as having a current fair market value 4802
of twenty thousand dollars or less, the director may sell the real 4803
property to the sole abutting owner through a private sale at a 4804
price not less than the appraised value. If there is more than one 4805
abutting owner, the director may invite all of the abutting owners 4806
to submit sealed bids and may sell the real property to the 4807

highest bidder at not less than its appraised value. 4808

(D) If real property no longer required for highway purposes 4809
is appraised or reappraised as having a fair market value of two 4810
thousand dollars or less, and no sale has been effected after an 4811
effort to sell to the abutting owner or owners, the director may 4812
advertise the sale of ~~such~~ the real property in accordance with 4813
division (B) of this section. The director may sell the land at 4814
public auction to the highest bidder without regard to its 4815
appraised value, but the director may reject all bids that are 4816
less than the full appraised value of the real property. 4817

(E) The department shall pay all expenses incurred in the 4818
sale of a parcel of real property out of the proceeds of the sale 4819
and shall deposit the balance of the proceeds in the highway fund 4820
used to acquire that parcel of real property. 4821

(F) Upon a determination that real property previously 4822
acquired within a highway improvement project corridor no longer 4823
is needed for highway purposes, the director may offer the 4824
unneeded property to another landowner located within that 4825
project's corridor as full or partial consideration for other real 4826
property to be acquired from the landowner. If the landowner 4827
accepts the offer, the director shall convey the unneeded property 4828
directly to the landowner at the full fair market value determined 4829
by the department by appraisal. The director shall credit the 4830
value of the unneeded property against the acquisition price of 4831
the property being acquired by the department, and the landowner 4832
shall pay the department the difference if the value of the 4833
unneeded property exceeds the acquisition price of the property 4834
being acquired. 4835

(G) Conveyances of real property under this section shall be 4836
by a deed executed by the governor, ~~shall bear~~ bearing the great 4837
seal of the state ~~of Ohio~~, and ~~shall be~~ in the form ~~as~~ prescribed 4838
by the attorney general. ~~Section 5301.13 of the Revised Code,~~ 4839

~~relating to the sale of public lands, shall not apply to~~ 4840
~~conveyances made pursuant to this section.~~ The director shall keep 4841
a record of all ~~such~~ conveyances of real property made under this 4842
section. This section applies to all real property acquired by the 4843
department, regardless of how or from whom the property was 4844
acquired. 4845

Sec. 5501.45. (A) The director of transportation may convey 4846
or transfer the fee simple estate or any lesser estate or interest 4847
in, or permit the use of, for such period as the director shall 4848
determine, any lands owned by the state and acquired or used for 4849
the state highway system or for highways or in connection with 4850
highways or as incidental to the acquisition of land for highways, 4851
provided that the director determines, after consulting with the 4852
director of natural resources, that the property or interest 4853
conveyed or made subject to a permit to use is not needed by the 4854
state for highway or recreation purposes. Such conveyance, 4855
transfer, or permit to use may be to the grantee or permittee or 4856
to the grantee or permittee and the grantee's or its successors 4857
and assigns and shall be of such portion of such lands as the 4858
director shall determine, which shall be described in the deed, 4859
transfer, or other instrument or conveyance and in any permit to 4860
use, and may include or be limited to areas or space on, above, or 4861
below the surface, and also may include the grant of easements or 4862
other interests in any such lands for use by the grantee for 4863
buildings or structures or for other uses and purposes, and for 4864
the support of buildings or structures constructed or to be 4865
constructed on or in the lands or areas or space conveyed or made 4866
subject to a permit to use. 4867

(B) Whenever pursuant to this section separate units of 4868
property are created in any lands, each unit shall for all 4869
purposes constitute real property and shall be deemed real estate 4870
within the meaning of all provisions of the Revised Code, shall be 4871

deemed to be a separate parcel for all purposes of taxation and 4872
assessment of real property, and no other unit or other part of 4873
such lands shall be charged with the payment of such taxes and 4874
assessments. 4875

(C) With respect to any portion of the state highway system 4876
not owned in fee simple by the state, the director may permit the 4877
use of any portion thereof in perpetuity or for such period of 4878
time as the director shall specify, including areas or space on, 4879
above, or beneath the surface, together with rights for the 4880
support of buildings or structures constructed or to be 4881
constructed thereon or therein, provided that the director 4882
determines that the portion made subject to a right to use is not 4883
needed by the state for highway purposes. 4884

(D) The director shall require, as either a condition 4885
precedent or a condition subsequent to any conveyance, transfer, 4886
or grant or permit to use, that the plans and specifications for 4887
all such buildings or structures and the contemplated use thereof, 4888
be approved by the director as not interfering with the use of the 4889
state highway system and not unduly endangering the public. The 4890
director may require such indemnity agreements in favor of the 4891
director and the public as shall be lawful and as shall be deemed 4892
necessary by the director. The director shall not unreasonably 4893
withhold approval of such plans, specifications, and contemplated 4894
use. 4895

(E)(1) All such conveyances, transfers, grants, or permits to 4896
use that are made to state institutions, agencies, commissions, 4897
instrumentalities, political subdivisions, or taxing districts of 4898
the state, ~~and to~~ to institutions receiving financial assistance from 4899
the state, or to the federal government shall be upon such 4900
consideration as shall be determined by the director to be fair 4901
and reasonable, without competitive bidding, ~~and sections.~~ 4902
Conveyances of real property under this section shall be by deed 4903

executed by the director and shall be in the form prescribed by 4904
the attorney general. Sections 5301.13 and 5515.01 of the Revised 4905
Code, relating to the sale or use of public lands, shall not apply 4906
to conveyances, grants, transfers, or permits to use made pursuant 4907
to this division. An institution receiving financial assistance 4908
from the state shall provide the director with acceptable 4909
documentary evidence of the state loan, grant, or other state 4910
financial assistance. The director shall keep a record of all such 4911
conveyances. 4912

(2) As used in this division, "institution receiving 4913
financial assistance from the state" includes any public or 4914
private organization, especially one of a charitable, civic, or 4915
educational character, in receipt of a state loan, grant, or other 4916
type of state financial assistance. 4917

(F) Except as provided in division (E) of this section, all 4918
conveyances, grants, or permits to use that are made to private 4919
persons, firms, or corporations shall be conducted in accordance 4920
with the procedure set forth in section 5501.311 or 5501.34 of the 4921
Revised Code, as applicable. 4922

(G) In any case where the director has acquired or acquires, 4923
for the state highway system, easements in or permits to use areas 4924
or space on, above, or below the surface, the director may 4925
extinguish them in whole or in part or subordinate them to uses by 4926
others, provided that the director determines that the easements 4927
or permit to use so extinguished or subordinated are not needed by 4928
the state for highway purposes. The director shall make any 4929
extinguishments to the current underlying fee owner of record at 4930
no cost. 4931

(H) No conveyance, transfer, easement, lease, permit, or 4932
other instrument executed pursuant to the authorization given by 4933
this section shall prejudice any right, title, or interest in any 4934
lands affected thereby which at the date thereof existed in any 4935

person, firm, or corporation, other than the state and other than 4936
members of the general public having no specific rights in said 4937
lands, unless the right, title, or interest was expressly subject 4938
to the right of the state to make such conveyance or transfer, 4939
grant such right, or execute such instrument, and unless the state 4940
by such instrument expressly exercises such right, nor shall any 4941
public utility be required to move or relocate any of its 4942
facilities that may be located in or on the areas described in any 4943
such conveyance, transfer, easement, lease, permit, or other 4944
instrument. 4945

Sec. 5501.53. (A) Any organization, individual, or group of 4946
individuals may give to the state or to any county or township by 4947
way of private contribution money to pay the expenses the state or 4948
county or township incurs in maintaining, repairing, or 4949
reconstructing highways and roads upon which animal-drawn vehicles 4950
travel. 4951

(1) All money the state receives under this division shall be 4952
credited to the highway operating fund created by section 5735.291 4953
of the Revised Code to be expended by the department of 4954
transportation as described in this division. If money is 4955
contributed to the state under this section, the donor may direct 4956
that the contribution be used to pay the maintenance, repair, or 4957
reconstruction expenses of a particular state highway or portion 4958
of state highway by specifically designating that state highway or 4959
portion thereof at the time of the contribution, and the 4960
department shall so expend the contribution. If the donor does not 4961
make such a designation, the department shall use the contribution 4962
to pay the maintenance, repair, or reconstruction expenses of a 4963
portion of state highway located within the county in which the 4964
donor resides or in which the organization maintains property and 4965
upon which animal-drawn vehicles regularly travel. The department 4966
may accumulate contributions designated for a particular highway 4967

until such time as the contributions can be expended in a 4968
meaningful manner. 4969

(2) If a donor contributes money to a county or township, the 4970
donor is not permitted to make any specific road or highway 4971
designation. However, the county or township shall expend all 4972
contributions received under this section to maintain, repair, or 4973
reconstruct any road located within the county or township upon 4974
which animal-drawn vehicles travel. A county or township may 4975
accumulate contributions received under this section until such 4976
time as the contributions can be expended in a meaningful manner. 4977

(B) Not later than the first day of April of every year, the 4978
department and every county and township that receives money under 4979
this section shall issue a written report detailing the amount of 4980
money the state, county, or township received under this section 4981
during the previous calendar year; the amount of money expended 4982
during the previous calendar year pursuant to this section; the 4983
amount of money received under this section but not expended 4984
during the previous calendar year; the highway or road projects 4985
for which the expenditures were made; and any other relevant data. 4986

Sec. 5502.02. All expenditures for the ~~operation~~ 4987
administration and maintenance of enforcement of motor vehicle and 4988
traffic laws by the department of public safety shall be paid out 4989
of moneys derived from fees, excises, or license taxes relating to 4990
registration, operation, or use of vehicles on public highways or 4991
to fuels used for propelling such vehicles as provided in Section 4992
5a of Article XII, Ohio Constitution. 4993

Sec. 5502.39. There is hereby created in the state treasury 4994
the emergency management agency service and reimbursement fund. 4995
The fund shall consist of money collected under sections 5502.21 4996
to 5502.38 of the Revised Code. All money in the fund shall be 4997

used to pay the costs of administering programs of the emergency 4998
management agency. 4999

Sec. 5517.011. ~~(A)(1)~~ Notwithstanding section 5517.01 of the 5000
Revised Code, the director of transportation may establish a ~~pilot~~ 5001
program to expedite the sale and construction of ~~no more than six~~ 5002
special projects by combining the design and construction elements 5003
of a highway or bridge project into a single contract. The 5004
director shall prepare and distribute a scope of work document 5005
upon which the bidders shall base their bids. Except in regard to 5006
those requirements relating to providing plans, the director shall 5007
award contracts under this section in accordance with ~~section~~ 5008
~~5525.01~~ Chapter 5525. of the Revised Code. 5009

~~(2) On or before December 31, 2002, the director shall~~ 5010
~~prepare and submit to the general assembly a report evaluating the~~ 5011
~~experience of the department of transportation with each project~~ 5012
~~under this division and contract under division (B) of this~~ 5013
~~section, including whether the department realized any cost or~~ 5014
~~time savings. Regarding those projects and contracts, the report~~ 5015
~~shall include a discussion of the number and cost of change~~ 5016
~~orders, the quality of work performed, the number of bids~~ 5017
~~received, the impact on minority and female contract~~ 5018
~~participation, and other issues the director considers~~ 5019
~~appropriate. The director also may make recommendations regarding~~ 5020
~~the continuation of the program, including the need for any~~ 5021
~~changes.~~ 5022

~~(3) After completion of the sixth project, no projects shall~~ 5023
~~be commenced under this division unless the general assembly~~ 5024
~~either approves additional projects to further study the~~ 5025
~~effectiveness of the procedures or makes the program permanent.~~ 5026

~~(B) In addition to the six projects under division (A) of~~ 5027

~~this section, during the period beginning July 1, 1999, and ending 5028
June 30, 2001, and also during the period beginning July 1, 2001, 5029
and ending June 30, 2003, the director may expand the pilot 5030
program to more contracts combining the design and construction 5031
elements of highway or bridge projects. For each biennium, the 5032
total dollar value of contracts made under this division section 5033
shall not exceed two hundred fifty million dollars. ~~The director 5034
may seek either bids or technical proposals for contracts under 5035
this division.~~ 5036~~

~~(1) When the director determines to award a single contract 5037
for a design build project under this division through the receipt 5038
of bids, except for those requirements relating to providing 5039
plans, the director shall award contracts in accordance with 5040
Chapter 5525. of the Revised Code. When the director determines to 5041
award a single contract for a design build project under this 5042
division through the receipt of technical proposals, the director 5043
shall advertise and select the design build team using a 5044
value based selection process combining technical qualifications 5045
and competitive bidding elements.~~ 5046

~~(2) If the director elects to utilize the competitive bid 5047
option for design build projects, the director shall prepare and 5048
distribute a scope of work document upon which the bidders shall 5049
base their bids.~~ 5050

~~(3)(a) If the director elects to utilize a value based 5051
selection process for design build projects through the receipt of 5052
technical proposals, the director shall restrict usage of this 5053
method to no more than eighty five million dollars and no more 5054
than two projects, whose per project estimate must exceed twenty 5055
million dollars. The director shall prepare conceptual documents 5056
for review by interested parties, accept letters of interest, and 5057
select the three most qualified design build teams to submit a 5058
technical proposal.~~ 5059

~~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 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. The technical proposal also may include innovative design and construction techniques, aesthetics, environmental protection, a maintenance of traffic plan, and the type and duration of warranty coverage. 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~~ 5092
~~director shall select the finalist with the lowest adjusted price.~~ 5093
~~The adjusted price shall be used for selection only. The contract~~ 5094
~~shall be based on the price proposal as submitted.~~ 5095

~~The department shall compensate each responsive finalist not~~ 5096
~~selected in an amount generally equal to one fourth of one per~~ 5097
~~cent of the unadjusted price proposal amount submitted by the~~ 5098
~~selected finalist or by an amount the director establishes at the~~ 5099
~~time of advertising. The proposals of the two unsuccessful~~ 5100
~~finalists shall become the property of the director unless an~~ 5101
~~unsuccessful finalist elects to waive the compensation. The~~ 5102
~~director shall return the proposal of any unsuccessful finalist~~ 5103
~~who waives the compensation.~~ 5104

Sec. 5517.02. (A) Before undertaking the construction, 5105
improvement, maintenance, or repair of a state highway, or a 5106
bridge or culvert thereon, or the installation, maintenance, or 5107
repair of a traffic control signal on a state highway, the 5108
director of transportation shall make an estimate of the cost of 5109
the work, ~~which estimate shall include labor, material, freight,~~ 5110
~~fuel, use of equipment, and all other items of cost and expense~~ 5111
using the force account project assessment form developed by the 5112
auditor of state under section 117.16 of the Revised Code. In 5113
constructing, improving, maintaining, and repairing state 5114
highways, and the bridges and culverts thereon, and in installing, 5115
maintaining, and repairing traffic control signals on state 5116
highways, the director, except as provided in division (B) of this 5117
section, shall proceed by contract let to the lowest competent and 5118
responsible bidder, after advertisement as provided in section 5119
5525.01 of the Revised Code. 5120

~~The above provision relating to the performance of work by~~ 5121
~~contract applies to all construction and reconstruction, except in~~ 5122

~~the case of a bridge or culvert, or the installation of a traffic~~ 5123
~~control signal, estimated to cost not more than twenty thousand~~ 5124
~~dollars.~~ (B)(1) Where the work contemplated is the construction of 5125
a bridge or culvert, or the installation of a traffic control 5126
signal, estimated to cost not more than ~~twenty~~ fifty thousand 5127
dollars, the director may proceed by employing labor, purchasing 5128
materials, and furnishing equipment. 5129

(2) The director may also proceed with maintenance or repair 5130
work by employing labor, purchasing materials, and furnishing 5131
equipment, provided the total estimated cost of the completed 5132
operation, or series of connected operations, does not exceed ~~ten~~ 5133
twenty-five thousand dollars per mile of highway, exclusive of 5134
structures and traffic control signals, or ~~twenty~~ fifty thousand 5135
dollars for any single structure or traffic control signal. ~~The~~ 5136

(3) The director may proceed by furnishing equipment, 5137
purchasing materials, and employing labor in the erection of 5138
temporary bridges or the making of temporary repairs to a highway 5139
or bridge rendered necessary by flood, landslide, or other 5140
extraordinary emergency. If the director determines ~~that he is~~ 5141
~~unable~~ inability to complete such emergency work by force account, 5142
~~then he~~ the director may contract for any part of the work, with 5143
or without advertising for bids, as ~~he~~ the director considers for 5144
the best interest of the department of transportation. 5145

Sec. 5525.20. (A) Subject to division (B) of this section, 5146
the director of transportation may include incentive and 5147
disincentive provisions in contracts ~~he~~ the director executes for 5148
projects or portions or phases of projects that involve any of the 5149
following: 5150

- (1) A major bridge out of service; 5151
- (2) A lengthy detour; 5152

(3) Excessive disruption to traffic; 5153

(4) A significant impact on public safety; 5154

(5) A link that completes a segment of a highway. 5155

(B) No such provisions shall be included in any particular 5156
contract without the prior consent of the municipal corporation, 5157
or, if outside a municipal corporation and off the state highway 5158
system, the prior consent of the board of county commissioners of 5159
the county, in which the bridge, detour, disruption, impact, or 5160
link will be located or occur. 5161

(C) If the director decides to include incentive and 5162
disincentive provisions in such contracts, ~~he~~ the director shall 5163
make those provisions part of the bid proposal issued by ~~him~~ the 5164
director pursuant to this chapter and shall also adopt rules, in 5165
accordance with Chapter 119. of the Revised Code, governing the 5166
formulation and use of those provisions. The rules shall be 5167
equivalent in scope, content, and coverage to the regulations the 5168
federal highway administrator issues concerning the use of such 5169
provisions in state contracts. 5170

As used in this section, "incentive and disincentive 5171
provisions" means provisions under which the contractor would be 5172
compensated a certain amount of money for each day specified 5173
critical work is completed ahead of schedule or under which ~~he~~ the 5174
contractor would be assessed a deduction for each day the 5175
specified critical work is completed behind schedule. The director 5176
also may elect to compensate the contractor in the form of a lump 5177
sum incentive for completing critical work ahead of schedule. 5178

Sec. 5531.10. (A) As used in this chapter: 5179

(1) "Bond proceedings" means the resolution, order, trust 5180
agreement, indenture, lease, lease-purchase agreements, and other 5181
agreements, amendments and supplements to the foregoing, or any 5182

one or more or combination thereof, authorizing or providing for 5183
the terms and conditions applicable to, or providing for the 5184
security or liquidity of, obligations issued pursuant to this 5185
section, and the provisions contained in such obligations. 5186

(2) "Bond service charges" means principal, including 5187
mandatory sinking fund requirements for retirement of obligations, 5188
and interest, and redemption premium, if any, required to be paid 5189
by the state on obligations. 5190

(3) "Bond service fund" means the applicable fund and 5191
accounts therein created for and pledged to the payment of bond 5192
service charges, which may be, or may be part of, the state 5193
infrastructure bank revenue bond service fund created by division 5194
(R) of this section including all moneys and investments, and 5195
earnings from investments, credited and to be credited thereto. 5196

(4) "Issuing authority" means the treasurer of state, or the 5197
officer who by law performs the functions of the treasurer of 5198
state. 5199

(5) "Obligations" means bonds, notes, or other evidence of 5200
obligation including interest coupons pertaining thereto, issued 5201
pursuant to this section. 5202

(6) "Pledged receipts" means moneys accruing to the state 5203
from the lease, lease-purchase, sale, or other disposition, or 5204
use, of qualified projects, and from the repayment, including 5205
interest, of loans made from proceeds received from the sale of 5206
obligations; accrued interest received from the sale of 5207
obligations; income from the investment of the special funds; any 5208
gifts, grants, donations, and pledges, and receipts therefrom, 5209
available for the payment of bond service charges; and any amounts 5210
in the state infrastructure bank pledged to the payment of such 5211
charges. If the amounts in the state infrastructure bank are 5212
insufficient for the payment of such charges, "pledged receipts" 5213

also means moneys that are apportioned by the United States 5214
secretary of transportation under United States Code, Title XXIII, 5215
as amended, or any successor legislation, or under any other 5216
federal law relating to aid for highways, and that are to be 5217
received as a grant by the state, to the extent the state is not 5218
prohibited by state or federal law from using such moneys and the 5219
moneys are pledged to the payment of such bond service charges. 5220

(7) "Special funds" or "funds" means, except where the 5221
context does not permit, the bond service fund, and any other 5222
funds, including reserve funds, created under the bond 5223
proceedings, and the state infrastructure bank revenue bond 5224
service fund created by division (R) of this section to the extent 5225
provided in the bond proceedings, including all moneys and 5226
investments, and earnings from investment, credited and to be 5227
credited thereto. 5228

(8) "State infrastructure project" means any public 5229
transportation project undertaken by the state, including, but not 5230
limited to, all components of any such project, as described in 5231
division (D) of section 5131.09 of the Revised Code. 5232

(B) The issuing authority, after giving written notice to the 5233
director of budget and management and upon the certification by 5234
the director of transportation to the issuing authority of the 5235
amount of moneys or additional moneys needed either for state 5236
infrastructure projects or to provide financial assistance for any 5237
of the purposes for which the state infrastructure bank may be 5238
used under section 5531.09 of the Revised Code, or needed for 5239
capitalized interest, funding reserves, and paying costs and 5240
expenses incurred in connection with the issuance, carrying, 5241
securing, paying, redeeming, or retirement of the obligations or 5242
any obligations refunded thereby, including payment of costs and 5243
expenses relating to letters of credit, lines of credit, 5244
insurance, put agreements, standby purchase agreements, indexing, 5245

marketing, remarketing and administrative arrangements, interest 5246
swap or hedging agreements, and any other credit enhancement, 5247
liquidity, remarketing, renewal, or refunding arrangements, all of 5248
which are authorized by this section, shall issue obligations of 5249
the state under this section in the required amount. The proceeds 5250
of such obligations, except for the portion to be deposited in 5251
special funds, including reserve funds, as may be provided in the 5252
bond proceedings, shall as provided in the bond proceedings be 5253
credited to the infrastructure bank obligations fund of the state 5254
infrastructure bank created by section 5531.09 of the Revised 5255
Code. The issuing authority may appoint trustees, paying agents, 5256
transfer agents, and authenticating agents, and may retain the 5257
services of financial advisors, accounting experts, and attorneys, 5258
and retain or contract for the services of marketing, remarketing, 5259
indexing, and administrative agents, other consultants, and 5260
independent contractors, including printing services, as are 5261
necessary in the issuing authority's judgment to carry out this 5262
section. The costs of such services are payable from funds of the 5263
state infrastructure bank. 5264

(C) The holders or owners of such obligations shall have no 5265
right to have moneys raised by taxation by the state of Ohio 5266
obligated or pledged, and moneys so raised shall not be obligated 5267
or pledged, for the payment of bond service charges. The right of 5268
such holders and owners to the payment of bond service charges is 5269
limited to all or that portion of the pledged receipts and those 5270
special funds pledged thereto pursuant to the bond proceedings for 5271
such obligations in accordance with this section, and each such 5272
obligation shall bear on its face a statement to that effect. 5273

(D) Obligations shall be authorized by order of the issuing 5274
authority and the bond proceedings shall provide for the purpose 5275
thereof and the principal amount or amounts, and shall provide for 5276
or authorize the manner or agency for determining the principal 5277

maturity or maturities, not exceeding twenty-five years from the 5278
date of issuance, the interest rate or rates or the maximum 5279
interest rate, the date of the obligations and the dates of 5280
payment of interest thereon, their denomination, and the 5281
establishment within or without the state of a place or places of 5282
payment of bond service charges. Sections 9.98 to 9.983 of the 5283
Revised Code are applicable to obligations issued under this 5284
section. The purpose of such obligations may be stated in the bond 5285
proceedings in terms describing the general purpose or purposes to 5286
be served. The bond proceedings also shall provide, subject to the 5287
provisions of any other applicable bond proceedings, for the 5288
pledge of all, or such part as the issuing authority may 5289
determine, of the pledged receipts and the applicable special fund 5290
or funds to the payment of bond service charges, which pledges may 5291
be made either prior or subordinate to other expenses, claims, or 5292
payments, and may be made to secure the obligations on a parity 5293
with obligations theretofore or thereafter issued, if and to the 5294
extent provided in the bond proceedings. The pledged receipts and 5295
special funds so pledged and thereafter received by the state 5296
immediately are subject to the lien of such pledge without any 5297
physical delivery thereof or further act, and the lien of any such 5298
pledges is valid and binding against all parties having claims of 5299
any kind against the state or any governmental agency of the 5300
state, irrespective of whether such parties have notice thereof, 5301
and shall create a perfected security interest for all purposes of 5302
Chapter 1309. of the Revised Code, without the necessity for 5303
separation or delivery of funds or for the filing or recording of 5304
the bond proceedings by which such pledge is created or any 5305
certificate, statement, or other document with respect thereto; 5306
and the pledge of such pledged receipts and special funds is 5307
effective and the money therefrom and thereof may be applied to 5308
the purposes for which pledged without necessity for any act of 5309
appropriation. Every pledge, and every covenant and agreement made 5310

with respect thereto, made in the bond proceedings may therein be 5311
extended to the benefit of the owners and holders of obligations 5312
authorized by this section, and to any trustee therefor, for the 5313
further security of the payment of the bond service charges. 5314

(E) The bond proceedings may contain additional provisions as 5315
to: 5316

(1) The redemption of obligations prior to maturity at the 5317
option of the issuing authority at such price or prices and under 5318
such terms and conditions as are provided in the bond proceedings; 5319

(2) Other terms of the obligations; 5320

(3) Limitations on the issuance of additional obligations; 5321

(4) The terms of any trust agreement or indenture securing 5322
the obligations or under which the same may be issued; 5323

(5) The deposit, investment, and application of special 5324
funds, and the safeguarding of moneys on hand or on deposit, 5325
without regard to Chapter 131. or 135. of the Revised Code, but 5326
subject to any special provisions of this section with respect to 5327
particular funds or moneys, provided that any bank or trust 5328
company which acts as depository of any moneys in the special 5329
funds may furnish such indemnifying bonds or may pledge such 5330
securities as required by the issuing authority; 5331

(6) Any or every provision of the bond proceedings being 5332
binding upon such officer, board, commission, authority, agency, 5333
department, or other person or body as may from time to time have 5334
the authority under law to take such actions as may be necessary 5335
to perform all or any part of the duty required by such provision; 5336

(7) Any provision that may be made in a trust agreement or 5337
indenture; 5338

(8) Any other or additional agreements with the holders of 5339
the obligations, or the trustee therefor, relating to the 5340

obligations or the security therefor, including the assignment of 5341
mortgages or other security relating to financial assistance for 5342
qualified projects under section 5531.09 of the Revised Code. 5343

(F) The obligations may have the great seal of the state or a 5344
facsimile thereof affixed thereto or printed thereon. The 5345
obligations and any coupons pertaining to obligations shall be 5346
signed or bear the facsimile signature of the issuing authority. 5347
Any obligations or coupons may be executed by the person who, on 5348
the date of execution, is the proper issuing authority although on 5349
the date of such bonds or coupons such person was not the issuing 5350
authority. In case the issuing authority whose signature or a 5351
facsimile of whose signature appears on any such obligation or 5352
coupon ceases to be the issuing authority before delivery thereof, 5353
such signature or facsimile nevertheless is valid and sufficient 5354
for all purposes as if the former issuing authority had remained 5355
the issuing authority until such delivery; and in case the seal to 5356
be affixed to obligations has been changed after a facsimile of 5357
the seal has been imprinted on such obligations, such facsimile 5358
seal shall continue to be sufficient as to such obligations and 5359
obligations issued in substitution or exchange therefor. 5360

(G) All obligations are negotiable instruments and securities 5361
under Chapter 1308. of the Revised Code, subject to the provisions 5362
of the bond proceedings as to registration. The obligations may be 5363
issued in coupon or in registered form, or both, as the issuing 5364
authority determines. Provision may be made for the registration 5365
of any obligations with coupons attached thereto as to principal 5366
alone or as to both principal and interest, their exchange for 5367
obligations so registered, and for the conversion or reconversion 5368
into obligations with coupons attached thereto of any obligations 5369
registered as to both principal and interest, and for reasonable 5370
charges for such registration, exchange, conversion, and 5371
reconversion. 5372

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings. 5373
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(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations. 5375
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(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having its principal place of business within the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to: 5378
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(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made; 5387
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(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing; 5391
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(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations; 5397
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(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen; 5401
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(5) Such other provisions as the trustee and the issuing 5403

authority agree upon, including limitations, conditions, or 5404
qualifications relating to any of the foregoing. 5405

(K) Any holder of obligations or a trustee under the bond 5406
proceedings, except to the extent that the holder's or trustee's 5407
rights are restricted by the bond proceedings, may by any suitable 5408
form of legal proceedings, protect and enforce any rights under 5409
the laws of this state or granted by such bond proceedings. Such 5410
rights include the right to compel the performance of all duties 5411
of the issuing authority and the director of transportation 5412
required by the bond proceedings or sections 5531.09 and 5531.10 5413
of the Revised Code; to enjoin unlawful activities; and in the 5414
event of default with respect to the payment of any bond service 5415
charges on any obligations or in the performance of any covenant 5416
or agreement on the part of the issuing authority or the director 5417
of transportation in the bond proceedings, to apply to a court 5418
having jurisdiction of the cause to appoint a receiver to receive 5419
and administer the pledged receipts and special funds, other than 5420
those in the custody of the treasurer of state, which are pledged 5421
to the payment of the bond service charges on such obligations or 5422
which are the subject of the covenant or agreement, with full 5423
power to pay, and to provide for payment of bond service charges 5424
on, such obligations, and with such powers, subject to the 5425
direction of the court, as are accorded receivers in general 5426
equity cases, excluding any power to pledge additional revenues or 5427
receipts or other income or moneys of the state or local 5428
governmental entities, or agencies thereof, to the payment of such 5429
principal and interest and excluding the power to take possession 5430
of, mortgage, or cause the sale or otherwise dispose of any 5431
project facilities. 5432

Each duty of the issuing authority and the issuing 5433
authority's officers and employees, and of each state or local 5434
governmental agency and its officers, members, or employees, 5435

undertaken pursuant to the bond proceedings or any loan, loan 5436
guarantee, lease, lease-purchase agreement, or other agreement 5437
made under authority of section 5531.09 of the Revised Code, and 5438
in every agreement by or with the issuing authority, is hereby 5439
established as a duty of the issuing authority, and of each such 5440
officer, member, or employee having authority to perform such 5441
duty, specifically enjoined by the law resulting from an office, 5442
trust, or station within the meaning of section 2731.01 of the 5443
Revised Code. 5444

The person who is at the time the issuing authority, or the 5445
issuing authority's officers or employees, are not liable in their 5446
personal capacities on any obligations issued by the issuing 5447
authority or any agreements of or with the issuing authority. 5448

(L) The issuing authority may authorize and issue obligations 5449
for the refunding, including funding and retirement, and advance 5450
refunding with or without payment or redemption prior to maturity, 5451
of any obligations previously issued by the issuing authority. 5452
Such obligations may be issued in amounts sufficient for payment 5453
of the principal amount of the prior obligations, any redemption 5454
premiums thereon, principal maturities of any such obligations 5455
maturing prior to the redemption of the remaining obligations on a 5456
parity therewith, interest accrued or to accrue to the maturity 5457
dates or dates of redemption of such obligations, and any expenses 5458
incurred or to be incurred in connection with such issuance and 5459
such refunding, funding, and retirement. Subject to the bond 5460
proceedings therefor, the portion of proceeds of the sale of 5461
obligations issued under this division to be applied to bond 5462
service charges on the prior obligations shall be credited to an 5463
appropriate account held by the trustee for such prior or new 5464
obligations or to the appropriate account in the bond service fund 5465
for such obligations. Obligations authorized under this division 5466
shall be deemed to be issued for those purposes for which such 5467

prior obligations were issued and are subject to the provisions of 5468
this section pertaining to other obligations, except as otherwise 5469
provided in this section. The last maturity of obligations 5470
authorized under this division shall not be later than twenty-five 5471
years from the date of issuance of the original securities issued 5472
for the original purpose. 5473

(M) The authority to issue obligations under this section 5474
includes authority to issue obligations in the form of bond 5475
anticipation notes and to renew the same from time to time by the 5476
issuance of new notes. The holders of such notes or interest 5477
coupons pertaining thereto shall have a right to be paid solely 5478
from the pledged receipts and special funds that may be pledged to 5479
the payment of the bonds anticipated, or from the proceeds of such 5480
bonds or renewal notes, or both, as the issuing authority provides 5481
in the order authorizing such notes. Such notes may be 5482
additionally secured by covenants of the issuing authority to the 5483
effect that the issuing authority and the state will do such or 5484
all things necessary for the issuance of such bonds or renewal 5485
notes in the appropriate amount, and apply the proceeds thereof to 5486
the extent necessary, to make full payment of the principal of and 5487
interest on such notes at the time or times contemplated, as 5488
provided in such order. For such purpose, the issuing authority 5489
may issue bonds or renewal notes in such principal amount and upon 5490
such terms as may be necessary to provide funds to pay when 5491
required the principal of and interest on such notes, 5492
notwithstanding any limitations prescribed by or for purposes of 5493
this section. Subject to this division, all provisions for and 5494
references to obligations in this section are applicable to notes 5495
authorized under this division. 5496

The issuing authority in the bond proceedings authorizing the 5497
issuance of bond anticipation notes shall set forth for such bonds 5498
an estimated interest rate and a schedule of principal payments 5499

for such bonds and the annual maturity dates thereof. 5500

(N) Obligations issued under this section are lawful 5501
investments for banks, societies for savings, savings and loan 5502
associations, deposit guarantee associations, trust companies, 5503
trustees, fiduciaries, insurance companies, including domestic for 5504
life and domestic not for life, trustees or other officers having 5505
charge of sinking and bond retirement or other special funds of 5506
political subdivisions and taxing districts of this state, the 5507
commissioners of the sinking fund of the state, the administrator 5508
of workers' compensation in accordance with the investment policy 5509
established by the workers' compensation oversight commission 5510
pursuant to section 4121.12 of the Revised Code, the state 5511
teachers retirement system, the public employees retirement 5512
system, the school employees retirement system, and the Ohio 5513
police and fire pension fund, notwithstanding any other provisions 5514
of the Revised Code or rules adopted pursuant thereto by any 5515
agency of the state with respect to investments by them, and are 5516
also acceptable as security for the deposit of public moneys. 5517

(O) Unless otherwise provided in any applicable bond 5518
proceedings, moneys to the credit of or in the special funds 5519
established by or pursuant to this section may be invested by or 5520
on behalf of the issuing authority only in notes, bonds, or other 5521
obligations of the United States, or of any agency or 5522
instrumentality of the United States, obligations guaranteed as to 5523
principal and interest by the United States, obligations of this 5524
state or any political subdivision of this state, and certificates 5525
of deposit of any national bank located in this state and any 5526
bank, as defined in section 1101.01 of the Revised Code, subject 5527
to inspection by the superintendent of financial institutions. If 5528
the law or the instrument creating a trust pursuant to division 5529
(J) of this section expressly permits investment in direct 5530
obligations of the United States or an agency of the United 5531

States, unless expressly prohibited by the instrument, such moneys 5532
also may be invested in no-front-end-load money market mutual 5533
funds consisting exclusively of obligations of the United States 5534
or an agency of the United States and in repurchase agreements, 5535
including those issued by the fiduciary itself, secured by 5536
obligations of the United States or an agency of the United 5537
States; and in collective investment funds as defined in division 5538
(A) of section 1111.01 of the Revised Code and consisting 5539
exclusively of any such securities. The income from such 5540
investments shall be credited to such funds as the issuing 5541
authority determines, and such investments may be sold at such 5542
times as the issuing authority determines or authorizes. 5543

(P) Provision may be made in the applicable bond proceedings 5544
for the establishment of separate accounts in the bond service 5545
fund and for the application of such accounts only to the 5546
specified bond service charges on obligations pertinent to such 5547
accounts and bond service fund and for other accounts therein 5548
within the general purposes of such fund. Unless otherwise 5549
provided in any applicable bond proceedings, moneys to the credit 5550
of or in the several special funds established pursuant to this 5551
section shall be disbursed on the order of the treasurer of state, 5552
provided that no such order is required for the payment from the 5553
bond service fund when due of bond service charges on obligations. 5554

(Q)(1) The issuing authority may pledge all, or such portion 5555
as the issuing authority determines, of the pledged receipts to 5556
the payment of bond service charges on obligations issued under 5557
this section, and for the establishment and maintenance of any 5558
reserves, as provided in the bond proceedings, and make other 5559
provisions therein with respect to pledged receipts as authorized 5560
by this chapter, which provisions are controlling notwithstanding 5561
any other provisions of law pertaining thereto. 5562

(2) An action taken under division (Q)(2) of this section 5563

does not limit the generality of division (Q)(1) of this section, 5564
and is subject to division (C) of this section and, if and to the 5565
extent otherwise applicable, Section 13 of Article VIII, Ohio 5566
Constitution. The bond proceedings may contain a covenant that, in 5567
the event the pledged receipts primarily pledged and required to 5568
be used for the payment of bond service charges on obligations 5569
issued under this section, and for the establishment and 5570
maintenance of any reserves, as provided in the bond proceedings, 5571
are insufficient to make any such payment in full when due, or to 5572
maintain any such reserve, the director of transportation shall so 5573
notify the governor, and shall determine to what extent, if any, 5574
the payment may be made or moneys may be restored to the reserves 5575
from lawfully available moneys previously appropriated for that 5576
purpose to the department of transportation. The covenant also may 5577
provide that if the payments are not made or the moneys are not 5578
immediately and fully restored to the reserves from such moneys, 5579
the director shall promptly submit to the governor and to the 5580
director of budget and management a written request for either or 5581
both of the following: 5582

(a) That the next biennial budget submitted by the governor 5583
to the general assembly include an amount to be appropriated from 5584
lawfully available moneys to the department for the purpose of and 5585
sufficient for the payment in full of bond service charges 5586
previously due and for the full replenishment of the reserves; 5587

(b) That the general assembly be requested to increase 5588
appropriations from lawfully available moneys for the department 5589
in the current biennium sufficient for the purpose of and for the 5590
payment in full of bond service charges previously due and to come 5591
due in the biennium and for the full replenishment of the 5592
reserves. 5593

The director of transportation shall include with such 5594
requests a recommendation that the payment of the bond service 5595

charges and the replenishment of the reserves be made in the 5596
interest of maximizing the benefits of the state infrastructure 5597
bank. Any such covenant shall not obligate or purport to obligate 5598
the state to pay the bond service charges on such bonds or notes 5599
or to deposit moneys in a reserve established for such payments 5600
other than from moneys that may be lawfully available and 5601
appropriated for that purpose during the then-current biennium. 5602

(R) There is hereby created the state infrastructure bank 5603
revenue bond service fund, which shall be in the custody of the 5604
treasurer of state but shall not be a part of the state treasury. 5605
All moneys received by or on account of the issuing authority or 5606
state agencies and required by the applicable bond proceedings, 5607
consistent with this section, to be deposited, transferred, or 5608
credited to the bond service fund, and all other moneys 5609
transferred or allocated to or received for the purposes of the 5610
fund, shall be deposited and credited to such fund and to any 5611
separate accounts therein, subject to applicable provisions of the 5612
bond proceedings, but without necessity for any act of 5613
appropriation. The state infrastructure bank revenue bond service 5614
fund is a trust fund and is hereby pledged to the payment of bond 5615
service charges to the extent provided in the applicable bond 5616
proceedings, and payment thereof from such fund shall be made or 5617
provided for by the treasurer of state in accordance with such 5618
bond proceedings without necessity for any act of appropriation. 5619

(S) The obligations issued pursuant to this section, the 5620
transfer thereof, and the income therefrom, including any profit 5621
made on the sale thereof, shall at all times be free from taxation 5622
within this state. 5623

Sec. 5535.16. Notwithstanding sections 5535.08 and 5535.15 of 5624
the Revised Code, the department of transportation or a political 5625
subdivision may provide snow and ice removal on the roads under 5626

the control of the state or any political subdivision. 5627

Sec. 5543.19. (A) The county engineer may, when authorized by 5628
the board of county commissioners and not required by this section 5629
or other law to use competitive bidding, employ such laborers and 5630
vehicles, use such county employees and property, lease such 5631
implements and tools, and purchase such materials as are necessary 5632
in the construction, reconstruction, improvement, maintenance, or 5633
repair of roads by force account. 5634

In determining whether ~~he may undertake~~ construction or 5635
reconstruction, including widening and resurfacing, of roads may 5636
be undertaken by force account, the county engineer shall first 5637
cause to be made an estimate of the cost of such work, ~~which~~ 5638
~~estimate shall include labor, material, freight, fuel, hauling,~~ 5639
~~use of machinery and equipment, and all other items of cost~~ using 5640
the force account project assessment form developed by the auditor 5641
of state under section 117.16 of the Revised Code. When the total 5642
estimated cost of the work exceeds ~~ten~~ thirty thousand dollars per 5643
mile, the county commissioners shall invite and receive 5644
competitive bids for furnishing all the labor, materials, and 5645
equipment necessary to complete the work in accordance with 5646
sections 307.86 to 307.92, ~~inclusive,~~ of the Revised Code. 5647

(B) The county engineer may, when authorized by the board of 5648
county commissioners and not required by this section or other law 5649
to use competitive bidding, employ such laborers and vehicles, use 5650
such county employees and property, lease such implements and 5651
tools, and purchase such materials as are necessary in the 5652
construction, reconstruction, improvement, maintenance, or repair 5653
of bridges and culverts by force account. 5654

In determining whether ~~he may undertake~~ such construction, 5655
reconstruction, improvement, maintenance, or repair of bridges or 5656
culverts may be undertaken by force account, the county engineer 5657

shall first cause to be made an estimate of the cost of such work, 5658
~~which estimate shall include labor, material, freight, fuel,~~ 5659
~~hauling, use of machinery and equipment, and all other items of~~ 5660
~~cost~~ using the force account project assessment form. When the 5661
total estimated cost of the work exceeds ~~forty~~ one hundred 5662
thousand dollars, the board of county commissioners shall invite 5663
and receive competitive bids for furnishing all the labor, 5664
materials, and equipment necessary to complete the work, in 5665
accordance with sections 307.86 to 307.92, ~~inclusive,~~ of the 5666
Revised Code. The county engineer shall obtain the approval 5667
required by section 5543.02 of the Revised Code. 5668

(C) "Force account," as used in this section means that the 5669
county engineer will act as contractor, using labor employed by 5670
~~him~~ the engineer using material and equipment either owned by the 5671
county or leased or purchased in compliance with sections 307.86 5672
to 307.92, ~~inclusive,~~ of the Revised Code and excludes 5673
subcontracting any part of such work unless done pursuant to 5674
sections 307.86 to 307.92, ~~inclusive,~~ of the Revised Code. 5675

The term "competitive bids" as used in this section requires 5676
competition for the whole contract and in regard to its component 5677
parts, including labor and materials. Neither plans nor 5678
specifications shall be drawn to favor any manufacturer or bidder 5679
unless required by the public interest. 5680

Sec. 5543.22. Notwithstanding sections 153.65 to 153.71 of 5681
the Revised Code, a county engineer may combine the design and 5682
construction elements of a bridge, highway, or safety project into 5683
a single contract, but only if the cost of the project as bid does 5684
not exceed one million five hundred thousand dollars. 5685

When required to use competitive bidding, the county engineer 5686
shall award a design-build contract in accordance with sections 5687
307.86 to 307.92 of the Revised Code. In lieu of the requirement 5688

for plans, the county engineer shall prepare and distribute a 5689
scope of work document upon which bidders shall base their bids. 5690

A county engineer may request the director of transportation 5691
to review and comment on the scope of work document or the 5692
construction plans for conformance with state and federal 5693
requirements. If so requested, the director shall review and 5694
comment on the document or plans. 5695

Sec. 5575.01. In the maintenance and repair of roads the 5696
board of township trustees may proceed either by contract or force 5697
account, provided the board has first caused the county engineer 5698
to complete the force account assessment form developed by the 5699
auditor of state under section 117.16 of the Revised Code. Except 5700
as otherwise provided in sections 505.08 and 505.101 of the 5701
Revised Code, when the board proceeds by contract the contract 5702
shall, if the amount involved exceeds ~~fifteen~~ forty-five thousand 5703
dollars, be let by the board to the lowest responsible bidder 5704
after advertisement for bids once, not later than two weeks prior 5705
to the date fixed for the letting of such contract, in a newspaper 5706
published in the county and of general circulation within the 5707
township, but if there is no such paper published in the county, 5708
then in one having general circulation in the township. If the 5709
amount involved is ~~fifteen~~ forty-five thousand dollars or less ~~the~~ 5710
a contract may be let without competitive bidding or the work may 5711
be done by force account. Such contract shall be performed under 5712
the supervision of a member of the board or the township road 5713
superintendent. 5714

Before undertaking the construction or reconstruction of a 5715
township road, the board shall cause to be made by the county 5716
engineer an estimate of the cost of such work, which estimate 5717
shall include labor, material, freight, fuel, hauling, use of 5718
machinery and equipment, and all other items of cost. If the board 5719

finds it in the best interest of the public, it may, in lieu of 5720
constructing the road by contract, proceed to construct the road 5721
by force account. Except as otherwise provided under sections 5722
505.08 and 505.101 of the Revised Code, where the total estimate 5723
cost of the work exceeds ~~five~~ fifteen thousand dollars per mile, 5724
the board shall invite and receive competitive bids for furnishing 5725
all the labor, materials, and equipment and doing the work, as 5726
provided in section 5575.02 of the Revised Code, and shall 5727
consider and reject them before ordering the work done by force 5728
account. When such bids are received, considered, and rejected, 5729
and the work done by force account, such work shall be performed 5730
in compliance with the plans and specifications upon which the 5731
bids were based. 5732

All force account work shall be done under the direction of a 5733
member of the board or the superintendent. 5734

Sec. 5577.042. (A) As used in this section: 5735

(1) "Farm machinery" has the same meaning as in section 5736
4501.01 of the Revised Code. 5737

(2) "Farm commodities" includes livestock, bulk milk, corn, 5738
soybeans, tobacco, and wheat. 5739

(3) "Farm truck" means a truck used in the transportation 5740
from a farm of farm commodities when the truck is operated in 5741
accordance with this section. 5742

(4) "Log truck" means a truck used in the transportation of 5743
timber from the site of its cutting when the truck is operated in 5744
accordance with this section. 5745

(5) "Coal truck" means a truck transporting coal from the 5746
site where it is mined when the truck is operated in accordance 5747
with this section. 5748

(B) Notwithstanding sections 5577.02 and 5577.04 of the 5749

Revised Code, a coal truck transporting coal, a farm truck or farm 5750
machinery transporting farm commodities, or a log truck 5751
transporting timber, from the place of production to the first 5752
point of delivery where the commodities are weighed and title to 5753
the commodities, coal, or timber is transferred, may exceed by no 5754
more than ~~five~~ seven and one-half per cent the weight provisions 5755
of sections 5577.01 to 5577.09 of the Revised Code and no penalty 5756
prescribed in section 5577.99 of the Revised Code shall be 5757
imposed. If a coal truck so transporting coal, a farm truck or 5758
farm machinery so transporting farm commodities, or a timber truck 5759
so transporting timber, exceeds by more than ~~five~~ seven and 5760
one-half per cent the weight provisions of those sections, both of 5761
the following apply without regard to the ~~five~~ seven and one-half 5762
per cent allowance provided by this division: 5763

(1) The applicable penalty prescribed in section 5577.99 of 5764
the Revised Code; 5765

(2) The civil liability imposed by section 5577.12 of the 5766
Revised Code. 5767

(C)(1) Division (B) of this section does not apply to the 5768
operation of a farm truck, log truck, or farm machinery 5769
transporting farm commodities during the months of February and 5770
March. 5771

(2) Regardless of when the operation occurs, division (B) of 5772
this section does not apply to the operation of a coal truck, a 5773
farm truck, a log truck, or farm machinery transporting farm 5774
commodities on either of the following: 5775

(a) A highway that is part of the interstate system; 5776

(b) A highway, road, or bridge that is subject to reduced 5777
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 5778
5577.09, or 5591.42 of the Revised Code. 5779

Sec. 5728.06. (A) For the following purposes, an excise tax 5780
is hereby imposed on the use of motor fuel to operate on the 5781
public highways of this state a commercial car with three or more 5782
axles operated alone or as part of a commercial tandem, a 5783
commercial car with two axles operated as part of a commercial 5784
tandem having a gross vehicle weight or registered gross vehicle 5785
weight exceeding twenty-six thousand pounds, or a commercial 5786
tractor operated alone or as part of a commercial tractor 5787
combination or commercial tandem: to provide revenue for 5788
maintaining the state highway system, to widen existing surfaces 5789
on such highways, to resurface such highways, to enable the 5790
counties of the state properly to plan for, maintain, and repair 5791
their roads, to enable the municipal corporations to plan, 5792
construct, reconstruct, repave, widen, maintain, repair, clear, 5793
and clean public highways, roads, and streets; to pay that portion 5794
of the construction cost of a highway project that a county, 5795
township, or municipal corporation normally would be required to 5796
pay, but that the director of transportation, pursuant to division 5797
(B) of section 5531.08 of the Revised Code, determines instead 5798
will be paid from moneys in the highway operating fund; to 5799
maintain and repair bridges and viaducts; to purchase, erect, and 5800
maintain street and traffic signs and markers; to purchase, erect, 5801
and maintain traffic lights and signals; to pay the costs 5802
apportioned to the public under section 4907.47 of the Revised 5803
Code; and to supplement revenue already available for such 5804
purposes, to distribute equitably among those persons using the 5805
privilege of driving motor vehicles upon such highways and streets 5806
the cost of maintaining and repairing the same, and to pay the 5807
interest, principal, and charges on bonds and other obligations 5808
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 5809
and sections 5528.30 and 5528.31 of the Revised Code. The tax is 5810
imposed in the same amount as the motor fuel tax imposed under 5811

Chapter 5735. of the Revised Code plus an additional tax of three 5812
cents per gallon of motor fuel used before July 1, 2004, and an 5813
additional tax of two cents per gallon of motor fuel used before 5814
July 1, 2005, as determined by the gallons consumed while operated 5815
on the public highways of this state. Subject to section 5735.292 5816
of the Revised Code, on and after July 1, 2005, the tax shall be 5817
imposed in the same amount as the motor fuel tax imposed under 5818
Chapter 5735. of the Revised Code. Payment of the fuel use tax 5819
shall be made by the purchase of motor fuel within Ohio of such 5820
gallons as is equivalent to the gallons consumed while operating 5821
such a motor vehicle on the public highways of this state, or by 5822
direct remittance to the treasurer of state with the fuel use tax 5823
return filed pursuant to section 5728.08 of the Revised Code. 5824

Any person subject to the tax imposed under this section who 5825
purchases motor fuel in this state for use in another state in 5826
excess of the amount consumed while operating such motor vehicle 5827
on the public highways of this state shall be allowed a credit 5828
against the tax imposed by this section or a refund equal to the 5829
motor fuel tax paid to this state on such excess. No such credit 5830
or refund shall be allowed for taxes paid to any state that 5831
imposes a tax on motor fuel purchased or obtained in this state 5832
and used on the highways of such other state but does not allow a 5833
similar credit or refund for the tax paid to this state on motor 5834
fuel purchased or acquired in the other state and used on the 5835
public highways of this state. 5836

The tax commissioner is authorized to determine whether such 5837
credits or refunds are available and to prescribe such rules as 5838
are required for the purpose of administering this chapter. 5839

(B) Within sixty days after the last day of each month, the 5840
tax commissioner shall determine the amount of motor fuel tax 5841
allowed as a credit against the tax imposed by this section. The 5842
commissioner shall certify the amount to the director of budget 5843

and management and the treasurer of state, who shall credit the 5844
amount in accordance with section 5728.08 of the Revised Code from 5845
current revenue arising from the tax levied by section 5735.05 of 5846
the Revised Code. 5847

(C) The owner of each commercial car and commercial tractor 5848
subject to sections 5728.01 to 5728.14 of the Revised Code is 5849
liable for the payment of the full amount of the taxes imposed by 5850
this section. 5851

An owner who is a person regularly engaged, for compensation, 5852
in the business of leasing or renting motor vehicles without 5853
furnishing drivers may designate that the lessee of a motor 5854
vehicle leased for a period of thirty days or more shall report 5855
and pay the tax incurred during the duration of the lease. An 5856
owner who is an independent contractor that furnishes both the 5857
driver and motor vehicle, may designate that the person so 5858
furnished with the driver and motor vehicle for a period of thirty 5859
days or more shall report and pay the tax incurred during that 5860
period. An independent contractor that is not an owner, but that 5861
furnishes both the driver and motor vehicle and that has been 5862
designated by the owner of the motor vehicle to report and pay the 5863
tax, may designate that the person so furnished with driver and 5864
motor vehicle for a period of thirty days or more shall report and 5865
pay the tax incurred during that period. 5866

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 5867
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 5868
the Revised Code has been paid, for the purpose of operating a 5869
transit bus shall be reimbursed in the amount of the tax paid on 5870
motor fuel used by public transportation systems providing transit 5871
or paratransit service on a regular and continuing basis within 5872
the state; 5873

(2) A city, exempted village, or local school district that 5874

uses any motor fuel, on which any tax imposed by section 5735.29 5875
of the Revised Code that became effective after July 1, 2003, has 5876
been paid, may, if an application is filed under this section, be 5877
reimbursed in the amount of all but two cents per gallon of that 5878
tax paid on motor fuel, used for providing transportation for 5879
pupils in a vehicle the district owns or leases. 5880

(B) Such person shall file with the tax commissioner an 5881
application for refund within one year from the date of purchase, 5882
stating the quantity of fuel used for operating transit buses used 5883
by local transit systems in furnishing scheduled common carrier, 5884
public passenger land transportation service along regular routes 5885
primarily in one or more municipal corporations, ~~except that~~ or 5886
for operating vehicles used by school districts to transport 5887
pupils. However, no person shall file a claim for the tax on fewer 5888
than one hundred gallons of motor fuel. The application shall be 5889
accompanied by the statement described in section 5735.15 of the 5890
Revised Code showing the purchase, together with evidence of 5891
payment thereof. 5892

(C) After consideration of the application and statement, the 5893
commissioner shall determine the amount of refund to which the 5894
applicant is entitled. If the amount is not less than that 5895
claimed, the commissioner shall certify the amount to the director 5896
of budget and management and treasurer of state for payment from 5897
the tax refund fund created by section 5703.052 of the Revised 5898
Code. If the amount is less than that claimed, the commissioner 5899
shall proceed in accordance with section 5703.70 of the Revised 5900
Code. 5901

The commissioner may require that the application be 5902
supported by the affidavit of the claimant. No refund shall be 5903
authorized or ordered for any single claim for the tax on fewer 5904
than one hundred gallons of motor fuel. 5905

(D) The refund authorized by this section or section 5703.70 5906

of the Revised Code shall be reduced by the cents per gallon 5907
amount of any qualified fuel credit received under section 5908
5735.145 of the Revised Code, as determined by the commissioner, 5909
for each gallon of qualified fuel included in the total gallonage 5910
of motor fuel upon which the refund is computed. 5911

(E) The right to receive any refund under this section or 5912
section 5703.70 of the Revised Code is not assignable. The payment 5913
of this refund shall not be made to any person other than the 5914
person originally entitled thereto who used the motor fuel upon 5915
which the claim for refund is based, except that the refund when 5916
allowed and certified, as provided in this section, may be paid to 5917
the executor, the administrator, the receiver, the trustee in 5918
bankruptcy, or the assignee in insolvency proceedings of the 5919
person. 5920

Sec. 5735.23. (A) Out of receipts from the tax levied by 5921
section 5735.05 of the Revised Code, the treasurer of state shall 5922
place to the credit of the tax refund fund established by section 5923
5703.052 of the Revised Code amounts equal to the refunds 5924
certified by the tax commissioner pursuant to sections 5735.13, 5925
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 5926
treasurer of state shall then transfer the amount required by 5927
section 5735.051 of the Revised Code to the waterways safety fund 5928
and the amount required by section 4907.472 of the Revised Code to 5929
the grade crossing protection fund. 5930

(B) Except as provided in division (D) of this section, each 5931
month the balance of the receipts from the tax levied by section 5932
5735.05 of the Revised Code shall be credited, after receipt by 5933
the treasurer of state of certification from the commissioners of 5934
the sinking fund, as required by section 5528.35 of the Revised 5935
Code, that there are sufficient moneys to the credit of the 5936
highway obligations bond retirement fund to meet in full all 5937

payments of interest, principal, and charges for the retirement of 5938
highway obligations issued pursuant to Section 2i of Article VIII, 5939
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 5940
Code due and payable during the current calendar year, as follows: 5941

(1) To the state and local government highway distribution 5942
fund, which is hereby created in the state treasury, an amount 5943
that is the same percentage of the balance to be credited as that 5944
portion of the tax per gallon determined under division (B)(2)(a) 5945
of section 5735.06 of the Revised Code is of the total tax per 5946
gallon determined under divisions (B)(2)(a) and (b) of that 5947
section. 5948

(2) After making the distribution to the state and local 5949
government highway distribution fund, the remainder shall be 5950
credited as follows: 5951

(a) Thirty per cent to the gasoline excise tax fund for 5952
distribution pursuant to division (A)(1) of section 5735.27 of the 5953
Revised Code; 5954

(b) Twenty-five per cent to the gasoline excise tax fund for 5955
distribution pursuant to division (A)(3) of section 5735.27 of the 5956
Revised Code; 5957

(c) Except as provided in division (D) of this section, 5958
forty-five per cent to the highway operating fund for distribution 5959
pursuant to division (B)(1) of section 5735.27 of the Revised 5960
Code. 5961

(C) From the balance in the state and local government 5962
highway distribution fund on the last day of each month there 5963
shall be paid the following amounts: 5964

(1) To the local transportation improvement program fund 5965
created by section 164.14 of the Revised Code, an amount equal to 5966
a fraction of the balance in the state and local government 5967
highway distribution fund, the numerator of which fraction is one 5968

and the denominator of which fraction is that portion of the tax 5969
per gallon determined under division (B)(2)(a) of section 5735.06 5970
of the Revised Code; 5971

(2) An amount equal to five cents multiplied by the number of 5972
gallons of motor fuel sold at stations operated by the Ohio 5973
turnpike commission, such gallonage to be certified by the 5974
commission to the treasurer of state not later than the last day 5975
of the month following. The funds paid to the commission pursuant 5976
to this section shall be expended for the construction, 5977
reconstruction, maintenance, and repair of turnpike projects, 5978
except that the funds may not be expended for the construction of 5979
new interchanges. The funds also may be expended for the 5980
construction, reconstruction, maintenance, and repair of those 5981
portions of connecting public roads that serve existing 5982
interchanges and are determined by the commission and the director 5983
of transportation to be necessary for the safe merging of traffic 5984
between the turnpike and those public roads. 5985

The remainder of the balance shall be distributed as follows 5986
on the fifteenth day of the following month: 5987

(a) Ten and seven-tenths per cent shall be paid to municipal 5988
corporations for distribution pursuant to division (A)(1) of 5989
section 5735.27 of the Revised Code and may be used for any 5990
purpose for which payments received under that division may be 5991
used. Beginning July 1, 2003, the sum of two hundred forty-eight 5992
thousand six hundred twenty-five dollars shall be subtracted from 5993
the amount so computed and credited to the highway operating fund. 5994

(b) Five per cent shall be paid to townships for distribution 5995
pursuant to division (A)(5) of section 5735.27 of the Revised Code 5996
and may be used for any purpose for which payments received under 5997
that division may be used. Beginning July 1, 2003, the sum of 5998
eighty-seven thousand seven hundred fifty dollars shall be 5999
subtracted from the amount so computed and credited to the highway 6000

operating fund. 6001

(c) Nine and three-tenths per cent shall be paid to counties 6002
for distribution pursuant to division (A)(3) of section 5735.27 of 6003
the Revised Code and may be used for any purpose for which 6004
payments received under that division may be used. Beginning July 6005
1, 2003, the sum of two hundred forty-eight thousand six hundred 6006
twenty-five dollars shall be subtracted from the amount so 6007
computed and credited to the highway operating fund. 6008

(d) Except as provided in division (D) of this section, the 6009
balance shall be transferred to the highway operating fund and 6010
used for the purposes set forth in division (B)(1) of section 6011
5735.27 of the Revised Code. 6012

(D) Beginning on the first day of September each fiscal year, 6013
any amounts required to be credited or transferred to the highway 6014
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 6015
section shall be credited or transferred to the highway capital 6016
improvement bond service fund created in section 151.06 of the 6017
Revised Code, until such time as the office of budget and 6018
management receives certification from the treasurer of state or 6019
the treasurer of state's designee that sufficient money has been 6020
credited or transferred to the bond service fund to meet in full 6021
all payments of debt service and financing costs due during the 6022
fiscal year from that fund. 6023

Sec. 5735.27. (A) There is hereby created in the state 6024
treasury the gasoline excise tax fund, which shall be distributed 6025
in the following manner: 6026

(1) The amount credited pursuant to divisions (B)(2)(a) and 6027
(C)(2)(a) of section 5735.23 of the Revised Code shall be 6028
distributed among municipal corporations. The amount paid to each 6029
municipal corporation shall be that proportion of the amount to be 6030
so distributed that the number of motor vehicles registered within 6031

such municipal corporation bears to the total number of motor 6032
vehicles registered within all the municipal corporations of this 6033
state during the preceding motor vehicle registration year. When a 6034
new village is incorporated, the registrar of motor vehicles shall 6035
determine from the applications on file in the bureau of motor 6036
vehicles the number of motor vehicles located within the territory 6037
comprising the village during the entire registration year in 6038
which such municipal corporation was incorporated. The registrar 6039
shall forthwith certify the number of motor vehicles so determined 6040
to the tax commissioner for use in distributing motor vehicle fuel 6041
tax funds to such village until such village is qualified to 6042
participate in the distribution of such funds pursuant to this 6043
division. The number of such motor vehicle registrations shall be 6044
determined by the official records of the bureau of motor 6045
vehicles. The amount received by each municipal corporation shall 6046
be used to plan, construct, reconstruct, repave, widen, maintain, 6047
repair, clear, and clean public highways, roads, and streets; to 6048
maintain and repair bridges and viaducts; to purchase, erect, and 6049
maintain street and traffic signs and markers; to pay the costs 6050
apportioned to the municipal corporation under section 4907.47 of 6051
the Revised Code; to purchase, erect, and maintain traffic lights 6052
and signals; to pay the principal, interest, and charges on bonds 6053
and other obligations issued pursuant to Chapter 133. of the 6054
Revised Code for the purpose of acquiring or constructing roads, 6055
highways, bridges, or viaducts or acquiring or making other 6056
highway improvements for which the municipal corporation may issue 6057
bonds; and to supplement revenue already available for such 6058
purposes. 6059

(2) The amount credited pursuant to division (B) of section 6060
5735.26 of the Revised Code shall be distributed among the 6061
municipal corporations within the state, in the proportion which 6062
the number of motor vehicles registered within each municipal 6063
corporation bears to the total number of motor vehicles registered 6064

within all the municipal corporations of the state during the 6065
preceding calendar year, as shown by the official records of the 6066
bureau of motor vehicles, and shall be expended by each municipal 6067
corporation to plan, construct, reconstruct, repave, widen, 6068
maintain, repair, clear, and clean public highways, roads and 6069
streets; to maintain and repair bridges and viaducts; to purchase, 6070
erect, and maintain street and traffic signs and markers; to 6071
purchase, erect, and maintain traffic lights and signals; to pay 6072
costs apportioned to the municipal corporation under section 6073
4907.47 of the Revised Code; to pay the principal, interest, and 6074
charges on bonds and other obligations issued pursuant to Chapter 6075
133. of the Revised Code for the purpose of acquiring or 6076
constructing roads, highways, bridges, or viaducts or acquiring or 6077
making other highway improvements for which the municipal 6078
corporation may issue bonds; and to supplement revenue already 6079
available for such purposes. 6080

(3) The amount credited pursuant to divisions (B)(2)(b) and 6081
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 6082
equal proportions to the county treasurer of each county within 6083
the state and shall be used only for the purposes of planning, 6084
maintaining, and repairing the county system of public roads and 6085
highways within such county; the planning, construction, and 6086
repair of walks or paths along county roads in congested areas; 6087
the planning, construction, purchase, lease, and maintenance of 6088
suitable buildings for the housing and repair of county road 6089
machinery, housing of supplies, and housing of personnel 6090
associated with the machinery and supplies; the payment of costs 6091
apportioned to the county under section 4907.47 of the Revised 6092
Code; the payment of principal, interest, and charges on bonds and 6093
other obligations issued pursuant to Chapter 133. of the Revised 6094
Code for the purpose of acquiring or constructing roads, highways, 6095
bridges, or viaducts or acquiring or making other highway 6096
improvements for which the board of county commissioners may issue 6097

bonds under that chapter; and the purchase, installation, and 6098
maintenance of traffic signal lights. 6099

(4) The amount credited pursuant to division (C) of section 6100
5735.26 of the Revised Code shall be paid in equal proportions to 6101
the county treasurer of each county for the purposes of planning, 6102
maintaining, constructing, widening, and reconstructing the county 6103
system of public roads and highways; paying principal, interest, 6104
and charges on bonds and other obligations issued pursuant to 6105
Chapter 133. of the Revised Code for the purpose of acquiring or 6106
constructing roads, highways, bridges, or viaducts or acquiring or 6107
making other highway improvements for which the board of county 6108
commissioners may issue bonds under such chapter; and paying costs 6109
apportioned to the county under section 4907.47 of the Revised 6110
Code. 6111

(5)(a) The amount credited pursuant to division (D) of 6112
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 6113
Revised Code shall be divided in equal proportions among the 6114
townships within the state ~~and~~. 6115

(b) As used in division (A)(5)(b) of this section, the 6116
"formula amount" for any township is the amount that would be 6117
allocated to that township if fifty per cent of the amount 6118
credited to townships pursuant to section 5735.291 of the Revised 6119
Code were allocated among townships in the state proportionate to 6120
the number of lane miles within the boundaries of the respective 6121
townships and the other fifty per cent of the amount credited 6122
pursuant to section 5735.291 of the Revised Code were allocated 6123
among townships in the state proportionate to the number of motor 6124
vehicles registered within the respective townships. 6125

The amount credited to townships pursuant to section 5735.291 6126
of the Revised Code shall be allocated among townships as follows: 6127

(i) In the year beginning August 15, 2003, each township 6128

shall receive the greater of \$14,718 or seventy per cent of the 6129
formula amount for that township. 6130

(ii) In the year beginning August 15, 2004, each township 6131
shall receive the greater of \$29,436 or seventy per cent of the 6132
formula amount for that township. 6133

(iii) In the year beginning August 15, 2005 each township 6134
shall receive the greater of \$44,155 or seventy per cent of the 6135
formula amount for that township. 6136

(c) All amounts credited pursuant to divisions (a) and (b) of 6137
this section shall be paid to the county treasurer of each county 6138
for the total amount payable to the townships within each of the 6139
counties. The county treasurer shall pay to each township within 6140
the county its ~~equal~~ proportional share of the funds, which shall 6141
be expended by each township for the sole purpose of planning, 6142
constructing, maintaining, widening, and reconstructing the public 6143
roads and highways within such township, and paying costs 6144
apportioned to the township under section 4907.47 of the Revised 6145
Code. 6146

No part of the funds shall be used for any purpose except to 6147
pay in whole or part the contract price of any such work done by 6148
contract, or to pay the cost of labor in planning, constructing, 6149
widening, and reconstructing such roads and highways, and the cost 6150
of materials forming a part of the improvement; provided, that 6151
such funds may be used for the purchase of road machinery and 6152
equipment and for the planning, construction, and maintenance of 6153
suitable buildings for housing road machinery and equipment, and 6154
that all such improvement of roads shall be under supervision and 6155
direction of the county engineer as provided in section 5575.07 of 6156
the Revised Code. No obligation against such funds shall be 6157
incurred unless plans and specifications for such improvement, 6158
approved by the county engineer, are on file in the office of the 6159
township clerk, and all contracts for material and for work done 6160

by contract shall be approved by the county engineer before being 6161
signed by the board of township trustees. The board of township 6162
trustees of any township may pass a resolution permitting the 6163
board of county commissioners to expend such township's share of 6164
the funds, or any portion thereof, for the improvement of such 6165
roads within the township as may be designated in the resolution. 6166

All investment earnings of the fund shall be credited to the 6167
fund. 6168

(B) Amounts credited to the highway operating fund pursuant 6169
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 6170
division (A) of section 5735.26 of the Revised Code shall be 6171
expended in the following manner: 6172

(1) The amount credited pursuant to divisions (B)(2)(c) and 6173
(C)(2)(d) of section 5735.23 of the Revised Code shall be 6174
apportioned to and expended by the department of transportation 6175
for the purposes of planning, maintaining, repairing, and keeping 6176
in passable condition for travel the roads and highways of the 6177
state required by law to be maintained by the department; paying 6178
the costs apportioned to the state under section 4907.47 of the 6179
Revised Code; paying that portion of the construction cost of a 6180
highway project which a county, township, or municipal corporation 6181
normally would be required to pay, but which the director of 6182
transportation, pursuant to division (B) of section 5531.08 of the 6183
Revised Code, determines instead will be paid from moneys in the 6184
highway operating fund; and paying the costs of the department of 6185
public safety in administering and enforcing the state law 6186
relating to the registration and operation of motor vehicles. 6187

(2) The amount credited pursuant to division (A) of section 6188
5735.26 of the Revised Code shall be used for paying the state's 6189
share of the cost of planning, constructing, widening, 6190
maintaining, and reconstructing the state highways; paying that 6191
portion of the construction cost of a highway project which a 6192

county, township, or municipal corporation normally would be 6193
required to pay, but which the director of transportation, 6194
pursuant to division (B) of section 5531.08 of the Revised Code, 6195
determines instead will be paid from moneys in the highway 6196
operating fund; and also for supplying the state's share of the 6197
cost of eliminating railway grade crossings upon such highways and 6198
costs apportioned to the state under section 4907.47 of the 6199
Revised Code. The director of transportation may expend portions 6200
of such amount upon extensions of state highways within municipal 6201
corporations or upon portions of state highways within municipal 6202
corporations, as is provided by law. 6203

Sec. 5735.29. To provide revenue for supplying the state's 6204
share of the cost of constructing, widening, maintaining, and 6205
reconstructing the state highways; to maintain and repair bridges 6206
and viaducts; to purchase, erect, and maintain street and traffic 6207
signs and markers; to purchase, erect, and maintain traffic lights 6208
and signals; to pay the expense of administering and enforcing the 6209
state law relative to the registration and operation of motor 6210
vehicles; to make road improvements associated with retaining or 6211
attracting business for this state, to pay that portion of the 6212
construction cost of a highway project which a county, township, 6213
or municipal corporation normally would be required to pay, but 6214
which the director of transportation, pursuant to division (B) of 6215
section 5531.08 of the Revised Code, determines instead will be 6216
paid from moneys in the highway operating fund; to provide revenue 6217
for the purposes of sections 1547.71 to 1547.78 of the Revised 6218
Code; and to supplement revenue already available for such 6219
purposes, to pay the expenses of the department of taxation 6220
incident to the administration of the motor fuel laws, to 6221
supplement revenue already available for such purposes; and to pay 6222
the interest, principal, and charges on highway obligations issued 6223
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6224

sections 5528.30 and 5528.31 of the Revised Code; to enable the 6225
counties and townships of the state to properly plan, construct, 6226
widen, reconstruct, and maintain their public highways, roads, and 6227
streets; to enable counties to pay principal, interest, and 6228
charges on bonds and other obligations issued pursuant to Chapter 6229
133. of the Revised Code for highway improvements; to enable 6230
municipal corporations to plan, construct, reconstruct, repave, 6231
widen, maintain, repair, clear, and clean public highways, roads, 6232
and streets; to enable municipal corporations to pay the 6233
principal, interest, and charges on bonds and other obligations 6234
issued pursuant to Chapter 133. of the Revised Code for highway 6235
improvements; and to pay the costs apportioned to the public under 6236
section 4907.47 of the Revised Code, a motor fuel excise tax is 6237
hereby imposed on all motor fuel dealers upon their receipt of 6238
motor fuel within the state at the rate of two cents on each 6239
gallon so received; provided, that effective July 1, 2003, the 6240
motor fuel excise tax imposed by this section shall be at the rate 6241
of four cents on each gallon so received; effective July 1, 2004, 6242
the motor fuel excise tax imposed by this section shall be at the 6243
rate of six cents on each gallon so received; and, subject to 6244
section 5735.292 of the Revised Code, effective July 1, 2005, the 6245
motor fuel excise tax imposed by this section shall be at the rate 6246
of eight cents on each gallon so received. This tax is subject to 6247
the specific exemptions set forth in this chapter of the Revised 6248
Code. It shall be reported, computed, paid, collected, 6249
administered, enforced, and refunded, and the failure properly and 6250
correctly to report and pay the tax shall be penalized, in exactly 6251
the same manner as is provided in this chapter. Such sections 6252
relating to motor fuel excise taxes are reenacted and incorporated 6253
as if specifically set forth in this section. The tax levied by 6254
this section is in addition to any other taxes imposed under this 6255
chapter. 6256

No municipal corporation, county, or township shall expend 6257

any revenues received from the tax levied by this section for any 6258
purpose other than one of the specific highway-related purposes 6259
stated in this section. In addition, each municipal corporation, 6260
county, or township shall use at least ninety per cent of all 6261
revenues received from the tax levied by this section to 6262
supplement, rather than supplant, other local funds used for 6263
highway-related purposes. 6264

Sec. 5735.291. (A) The treasurer of state shall place to the 6265
credit of the tax refund fund created by section 5703.052 of the 6266
Revised Code, out of receipts from the tax levied by section 6267
5735.29 of the Revised Code, amounts equal to the refunds 6268
certified by the tax commissioner pursuant to sections 5735.142 6269
and 5735.29 of the Revised Code. The refunds provided for by 6270
sections 5735.142 and 5735.29 of the Revised Code shall be paid 6271
from such fund. The treasurer of state shall transfer the amount 6272
required by section 5735.051 of the Revised Code to the waterways 6273
safety fund. The specified portion of the balance of taxes 6274
collected under section 5735.29 of the Revised Code after the 6275
credits to the tax refund fund, and after the transfer to the 6276
waterways safety fund, shall be credited to the gasoline excise 6277
tax fund. Subject to division (B) of this section, forty-two and 6278
eighty-six hundredths per cent of the specified portion shall be 6279
distributed among the municipal corporations within the state in 6280
accordance with division (A)(2) of section 5735.27 of the Revised 6281
Code, thirty-seven and fourteen hundredths per cent of the 6282
specified portion shall be distributed among the counties within 6283
the state in accordance with division (A)(3) of section 5735.27 of 6284
the Revised Code, and twenty per cent of the specified portion 6285
shall be distributed among the townships within the state in 6286
accordance with division (A)(5) of section 5735.27 of the Revised 6287
Code. Subject to division (B) of this section, the remainder of 6288
the tax levied by section 5735.29 of the Revised Code after 6289

receipt by the treasurer of state of certifications from the 6290
commissioners of the sinking fund certifying, as required by 6291
sections 5528.15 and 5528.35 of the Revised Code, there are 6292
sufficient moneys to the credit of the highway improvement bond 6293
retirement fund created by section 5528.12 of the Revised Code to 6294
meet in full all payments of interest, principal, and charges for 6295
the retirement of bonds and other obligations issued pursuant to 6296
Section 2g of Article VIII, Ohio Constitution, and sections 6297
5528.10 and 5528.11 of the Revised Code due and payable during the 6298
current calendar year, and that there are sufficient moneys to the 6299
credit of the highway obligations bond retirement fund created by 6300
section 5528.32 of the Revised Code to meet in full all payments 6301
of interest, principal, and charges for the retirement of highway 6302
obligations issued pursuant to Section 2i of Article VIII, Ohio 6303
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 6304
due and payable during the current calendar year, shall be 6305
credited to the highway operating fund, which is hereby created in 6306
the state treasury and shall be used solely for the purposes 6307
enumerated in section 5735.29 of the Revised Code. All investment 6308
earnings of the fund shall be credited to the fund. 6309

(B)(1)(a) Effective August 15, 2003, prior to the 6310
distribution from the gasoline excise tax fund to municipal 6311
corporations of the forty-two and eighty-six hundredths per cent 6312
of the specified portion as provided in division (A) of this 6313
section, eight hundred six thousand six hundred sixty-six dollars 6314
from that forty-two and eighty-six hundredths per cent shall be 6315
credited to townships and distributed pursuant to division 6316
(A)(5)(b) of section 5735.27 of the Revised Code. 6317

(b) Effective August 15, 2003, prior to the distribution from 6318
the gasoline excise tax fund to counties of the thirty-seven and 6319
fourteen hundredths per cent of the specified portion as provided 6320
in division (A) of this section, eight hundred six thousand six 6321

hundred sixty-six dollars from that thirty-seven and fourteen 6322
hundredths per cent shall be credited to townships pursuant to 6323
division (A)(5)(b) of section 5735.27 of the Revised Code. 6324

(c) Effective August 15, 2003, prior to crediting any revenue 6325
resulting from the tax levied by section 5735.29 of the Revised 6326
Code to the highway operating fund, the treasurer shall credit 6327
eight hundred six thousand six hundred sixty-six dollars to 6328
townships for distribution pursuant to division (A)(5)(b) of 6329
section 5735.27 of the Revised Code. 6330

(2)(a) Effective August 15, 2004, prior to the distribution 6331
from the gasoline excise tax fund to municipal corporations of the 6332
forty-two and eighty-six hundredths per cent of the specified 6333
portion as provided in division (A) of this section, one million 6334
six hundred thirteen thousand three hundred thirty-two dollars 6335
from that forty-two and eighty-six hundredths per cent shall be 6336
credited to townships pursuant to division (A)(5)(b) of section 6337
5735.27 of the Revised Code. 6338

(b) Effective August 15, 2004, prior to the distribution from 6339
the gasoline excise tax fund to counties of the thirty-seven and 6340
fourteen hundredths per cent of the specified portion as provided 6341
in division (A) of this section, one million six hundred thirteen 6342
thousand three hundred thirty-two dollars from that thirty-seven 6343
and fourteen hundredths per cent shall be credited to townships 6344
pursuant to division (A)(5)(b) of section 5735.27 of the Revised 6345
Code. 6346

(c) Effective August 15, 2004, prior to crediting any revenue 6347
resulting from the tax levied by section 5735.29 of the Revised 6348
Code to the highway operating fund, the treasurer shall credit one 6349
million six hundred thirteen thousand three hundred thirty-two 6350
dollars to townships for distribution pursuant to division 6351
(A)(5)(b) of section 5735.27 of the Revised Code. 6352

(3)(a) Effective August 15, 2005, prior to the distribution from the gasoline excise tax fund to municipal corporations of the forty-two and eighty-six hundredths per cent of the specified portion as provided in division (A) of this section, two million four hundred twenty thousand dollars from that forty-two and eighty-six hundredths per cent shall be credited to townships pursuant to division (A)(5)(b) of section 5735.27 of the Revised Code. 6353
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(b) Effective August 15, 2005, prior to the distribution from the gasoline excise tax fund to counties of the thirty-seven and fourteen hundredths per cent of the specified portion as provided in division (A) of this section, two million four hundred twenty thousand dollars from that thirty-seven and fourteen hundredths per cent shall be credited to townships in accordance with division (A)(5)(b) of section 5735.27 of the Revised Code. 6361
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(c) Effective August 15, 2005, prior to crediting any revenue resulting from the tax levied by section 5735.29 of the Revised Code to the highway operating fund, the treasurer shall credit two million four hundred twenty thousand dollars to townships for distribution pursuant to division (A)(5)(b) of section 5735.27 of the Revised Code. 6368
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(C) As used in this section, "specified portion" means all of the following: 6374
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(1) Until August 15, 2003, none of the taxes collected under section 5735.29 of the Revised Code; 6376
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(2) Effective August 15, 2003, one-eighth of the balance of taxes collected under section 5735.29 of the Revised Code, after the credits to the tax refund fund and after the transfer to the waterways safety fund; 6378
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(3) Effective August 15, 2004, one-sixth of the balance of taxes described in division (C)(2) of this section; 6382
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(4) Effective August 15, 2005, three-sixteenths of the 6384
balance of taxes described in division (C)(2) of this section. 6385

Sec. 5735.292. The rate of tax imposed under section 5735.29 6386
of the Revised Code on and after July 1, 2005, shall be six cents 6387
per gallon, notwithstanding any provision of that section to the 6388
contrary, and the rate of the additional tax imposed under section 6389
5728.06 of the Revised Code on and after July 1, 2005, shall be 6390
two cents, notwithstanding any provision of that section to the 6391
contrary if both of the following apply: 6392

(A) The director of transportation determines that the amount 6393
of federal motor fuel excise taxes appropriated to this state and 6394
available for basic highway programs is equal to or greater than 6395
ninety-five per cent of the amount of federal motor fuel excise 6396
taxes paid in this state; 6397

(B) The director of transportation determines that this state 6398
no longer receives a net loss of federal motor fuel excise tax 6399
returns caused by any federal tax reduction, tax rebate, or tax 6400
assistance on behalf of ethanol-based or alcohol-based motor 6401
fuels. 6402

Section 2. That existing sections 723.52, 723.53, 1547.11, 6403
3704.14, 3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 6404
4503.173, 4503.182, 4503.40, 4503.42, 4503.50, 4503.51, 4503.55, 6405
4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 6406
4503.72, 4503.73, 4503.75, 4506.08, 4507.23, 4508.08, 4511.04, 6407
4511.19, 4511.191, 4511.197, 4513.111, 4513.52, 4513.53, 4921.02, 6408
5501.20, 5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 5525.20, 6409
5531.10, 5543.19, 5575.01, 5577.042, 5728.06, 5735.142, 5735.23, 6410
5735.27, 5735.29, and 5735.291, and sections 4501.20, 4501.22, 6411
4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 6412
4501.41, 4501.61, 4501.71, and 4503.251 of the Revised Code are 6413

hereby repealed. 6414

Section 3. Section 4511.197 of the Revised Code, as amended 6415
by this act, shall take effect January 1, 2004. 6416

Section 4. That the versions of sections 1547.11, 4503.10, 6417
4503.11, 4503.182, 4511.19, and 4513.111 of the Revised Code that 6418
are scheduled to take effect January 1, 2004, be amended to read 6419
as follows: 6420

Sec. 1547.11. (A) No person shall operate or be in physical 6421
control of any vessel underway or shall manipulate any water skis, 6422
aquaplane, or similar device on the waters in this state if, at 6423
the time of the operation, control, or manipulation, any of the 6424
following applies: 6425

(1) The person is under the influence of alcohol, a drug of 6426
abuse, or a combination of them. 6427

(2) The person has a concentration of ~~ten-hundredths~~ 6428
eight-hundredths of one per cent or more by weight of alcohol per 6429
unit volume in the person's whole blood. 6430

(3) The person has a concentration of ~~twelve-hundredths~~ 6431
ninety-six-hundredths of one per cent or more by weight per unit 6432
volume of alcohol in the person's blood serum or plasma. 6433

(4) The person has a concentration of ~~fourteen-hundredths~~ 6434
eleven-hundredths of one gram or more by weight of alcohol per one 6435
hundred milliliters of the person's urine. 6436

(5) The person has a concentration of ~~ten-hundredths~~ 6437
eight-hundredths of one gram or more by weight of alcohol per two 6438
hundred ten liters of the person's breath. 6439

(B) No person under twenty-one years of age shall operate or 6440
be in physical control of any vessel underway or shall manipulate 6441

any water skis, aquaplane, or similar device on the waters in this 6442
state if, at the time of the operation, control, or manipulation, 6443
any of the following applies: 6444

(1) The person has a concentration of at least two-hundredths 6445
of one per cent, but less than ~~ten-hundredths~~ eight-hundredths of 6446
one per cent by weight per unit volume of alcohol in the person's 6447
whole blood. 6448

(2) The person has a concentration of at least 6449
three-hundredths of one per cent but less than ~~twelve-hundredths~~ 6450
ninety-six-hundredths of one per cent by weight per unit volume of 6451
alcohol in the person's blood serum or plasma. 6452

(3) The person has a concentration of at least twenty-eight 6453
one-thousandths of one gram, but less than ~~fourteen-hundredths~~ 6454
eleven-hundredths of one gram by weight of alcohol per one hundred 6455
milliliters of the person's urine. 6456

(4) The person has a concentration of at least two-hundredths 6457
of one gram, but less than ~~ten-hundredths~~ eight-hundredths of one 6458
gram by weight of alcohol per two hundred ten liters of the 6459
person's breath. 6460

(C) In any proceeding arising out of one incident, a person 6461
may be charged with a violation of division (A)(1) and a violation 6462
of division (B)(1), (2), (3), or (4) of this section, but the 6463
person shall not be convicted of more than one violation of those 6464
divisions. 6465

(D)(1) In any criminal prosecution or juvenile court 6466
proceeding for a violation of division (A) or (B) of this section 6467
or for an equivalent violation, the court may admit evidence on 6468
the concentration of alcohol, drugs of abuse, or a combination of 6469
them in the defendant's or child's whole blood, blood serum or 6470
plasma, urine, or breath at the time of the alleged violation as 6471
shown by chemical analysis of the substance withdrawn, or specimen 6472

taken within two hours of the time of the alleged violation. 6473

When a person submits to a blood test, only a physician, a 6474
registered nurse, or a qualified technician, chemist, or 6475
phlebotomist shall withdraw blood for the purpose of determining 6476
the alcohol, drug, or alcohol and drug content of the whole blood, 6477
blood serum, or blood plasma. This limitation does not apply to 6478
the taking of breath or urine specimens. A person authorized to 6479
withdraw blood under this division may refuse to withdraw blood 6480
under this division if, in that person's opinion, the physical 6481
welfare of the defendant or child would be endangered by 6482
withdrawing blood. 6483

The whole blood, blood serum or plasma, urine, or breath 6484
shall be analyzed in accordance with methods approved by the 6485
director of health by an individual possessing a valid permit 6486
issued by the director pursuant to section 3701.143 of the Revised 6487
Code. 6488

(2) In a criminal prosecution or juvenile court proceeding 6489
for a violation of division (A) of this section or for a violation 6490
of a prohibition that is substantially equivalent to division (A) 6491
of this section, if there was at the time the bodily substance was 6492
taken a concentration of less than the applicable concentration of 6493
alcohol specified for a violation of division (A)(2), (3), (4), or 6494
(5) of this section, that fact may be considered with other 6495
competent evidence in determining the guilt or innocence of the 6496
defendant or in making an adjudication for the child. This 6497
division does not limit or affect a criminal prosecution or 6498
juvenile court proceeding for a violation of division (B) of this 6499
section or for a violation of a prohibition that is substantially 6500
equivalent to that division. 6501

(3) Upon the request of the person who was tested, the 6502
results of the chemical test shall be made available to the person 6503
or the person's attorney immediately upon completion of the test 6504

analysis. 6505

The person tested may have a physician, a registered nurse, 6506
or a qualified technician, chemist, or phlebotomist of the 6507
person's own choosing administer a chemical test or tests in 6508
addition to any administered at the direction of a law enforcement 6509
officer, and shall be so advised. The failure or inability to 6510
obtain an additional test by a person shall not preclude the 6511
admission of evidence relating to the test or tests taken at the 6512
direction of a law enforcement officer. 6513

(E)(1) In any criminal prosecution or juvenile court 6514
proceeding for a violation of division (A) or (B) of this section 6515
or for an equivalent violation, if a law enforcement officer has 6516
administered a field sobriety test to the operator or person found 6517
to be in physical control of the vessel underway involved in the 6518
violation or the person manipulating the water skis, aquaplane, or 6519
similar device involved in the violation and if it is shown by 6520
clear and convincing evidence that the officer administered the 6521
test in substantial compliance with the testing standards for 6522
reliable, credible, and generally accepted field sobriety tests 6523
for vehicles that were in effect at the time the tests were 6524
administered, including, but not limited to, any testing standards 6525
then in effect that have been set by the national highway traffic 6526
safety administration, that by their nature are not clearly 6527
inapplicable regarding the operation or physical control of 6528
vessels underway or the manipulation of water skis, aquaplanes, or 6529
similar devices, all of the following apply: 6530

(a) The officer may testify concerning the results of the 6531
field sobriety test so administered. 6532

(b) The prosecution may introduce the results of the field 6533
sobriety test so administered as evidence in any proceedings in 6534
the criminal prosecution or juvenile court proceeding. 6535

(c) If testimony is presented or evidence is introduced under 6536
division (E)(1)(a) or (b) of this section and if the testimony or 6537
evidence is admissible under the Rules of Evidence, the court 6538
shall admit the testimony or evidence, and the trier of fact shall 6539
give it whatever weight the trier of fact considers to be 6540
appropriate. 6541

(2) Division (E)(1) of this section does not limit or 6542
preclude a court, in its determination of whether the arrest of a 6543
person was supported by probable cause or its determination of any 6544
other matter in a criminal prosecution or juvenile court 6545
proceeding of a type described in that division, from considering 6546
evidence or testimony that is not otherwise disallowed by division 6547
(E)(1) of this section. 6548

(F)(1) Subject to division (F)(3) of this section, in any 6549
criminal prosecution or juvenile court proceeding for a violation 6550
of this section or for an equivalent violation, the court shall 6551
admit as prima-facie evidence a laboratory report from any 6552
forensic laboratory certified by the department of health that 6553
contains an analysis of the whole blood, blood serum or plasma, 6554
breath, urine, or other bodily substance tested and that contains 6555
all of the information specified in this division. The laboratory 6556
report shall contain all of the following: 6557

(a) The signature, under oath, of any person who performed 6558
the analysis; 6559

(b) Any findings as to the identity and quantity of alcohol, 6560
a drug of abuse, or a combination of them that was found; 6561

(c) A copy of a notarized statement by the laboratory 6562
director or a designee of the director that contains the name of 6563
each certified analyst or test performer involved with the report, 6564
the analyst's or test performer's employment relationship with the 6565
laboratory that issued the report, and a notation that performing 6566

an analysis of the type involved is part of the analyst's or test performer's regular duties; 6567
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(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health. 6569
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(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (F)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child. 6574
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(3) A report of the type described in division (F)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice. 6582
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(G) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the 6591
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person. The immunity provided in this division is not available to 6599
a person who withdraws blood if the person engages in willful or 6600
wanton misconduct. 6601

(H) As used in this section and section 1547.111 of the 6602
Revised Code: 6603

(1) "Equivalent violation" means a violation of a municipal 6604
ordinance, law of another state, or law of the United States that 6605
is substantially equivalent to division (A) or (B) of this 6606
section. 6607

(2) "National highway traffic safety administration" has the 6608
same meaning as in section 4511.19 of the Revised Code. 6609

(3) "Operate" means that a vessel is being used on the waters 6610
in this state when the vessel is not securely affixed to a dock or 6611
to shore or to any permanent structure to which the vessel has the 6612
right to affix or that a vessel is not anchored in a designated 6613
anchorage area or boat camping area that is established by the 6614
United States coast guard, this state, or a political subdivision 6615
and in which the vessel has the right to anchor. 6616

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 6617
motorcycle, and all-purpose vehicle required to be registered 6618
under section 4519.02 of the Revised Code shall file an 6619
application for registration under section 4519.03 of the Revised 6620
Code. The owner of a motor vehicle, other than a snowmobile, 6621
off-highway motorcycle, or all-purpose vehicle, that is not 6622
designed and constructed by the manufacturer for operation on a 6623
street or highway may not register it under this chapter except 6624
upon certification of inspection pursuant to section 4513.02 of 6625
the Revised Code by the sheriff, or the chief of police of the 6626
municipal corporation or township, with jurisdiction over the 6627
political subdivision in which the owner of the motor vehicle 6628
resides. Except as provided in section 4503.103 of the Revised 6629

Code, every owner of every other motor vehicle not previously 6630
described in this section and every person mentioned as owner in 6631
the last certificate of title of a motor vehicle that is operated 6632
or driven upon the public roads or highways shall cause to be 6633
filed each year, by mail or otherwise, in the office of the 6634
registrar of motor vehicles or a deputy registrar, a written or 6635
electronic application or a preprinted registration renewal notice 6636
issued under section 4503.102 of the Revised Code, the form of 6637
which shall be prescribed by the registrar, for registration for 6638
the following registration year, which shall begin on the first 6639
day of January of every calendar year and end on the thirty-first 6640
day of December in the same year. Applications for registration 6641
and registration renewal notices shall be filed at the times 6642
established by the registrar pursuant to section 4503.101 of the 6643
Revised Code. A motor vehicle owner also may elect to apply for or 6644
renew a motor vehicle registration by electronic means using 6645
electronic signature in accordance with rules adopted by the 6646
registrar. Except as provided in division (J) of this section, 6647
applications for registration shall be made on blanks furnished by 6648
the registrar for that purpose, containing the following 6649
information: 6650

(1) A brief description of the motor vehicle to be 6651
registered, including the name of the manufacturer, the factory 6652
number of the vehicle, the year's model, and, in the case of 6653
commercial cars, the gross weight of the vehicle fully equipped 6654
computed in the manner prescribed in section 4503.08 of the 6655
Revised Code; 6656

(2) The name and residence address of the owner, and the 6657
township and municipal corporation in which the owner resides; 6658

(3) The district of registration, which shall be determined 6659
as follows: 6660

(a) In case the motor vehicle to be registered is used for 6661

hire or principally in connection with any established business or 6662
branch business, conducted at a particular place, the district of 6663
registration is the municipal corporation in which that place is 6664
located or, if not located in any municipal corporation, the 6665
county and township in which that place is located. 6666

(b) In case the vehicle is not so used, the district of 6667
registration is the municipal corporation or county in which the 6668
owner resides at the time of making the application. 6669

(4) Whether the motor vehicle is a new or used motor vehicle; 6670

(5) The date of purchase of the motor vehicle; 6671

(6) Whether the fees required to be paid for the registration 6672
or transfer of the motor vehicle, during the preceding 6673
registration year and during the preceding period of the current 6674
registration year, have been paid. Each application for 6675
registration shall be signed by the owner, either manually or by 6676
electronic signature, or pursuant to obtaining a limited power of 6677
attorney authorized by the registrar for registration, or other 6678
document authorizing such signature. If the owner elects to apply 6679
for or renew the motor vehicle registration with the registrar by 6680
electronic means, the owner's manual signature is not required. 6681

(7) The owner's social security number, if assigned, or, 6682
where a motor vehicle to be registered is used for hire or 6683
principally in connection with any established business, the 6684
owner's federal taxpayer identification number. The bureau of 6685
motor vehicles shall retain in its records all social security 6686
numbers provided under this section, but the bureau shall not 6687
place social security numbers on motor vehicle certificates of 6688
registration. 6689

(B) Each time an applicant first registers a motor vehicle in 6690
the applicant's name, the applicant shall present for inspection a 6691
physical certificate of title or memorandum certificate showing 6692

title to the motor vehicle to be registered in the name of the 6693
applicant if a physical certificate of title or memorandum 6694
certificate has been issued by a clerk of a court of common pleas. 6695
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 6696
Code, a clerk instead has issued an electronic certificate of 6697
title for the applicant's motor vehicle, that certificate may be 6698
presented for inspection at the time of first registration in a 6699
manner prescribed by rules adopted by the registrar. When a motor 6700
vehicle inspection and maintenance program is in effect under 6701
section 3704.14 of the Revised Code and rules adopted under it, 6702
each application for registration for a vehicle required to be 6703
inspected under that section and those rules shall be accompanied 6704
by an inspection certificate for the motor vehicle issued in 6705
accordance with that section. The application shall be refused if 6706
any of the following applies: 6707

(1) The application is not in proper form. 6708

(2) The application is prohibited from being accepted by 6709
division (D) of section 2935.27, division (A) of section 2937.221, 6710
division (A) of section 4503.13, division (B) of section 4510.22, 6711
or division (B)(1) of section 4521.10 of the Revised Code. 6712

(3) A certificate of title or memorandum certificate of title 6713
does not accompany the application or, in the case of an 6714
electronic certificate of title, is not presented in a manner 6715
prescribed by the registrar's rules. 6716

(4) All registration and transfer fees for the motor vehicle, 6717
for the preceding year or the preceding period of the current 6718
registration year, have not been paid. 6719

(5) The owner or lessee does not have an inspection 6720
certificate for the motor vehicle as provided in section 3704.14 6721
of the Revised Code, and rules adopted under it, if that section 6722
is applicable. 6723

This section does not require the payment of license or 6724
registration taxes on a motor vehicle for any preceding year, or 6725
for any preceding period of a year, if the motor vehicle was not 6726
taxable for that preceding year or period under sections 4503.02, 6727
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 6728
Revised Code. When a certificate of registration is issued upon 6729
the first registration of a motor vehicle by or on behalf of the 6730
owner, the official issuing the certificate shall indicate the 6731
issuance with a stamp on the certificate of title or memorandum 6732
certificate or, in the case of an electronic certificate of title, 6733
an electronic stamp or other notation as specified in rules 6734
adopted by the registrar, and with a stamp on the inspection 6735
certificate for the motor vehicle, if any. The official also shall 6736
indicate, by a stamp or by other means the registrar prescribes, 6737
on the registration certificate issued upon the first registration 6738
of a motor vehicle by or on behalf of the owner the odometer 6739
reading of the motor vehicle as shown in the odometer statement 6740
included in or attached to the certificate of title. Upon each 6741
subsequent registration of the motor vehicle by or on behalf of 6742
the same owner, the official also shall so indicate the odometer 6743
reading of the motor vehicle as shown on the immediately preceding 6744
certificate of registration. 6745

The registrar shall include in the permanent registration 6746
record of any vehicle required to be inspected under section 6747
3704.14 of the Revised Code the inspection certificate number from 6748
the inspection certificate that is presented at the time of 6749
registration of the vehicle as required under this division. 6750

(C)(1) Commencing with each registration renewal with an 6751
expiration date on or after October 1, 2003, and for each initial 6752
application for registration received on and after that date, the 6753
registrar and each deputy registrar shall collect an additional 6754
fee of eleven dollars for each application for registration and 6755

registration renewal received. The additional fee is for the 6756
purpose of defraying the department of public safety's costs 6757
associated with the administration and enforcement of the motor 6758
vehicle and traffic laws of Ohio. Each deputy registrar shall 6759
transmit the fees collected under division (C)(1) of this section 6760
in the time and manner provided in this section. The registrar 6761
shall deposit all moneys received under division (C)(1) of this 6762
section into the state highway safety fund established in section 6763
4501.06 of the Revised Code. 6764

(2) In addition, a charge of twenty-five cents shall be made 6765
for each reflectorized safety license plate issued, and a single 6766
charge of twenty-five cents shall be made for each county 6767
identification sticker or each set of county identification 6768
stickers issued, as the case may be, to cover the cost of 6769
producing the license plates and stickers, including material, 6770
manufacturing, and administrative costs. Those fees shall be in 6771
addition to the license tax. If the total cost of producing the 6772
plates is less than twenty-five cents per plate, or if the total 6773
cost of producing the stickers is less than twenty-five cents per 6774
sticker or per set issued, any excess moneys accruing from the 6775
fees shall be distributed in the same manner as provided by 6776
section 4501.04 of the Revised Code for the distribution of 6777
license tax moneys. If the total cost of producing the plates 6778
exceeds twenty-five cents per plate, or if the total cost of 6779
producing the stickers exceeds twenty-five cents per sticker or 6780
per set issued, the difference shall be paid from the license tax 6781
moneys collected pursuant to section 4503.02 of the Revised Code. 6782

(D) Each deputy registrar shall be allowed a fee of two 6783
dollars and seventy-five cents commencing on July 1, 2001, three 6784
dollars and twenty-five cents commencing on January 1, 2003, and 6785
three dollars and fifty cents commencing on January 1, 2004, for 6786
each application for registration and registration renewal notice 6787

the deputy registrar receives, which shall be for the purpose of 6788
compensating the deputy registrar for the deputy registrar's 6789
services, and such office and rental expenses, as may be necessary 6790
for the proper discharge of the deputy registrar's duties in the 6791
receiving of applications and renewal notices and the issuing of 6792
registrations. 6793

(E) Upon the certification of the registrar, the county 6794
sheriff or local police officials shall recover license plates 6795
erroneously or fraudulently issued. 6796

(F) Each deputy registrar, upon receipt of any application 6797
for registration or registration renewal notice, together with the 6798
license fee and any local motor vehicle license tax levied 6799
pursuant to Chapter 4504. of the Revised Code, shall transmit that 6800
fee and tax, if any, in the manner provided in this section, 6801
together with the original and duplicate copy of the application, 6802
to the registrar. The registrar, subject to the approval of the 6803
director of public safety, may deposit the funds collected by 6804
those deputies in a local bank or depository to the credit of the 6805
"state of Ohio, bureau of motor vehicles." Where a local bank or 6806
depository has been designated by the registrar, each deputy 6807
registrar shall deposit all moneys collected by the deputy 6808
registrar into that bank or depository not more than one business 6809
day after their collection and shall make reports to the registrar 6810
of the amounts so deposited, together with any other information, 6811
some of which may be prescribed by the treasurer of state, as the 6812
registrar may require and as prescribed by the registrar by rule. 6813
The registrar, within three days after receipt of notification of 6814
the deposit of funds by a deputy registrar in a local bank or 6815
depository, shall draw on that account in favor of the treasurer 6816
of state. The registrar, subject to the approval of the director 6817
and the treasurer of state, may make reasonable rules necessary 6818
for the prompt transmittal of fees and for safeguarding the 6819

interests of the state and of counties, townships, municipal 6820
corporations, and transportation improvement districts levying 6821
local motor vehicle license taxes. The registrar may pay service 6822
charges usually collected by banks and depositories for such 6823
service. If deputy registrars are located in communities where 6824
banking facilities are not available, they shall transmit the fees 6825
forthwith, by money order or otherwise, as the registrar, by rule 6826
approved by the director and the treasurer of state, may 6827
prescribe. The registrar may pay the usual and customary fees for 6828
such service. 6829

(G) This section does not prevent any person from making an 6830
application for a motor vehicle license directly to the registrar 6831
by mail, by electronic means, or in person at any of the 6832
registrar's offices, upon payment of a service fee of two dollars 6833
and seventy-five cents commencing on July 1, 2001, three dollars 6834
and twenty-five cents commencing on January 1, 2003, and three 6835
dollars and fifty cents commencing on January 1, 2004, for each 6836
application. 6837

(H) No person shall make a false statement as to the district 6838
of registration in an application required by division (A) of this 6839
section. Violation of this division is falsification under section 6840
2921.13 of the Revised Code and punishable as specified in that 6841
section. 6842

(I)(1) Where applicable, the requirements of division (B) of 6843
this section relating to the presentation of an inspection 6844
certificate issued under section 3704.14 of the Revised Code and 6845
rules adopted under it for a motor vehicle, the refusal of a 6846
license for failure to present an inspection certificate, and the 6847
stamping of the inspection certificate by the official issuing the 6848
certificate of registration apply to the registration of and 6849
issuance of license plates for a motor vehicle under sections 6850
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 6851

4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 6852
4503.47, and 4503.51 of the Revised Code. 6853

(2)(a) The registrar shall adopt rules ensuring that each 6854
owner registering a motor vehicle in a county where a motor 6855
vehicle inspection and maintenance program is in effect under 6856
section 3704.14 of the Revised Code and rules adopted under it 6857
receives information about the requirements established in that 6858
section and those rules and about the need in those counties to 6859
present an inspection certificate with an application for 6860
registration or preregistration. 6861

(b) Upon request, the registrar shall provide the director of 6862
environmental protection, or any person that has been awarded a 6863
contract under division (D) of section 3704.14 of the Revised 6864
Code, an on-line computer data link to registration information 6865
for all passenger cars, noncommercial motor vehicles, and 6866
commercial cars that are subject to that section. The registrar 6867
also shall provide to the director of environmental protection a 6868
magnetic data tape containing registration information regarding 6869
passenger cars, noncommercial motor vehicles, and commercial cars 6870
for which a multi-year registration is in effect under section 6871
4503.103 of the Revised Code or rules adopted under it, including, 6872
without limitation, the date of issuance of the multi-year 6873
registration, the registration deadline established under rules 6874
adopted under section 4503.101 of the Revised Code that was 6875
applicable in the year in which the multi-year registration was 6876
issued, and the registration deadline for renewal of the 6877
multi-year registration. 6878

(J) Application for registration under the international 6879
registration plan, as set forth in sections 4503.60 to 4503.66 of 6880
the Revised Code, shall be made to the registrar on forms 6881
furnished by the registrar. In accordance with international 6882
registration plan guidelines and pursuant to rules adopted by the 6883

registrar, the forms shall include the following: 6884

(1) A uniform mileage schedule; 6885

(2) The gross vehicle weight of the vehicle or combined gross 6886
vehicle weight of the combination vehicle as declared by the 6887
registrant; 6888

(3) Any other information the registrar requires by rule. 6889

Sec. 4503.11. (A) Except as provided by sections 4503.103, 6890
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 6891
person who is the owner or chauffeur of a motor vehicle operated 6892
or driven upon the public roads or highways shall fail to file 6893
annually the application for registration or to pay the tax 6894
therefor. 6895

(B) Except as provided by sections 4503.12 and 4503.16 of the 6896
Revised Code, the taxes payable on all applications made under 6897
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 6898
of the tax due under division (B)(1)(a) or (b) of this section 6899
plus the tax due under division (B)(2)(a) or (b) of this section: 6900

(1)(a) If the application is made before the second month of 6901
the current registration period to which the motor vehicle is 6902
assigned as provided in section 4503.101 of the Revised Code, the 6903
tax due is the full amount of the tax provided in section 4503.04 6904
of the Revised Code; 6905

(b) If the application is made during or after the second 6906
month of the current registration period to which the motor 6907
vehicle is assigned as provided in section 4503.101 of the Revised 6908
Code, and prior to the beginning of the next such registration 6909
period, the amount of the tax provided in section 4503.04 of the 6910
Revised Code shall be reduced by one-twelfth of the amount of such 6911
tax, rounded upward to the nearest cent, multiplied by the number 6912
of full months that have elapsed in the current registration 6913

period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

(2)(a) If the application is made before the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code, the amount of tax due is the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code;

(b) If the application is made during or after the sixth month of the current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code and prior to the beginning of the next such registration period, the amount of tax due is one-half of the amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code.

(C) The taxes payable on all applications made under division (A)(1)(b) of section 4503.103 of the Revised Code shall be the sum of the tax due under division (B)(1)(a) or (b) of this section plus the tax due under division (B)(2)(a) or (b) of this section for the first year plus the full amount of the tax provided in section 4503.04 of the Revised Code and the full amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code for the second year.

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle.

The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an

affidavit stating that the purchaser has not been issued 6944
previously during the current registration year a license plate 6945
that could legally be transferred to the vehicle. 6946

Placards or windshield stickers shall be issued only for the 6947
applicant's use of the vehicle to enable the applicant to legally 6948
operate the motor vehicle while proper title, license plates, and 6949
a certificate of registration are being obtained, and shall be 6950
displayed on no other motor vehicle. 6951

Placards or windshield stickers issued under this section are 6952
valid for a period of thirty days from date of issuance and are 6953
not transferable or renewable. 6954

The fee for the placards or windshield stickers is two 6955
dollars plus a deputy registrar service fee of two dollars and 6956
seventy-five cents commencing on July 1, 2001, three dollars and 6957
twenty-five cents commencing on January 1, 2003, and three dollars 6958
and fifty cents commencing on January 1, 2004, for each placard 6959
issued by a deputy registrar. 6960

(B) The registrar of motor vehicles may issue to a motorized 6961
bicycle dealer or a licensed motor vehicle dealer temporary 6962
license placards to be issued to purchasers for use on vehicles 6963
sold by the dealer, in accordance with rules prescribed by the 6964
registrar. The dealer shall notify the registrar, within 6965
forty-eight hours, of the issuance of a placard by electronic 6966
means via computer equipment purchased and maintained by the 6967
dealer or in any other manner prescribed by the registrar. 6968

The fee for each placard issued by the registrar to a 6969
licensed motor vehicle dealer is two dollars plus a fee of two 6970
dollars and seventy-five cents commencing on July 1, 2001, three 6971
dollars and twenty-five cents commencing on January 1, 2003, and 6972
three dollars and fifty cents commencing on January 1, 2004. 6973

(C) The registrar of motor vehicles, at the registrar's 6974

discretion, may issue a temporary license placard. Such a placard 6975
may be issued in the case of extreme hardship encountered by a 6976
citizen from this state or another state who has attempted to 6977
comply with all registration laws, but for extreme circumstances 6978
is unable to properly register the citizen's vehicle. 6979

(D) In addition to the fees charged under divisions (A) and 6980
(B) of this section, commencing on October 1, 2003, the registrar 6981
and each deputy registrar shall collect a fee of five dollars for 6982
each temporary license placard issued. The additional fee is for 6983
the purpose of defraying the department of public safety's costs 6984
associated with the administration and enforcement of the motor 6985
vehicle and traffic laws of Ohio. Each deputy registrar shall 6986
transmit the fees collected under this division in the same manner 6987
as provided for transmission of fees collected under division (A) 6988
of this section. The registrar shall deposit all moneys received 6989
under this division into the state highway safety fund established 6990
in section 4501.06 of the Revised Code. 6991

(E) The registrar shall adopt rules, in accordance with 6992
division (B) of section 111.15 of the Revised Code, to specify the 6993
procedures for reporting the information from applications for 6994
temporary license placards and windshield stickers and for 6995
providing the information from these applications to law 6996
enforcement agencies. 6997

~~(E)~~(F) Temporary license placards issued under this section 6998
shall bear a distinctive combination of seven letters, numerals, 6999
or letters and numerals, and shall incorporate a security feature 7000
that, to the greatest degree possible, prevents tampering with any 7001
of the information that is entered upon a placard when it is 7002
issued. 7003

~~(F)~~(G) Whoever violates division (A) of this section is 7004
guilty of a misdemeanor of the fourth degree. Whoever violates 7005
division (B) of this section is guilty of a misdemeanor of the 7006

first degree. 7007

~~(G)~~(H) As used in this section, "motorized bicycle dealer" 7008
means any person engaged in the business of selling at retail, 7009
displaying, offering for sale, or dealing in motorized bicycles 7010
who is not subject to section 4503.09 of the Revised Code. 7011

Sec. 4511.19. (A) No person shall operate any vehicle, 7012
streetcar, or trackless trolley within this state, if, at the time 7013
of the operation, any of the following apply: 7014

(1) The person is under the influence of alcohol, a drug of 7015
abuse, or a combination of them; 7016

(2) The person has a concentration of ~~ten-hundredths~~ 7017
eight-hundredths of one per cent or more but less than 7018
seventeen-hundredths of one per cent by weight per unit volume of 7019
alcohol in the person's whole blood; 7020

(3) The person has a concentration of ~~twelve-hundredths~~ 7021
ninety-six-thousandths of one per cent or more but less than two 7022
hundred four-thousandths of one per cent by weight per unit volume 7023
of alcohol in the person's blood serum or plasma; 7024

(4) The person has a concentration of ~~ten-hundredths~~ 7025
eight-hundredths of one gram or more but less than 7026
seventeen-hundredths of one gram by weight of alcohol per two 7027
hundred ten liters of the person's breath; 7028

(5) The person has a concentration of ~~fourteen-hundredths~~ 7029
eleven-hundredths of one gram or more but less than two hundred 7030
thirty-eight-thousandths of one gram by weight of alcohol per one 7031
hundred milliliters of the person's urine; 7032

(6) The person has a concentration of seventeen-hundredths of 7033
one per cent or more by weight per unit volume of alcohol in the 7034
person's whole blood; 7035

(7) The person has a concentration of two hundred 7036

four-thousandths of one per cent or more by weight per unit volume 7037
of alcohol in the person's blood serum or plasma~~+~~. 7038

(8) The person has a concentration of seventeen-hundredths of 7039
one gram or more by weight of alcohol per two hundred ten liters 7040
of the person's breath~~+~~. 7041

(9) The person has a concentration of two hundred 7042
thirty-eight-thousandths of one gram or more by weight of alcohol 7043
per one hundred milliliters of the person's urine. 7044

(B) No person under twenty-one years of age shall operate any 7045
vehicle, streetcar, or trackless trolley within this state, if, at 7046
the time of the operation, any of the following apply: 7047

(1) The person has a concentration of at least two-hundredths 7048
of one per cent but less than ~~ten-hundredths~~ eight-hundredths of 7049
one per cent by weight per unit volume of alcohol in the person's 7050
whole blood~~+~~. 7051

(2) The person has a concentration of at least 7052
three-hundredths of one per cent but less than ~~twelve-hundredths~~ 7053
ninety-six-thousandths of one per cent by weight per unit volume 7054
of alcohol in the person's blood serum or plasma~~+~~. 7055

(3) The person has a concentration of at least two-hundredths 7056
of one gram but less than ~~ten-hundredths~~ eight-hundredths of one 7057
gram by weight of alcohol per two hundred ten liters of the 7058
person's breath~~+~~. 7059

(4) The person has a concentration of at least twenty-eight 7060
one-thousandths of one gram but less than ~~fourteen-hundredths~~ 7061
eleven-hundredths of one gram by weight of alcohol per one hundred 7062
milliliters of the person's urine. 7063

(C) In any proceeding arising out of one incident, a person 7064
may be charged with a violation of division (A)(1) and a violation 7065
of division (B)(1), (2), or (3) of this section, but the person 7066

may not be convicted of more than one violation of these 7067
divisions. 7068

(D)(1) In any criminal prosecution or juvenile court 7069
proceeding for a violation of division (A) or (B) of this section 7070
or for an equivalent offense, the court may admit evidence on the 7071
concentration of alcohol, drugs of abuse, or a combination of them 7072
in the defendant's whole blood, blood serum or plasma, breath, 7073
urine, or other bodily substance at the time of the alleged 7074
violation as shown by chemical analysis of the substance withdrawn 7075
within two hours of the time of the alleged violation. 7076

When a person submits to a blood test at the request of a law 7077
enforcement officer under section 4511.191 of the Revised Code, 7078
only a physician, a registered nurse, or a qualified technician, 7079
chemist, or phlebotomist shall withdraw blood for the purpose of 7080
determining the alcohol, drug, or alcohol and drug content of the 7081
whole blood, blood serum, or blood plasma. This limitation does 7082
not apply to the taking of breath or urine specimens. A person 7083
authorized to withdraw blood under this division may refuse to 7084
withdraw blood under this division, if in that person's opinion, 7085
the physical welfare of the person would be endangered by the 7086
withdrawing of blood. 7087

The bodily substance withdrawn shall be analyzed in 7088
accordance with methods approved by the director of health by an 7089
individual possessing a valid permit issued by the director 7090
pursuant to section 3701.143 of the Revised Code. 7091

(2) In a criminal prosecution or juvenile court proceeding 7092
for a violation of division (A) of this section or for an 7093
equivalent offense, if there was at the time the bodily substance 7094
was withdrawn a concentration of less than the applicable 7095
concentration of alcohol specified in divisions (A)(2), (3), (4), 7096
and (5) of this section, that fact may be considered with other 7097
competent evidence in determining the guilt or innocence of the 7098

defendant. This division does not limit or affect a criminal 7099
prosecution or juvenile court proceeding for a violation of 7100
division (B) of this section or for an equivalent offense that is 7101
substantially equivalent to that division. 7102

(3) Upon the request of the person who was tested, the 7103
results of the chemical test shall be made available to the person 7104
or the person's attorney, immediately upon the completion of the 7105
chemical test analysis. 7106

The person tested may have a physician, a registered nurse, 7107
or a qualified technician, chemist, or phlebotomist of the 7108
person's own choosing administer a chemical test or tests, at the 7109
person's expense, in addition to any administered at the request 7110
of a law enforcement officer. The form to be read to the person to 7111
be tested, as required under section 4511.192 of the Revised Code, 7112
shall state that the person may have an independent test performed 7113
at the person's expense. The failure or inability to obtain an 7114
additional chemical test by a person shall not preclude the 7115
admission of evidence relating to the chemical test or tests taken 7116
at the request of a law enforcement officer. 7117

(4)(a) As used in divisions (D)(4)(b) and (c) of this 7118
section, "national highway traffic safety administration" means 7119
the national highway traffic safety administration established as 7120
an administration of the United States department of 7121
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 7122

(b) In any criminal prosecution or juvenile court proceeding 7123
for a violation of division (A) or (B) of this section, of a 7124
municipal ordinance relating to operating a vehicle while under 7125
the influence of alcohol, a drug of abuse, or alcohol and a drug 7126
of abuse, or of a municipal ordinance relating to operating a 7127
vehicle with a prohibited concentration of alcohol in the blood, 7128
breath, or urine, if a law enforcement officer has administered a 7129
field sobriety test to the operator of the vehicle involved in the 7130

violation and if it is shown by clear and convincing evidence that 7131
the officer administered the test in substantial compliance with 7132
the testing standards for any reliable, credible, and generally 7133
accepted field sobriety tests that were in effect at the time the 7134
tests were administered, including, but not limited to, any 7135
testing standards then in effect that were set by the national 7136
highway traffic safety administration, all of the following apply: 7137

(i) The officer may testify concerning the results of the 7138
field sobriety test so administered. 7139

(ii) The prosecution may introduce the results of the field 7140
sobriety test so administered as evidence in any proceedings in 7141
the criminal prosecution or juvenile court proceeding. 7142

(iii) If testimony is presented or evidence is introduced 7143
under division (D)(4)(b)(i) or (ii) of this section and if the 7144
testimony or evidence is admissible under the Rules of Evidence, 7145
the court shall admit the testimony or evidence and the trier of 7146
fact shall give it whatever weight the trier of fact considers to 7147
be appropriate. 7148

(c) Division (D)(4)(b) of this section does not limit or 7149
preclude a court, in its determination of whether the arrest of a 7150
person was supported by probable cause or its determination of any 7151
other matter in a criminal prosecution or juvenile court 7152
proceeding of a type described in that division, from considering 7153
evidence or testimony that is not otherwise disallowed by division 7154
(D)(4)(b) of this section. 7155

(E)(1) Subject to division (E)(3) of this section, in any 7156
criminal prosecution or juvenile court proceeding for a violation 7157
of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or 7158
(B)(1), (2), (3), or (4) of this section or for an equivalent 7159
offense that is substantially equivalent to any of those 7160
divisions, a laboratory report from any forensic laboratory 7161

certified by the department of health that contains an analysis of 7162
the whole blood, blood serum or plasma, breath, urine, or other 7163
bodily substance tested and that contains all of the information 7164
specified in this division shall be admitted as prima-facie 7165
evidence of the information and statements that the report 7166
contains. The laboratory report shall contain all of the 7167
following: 7168

(a) The signature, under oath, of any person who performed 7169
the analysis; 7170

(b) Any findings as to the identity and quantity of alcohol, 7171
a drug of abuse, or a combination of them that was found; 7172

(c) A copy of a notarized statement by the laboratory 7173
director or a designee of the director that contains the name of 7174
each certified analyst or test performer involved with the report, 7175
the analyst's or test performer's employment relationship with the 7176
laboratory that issued the report, and a notation that performing 7177
an analysis of the type involved is part of the analyst's or test 7178
performer's regular duties; 7179

(d) An outline of the analyst's or test performer's 7180
education, training, and experience in performing the type of 7181
analysis involved and a certification that the laboratory 7182
satisfies appropriate quality control standards in general and, in 7183
this particular analysis, under rules of the department of health. 7184

(2) Notwithstanding any other provision of law regarding the 7185
admission of evidence, a report of the type described in division 7186
(E)(1) of this section is not admissible against the defendant to 7187
whom it pertains in any proceeding, other than a preliminary 7188
hearing or a grand jury proceeding, unless the prosecutor has 7189
served a copy of the report on the defendant's attorney or, if the 7190
defendant has no attorney, on the defendant. 7191

(3) A report of the type described in division (E)(1) of this 7192

section shall not be prima-facie evidence of the contents, 7193
identity, or amount of any substance if, within seven days after 7194
the defendant to whom the report pertains or the defendant's 7195
attorney receives a copy of the report, the defendant or the 7196
defendant's attorney demands the testimony of the person who 7197
signed the report. The judge in the case may extend the seven-day 7198
time limit in the interest of justice. 7199

(F) Except as otherwise provided in this division, any 7200
physician, registered nurse, or qualified technician, chemist, or 7201
phlebotomist who withdraws blood from a person pursuant to this 7202
section, and any hospital, first-aid station, or clinic at which 7203
blood is withdrawn from a person pursuant to this section, is 7204
immune from criminal liability and civil liability based upon a 7205
claim of assault and battery or any other claim that is not a 7206
claim of malpractice, for any act performed in withdrawing blood 7207
from the person. The immunity provided in this division is not 7208
available to a person who withdraws blood if the person engages in 7209
willful or wanton misconduct. 7210

(G)(1) Whoever violates any provision of divisions (A)(1) to 7211
(9) of this section is guilty of operating a vehicle under the 7212
influence of alcohol, a drug of abuse, or a combination of them. 7213
The court shall sentence the offender under Chapter 2929. of the 7214
Revised Code, except as otherwise authorized or required by 7215
divisions (G)(1)(a) to (e) of this section: 7216

(a) Except as otherwise provided in division (G)(1)(b), (c), 7217
(d), or (e) of this section, the offender is guilty of a 7218
misdemeanor of the first degree, and the court shall sentence the 7219
offender to all of the following: 7220

(i) If the sentence is being imposed for a violation of 7221
division (A)(1), (2), (3), (4), or (5) of this section, a 7222
mandatory jail term of three consecutive days. As used in this 7223
division, three consecutive days means seventy-two consecutive 7224

hours. The court may sentence an offender to both an intervention 7225
program and a jail term. The court may impose a jail term in 7226
addition to the three-day mandatory jail term or intervention 7227
program. However, in no case shall the cumulative jail term 7228
imposed for the offense exceed six months. 7229

The court may suspend the execution of the three-day jail 7230
term under this division if the court, in lieu of that suspended 7231
term, places the offender on probation and requires the offender 7232
to attend, for three consecutive days, a drivers' intervention 7233
program certified under section 3793.10 of the Revised Code. The 7234
court also may suspend the execution of any part of the three-day 7235
jail term under this division if it places the offender on 7236
probation for part of the three days, requires the offender to 7237
attend for the suspended part of the term a drivers' intervention 7238
program so certified, and sentences the offender to a jail term 7239
equal to the remainder of the three consecutive days that the 7240
offender does not spend attending the program. The court may 7241
require the offender, as a condition of probation and in addition 7242
to the required attendance at a drivers' intervention program, to 7243
attend and satisfactorily complete any treatment or education 7244
programs that comply with the minimum standards adopted pursuant 7245
to Chapter 3793. of the Revised Code by the director of alcohol 7246
and drug addiction services that the operators of the drivers' 7247
intervention program determine that the offender should attend and 7248
to report periodically to the court on the offender's progress in 7249
the programs. The court also may impose on the offender any other 7250
conditions of probation that it considers necessary. 7251

(ii) If the sentence is being imposed for a violation of 7252
division (A)(6), (7), (8), or (9) of this section, except as 7253
otherwise provided in this division, a mandatory jail term of at 7254
least three consecutive days and a requirement that the offender 7255
attend, for three consecutive days, a drivers' intervention 7256

program that is certified pursuant to section 3793.10 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(iii) In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars;

(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other

equivalent offense is guilty of a misdemeanor of the first degree. 7289
The court shall sentence the offender to all of the following: 7290

(i) If the sentence is being imposed for a violation of 7291
division (A)(1), (2), (3), (4), or (5) of this section, a 7292
mandatory jail term of ten consecutive days. The court shall 7293
impose the ten-day mandatory jail term under this division unless, 7294
subject to division (G)(3) of this section, it instead imposes a 7295
sentence under that division consisting of both a jail term and a 7296
term of electronically monitored house arrest. The court may 7297
impose a jail term in addition to the ten-day mandatory jail term. 7298
The cumulative jail term imposed for the offense shall not exceed 7299
six months. 7300

In addition to the jail term or the term of electronically 7301
monitored house arrest and jail term, the court may require the 7302
offender to attend a drivers' intervention program that is 7303
certified pursuant to section 3793.10 of the Revised Code. If the 7304
operator of the program determines that the offender is alcohol 7305
dependent, the program shall notify the court, and, subject to 7306
division (I) of this section, the court shall order the offender 7307
to obtain treatment through an alcohol and drug addiction program 7308
authorized by section 3793.02 of the Revised Code. 7309

(ii) If the sentence is being imposed for a violation of 7310
division (A)(6), (7), (8), or (9) of this section, except as 7311
otherwise provided in this division, a mandatory jail term of 7312
twenty consecutive days. The court shall impose the twenty-day 7313
mandatory jail term under this division unless, subject to 7314
division (G)(3) of this section, it instead imposes a sentence 7315
under that division consisting of both a jail term and a term of 7316
electronically monitored house arrest. The court may impose a jail 7317
term in addition to the twenty-day mandatory jail term. The 7318
cumulative jail term imposed for the offense shall not exceed six 7319
months. 7320

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than three hundred fifty and not more than one thousand five hundred dollars;

(iv) In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of

division (A)(1), (2), (3), (4), or (5) of this section, a 7352
mandatory jail term of thirty consecutive days. The court shall 7353
impose the thirty-day mandatory jail term under this division 7354
unless, subject to division (G)(3) of this section, it instead 7355
imposes a sentence under that division consisting of both a jail 7356
term and a term of electronically monitored house arrest. The 7357
court may impose a jail term in addition to the thirty-day 7358
mandatory jail term. Notwithstanding the terms of imprisonment set 7359
forth in Chapter 2929. of the Revised Code, the additional jail 7360
term shall not exceed one year, and the cumulative jail term 7361
imposed for the offense shall not exceed one year. 7362

(ii) If the sentence is being imposed for a violation of 7363
division (A)(6), (7), (8), or (9) of this section, a mandatory 7364
jail term of sixty consecutive days. The court shall impose the 7365
sixty-day mandatory jail term under this division unless, subject 7366
to division (G)(3) of this section, it instead imposes a sentence 7367
under that division consisting of both a jail term and a term of 7368
electronically monitored house arrest. The court may impose a jail 7369
term in addition to the sixty-day mandatory jail term. 7370
Notwithstanding the terms of imprisonment set forth in Chapter 7371
2929. of the Revised Code, the additional jail term shall not 7372
exceed one year, and the cumulative jail term imposed for the 7373
offense shall not exceed one year. 7374

(iii) In all cases, notwithstanding the fines set forth in 7375
Chapter 2929. of the Revised Code, a fine of not less than five 7376
hundred fifty and not more than two thousand five hundred dollars; 7377

(iv) In all cases, a class three license suspension of the 7378
offender's driver's license, commercial driver's license, 7379
temporary instruction permit, probationary license, or nonresident 7380
operating privilege from the range specified in division (A)(3) of 7381
section 4510.02 of the Revised Code. The court may grant limited 7382
driving privileges relative to the suspension under sections 7383

4510.021 and 4510.13 of the Revised Code. 7384

(v) In all cases, if the vehicle is registered in the 7385
offender's name, criminal forfeiture of the vehicle involved in 7386
the offense in accordance with section 4503.234 of the Revised 7387
Code. Division (G)(6) of this section applies regarding any 7388
vehicle that is subject to an order of criminal forfeiture under 7389
this division. 7390

(vi) In all cases, participation in an alcohol and drug 7391
addiction program authorized by section 3793.02 of the Revised 7392
Code, subject to division (I) of this section. 7393

(d) Except as otherwise provided in division (G)(1)(e) of 7394
this section, an offender who, within six years of the offense, 7395
previously has been convicted of or pleaded guilty to three or 7396
more violations of division (A) or (B) of this section or other 7397
equivalent offenses is guilty of a felony of the fourth degree. 7398
The court shall sentence the offender to all of the following: 7399

(i) If the sentence is being imposed for a violation of 7400
division (A)(1), (2), (3), (4), or (5) of this section, in the 7401
discretion of the court, either a mandatory term of local 7402
incarceration of sixty consecutive days in accordance with 7403
division (G)(1) of section 2929.13 of the Revised Code or a 7404
mandatory prison term of sixty consecutive days of imprisonment in 7405
accordance with division (G)(2) of that section. If the court 7406
imposes a mandatory term of local incarceration, it may impose a 7407
jail term in addition to the sixty-day mandatory term, the 7408
cumulative total of the mandatory term and the jail term for the 7409
offense shall not exceed one year, and no prison term is 7410
authorized for the offense. If the court imposes a mandatory 7411
prison term, notwithstanding division (A)(4) of section 2929.14 of 7412
the Revised Code, it also may sentence the offender to a definite 7413
prison term that shall be not less than six months and not more 7414
than thirty months, the prison terms shall be imposed as described 7415

in division (G)(2) of section 2929.13 of the Revised Code, and no 7416
term of local incarceration, community residential sanction, or 7417
nonresidential sanction is authorized for the offense. 7418

(ii) If the sentence is being imposed for a violation of 7419
division (A)(6), (7), (8), or (9) of this section, in the 7420
discretion of the court, either a mandatory term of local 7421
incarceration of one hundred twenty consecutive days in accordance 7422
with division (G)(1) of section 2929.13 of the Revised Code or a 7423
mandatory prison term of one hundred twenty consecutive days in 7424
accordance with division (G)(2) of that section. If the court 7425
imposes a mandatory term of local incarceration, it may impose a 7426
jail term in addition to the one hundred twenty-day mandatory 7427
term, the cumulative total of the mandatory term and the jail term 7428
for the offense shall not exceed one year, and no prison term is 7429
authorized for the offense. If the court imposes a mandatory 7430
prison term, notwithstanding division (A)(4) of section 2929.14 of 7431
the Revised Code, it also may sentence the offender to a definite 7432
prison term that shall be not less than six months and not more 7433
than thirty months, the prison terms shall be imposed as described 7434
in division (G)(2) of section 2929.13 of the Revised Code, and no 7435
term of local incarceration, community residential sanction, or 7436
nonresidential sanction is authorized for the offense. 7437

(iii) In all cases, notwithstanding section 2929.18 of the 7438
Revised Code, a fine of not less than eight hundred nor more than 7439
ten thousand dollars; 7440

(iv) In all cases, a class two license suspension of the 7441
offender's driver's license, commercial driver's license, 7442
temporary instruction permit, probationary license, or nonresident 7443
operating privilege from the range specified in division (A)(2) of 7444
section 4510.02 of the Revised Code. The court may grant limited 7445
driving privileges relative to the suspension under sections 7446
4510.021 and 4510.13 of the Revised Code. 7447

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of electronically monitored house arrest. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the sixty-day mandatory prison term. The cumulative total of the mandatory prison term and the additional prison term for the offense shall not exceed five years. No term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

(ii) If the sentence is being imposed for a violation of 7479
division (A)(6), (7), (8), or (9) of this section, a mandatory 7480
prison term of one hundred twenty consecutive days in accordance 7481
with division (G)(2) of section 2929.13 of the Revised Code. The 7482
court may impose a prison term in addition to the one hundred 7483
twenty-day mandatory prison term. The cumulative total of the 7484
mandatory prison term and the additional prison term for the 7485
offense shall not exceed five years. No term of local 7486
incarceration, community residential sanction, or nonresidential 7487
sanction is authorized for the offense. 7488

(iii) In all cases, notwithstanding section 2929.18 of the 7489
Revised Code, a fine of not less than eight hundred nor more than 7490
ten thousand dollars; 7491

(iv) In all cases, a class two license suspension of the 7492
offender's driver's license, commercial driver's license, 7493
temporary instruction permit, probationary license, or nonresident 7494
operating privilege from the range specified in division (A)(2) of 7495
section 4510.02 of the Revised Code. The court may grant limited 7496
driving privileges relative to the suspension under sections 7497
4510.021 and 4510.13 of the Revised Code. 7498

(v) In all cases, if the vehicle is registered in the 7499
offender's name, criminal forfeiture of the vehicle involved in 7500
the offense in accordance with section 4503.234 of the Revised 7501
Code. Division (G)(6) of this section applies regarding any 7502
vehicle that is subject to an order of criminal forfeiture under 7503
this division. 7504

(vi) In all cases, participation in an alcohol and drug 7505
addiction program authorized by section 3793.02 of the Revised 7506
Code, subject to division (I) of this section. 7507

(2) An offender who is convicted of or pleads guilty to a 7508
violation of division (A) of this section and who subsequently 7509

seeks reinstatement of the driver's or occupational driver's 7510
license or permit or nonresident operating privilege suspended 7511
under this section as a result of the conviction or guilty plea 7512
shall pay a reinstatement fee as provided in division (F)(2) of 7513
section 4511.191 of the Revised Code. 7514

(3) If an offender is sentenced to a jail term under division 7515
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 7516
if, within sixty days of sentencing of the offender, the court 7517
issues a written finding on the record that, due to the 7518
unavailability of space at the jail where the offender is required 7519
to serve the term, the offender will not be able to begin serving 7520
that term within the sixty-day period following the date of 7521
sentencing, the court may impose an alternative sentence under 7522
this division that includes a term of electronically monitored 7523
house arrest, as defined in section 2929.23 of the Revised Code. 7524

As an alternative to a mandatory jail term of ten consecutive 7525
days required by division (G)(1)(b)(i) of this section, the court, 7526
under this division, may sentence the offender to five consecutive 7527
days in jail and not less than eighteen consecutive days of 7528
electronically monitored house arrest. The cumulative total of the 7529
five consecutive days in jail and the period of electronically 7530
monitored house arrest shall not exceed six months. The five 7531
consecutive days in jail do not have to be served prior to or 7532
consecutively to the period of house arrest. 7533

As an alternative to the mandatory jail term of twenty 7534
consecutive days required by division (G)(1)(b)(ii) of this 7535
section, the court, under this division, may sentence the offender 7536
to ten consecutive days in jail and not less than thirty-six 7537
consecutive days of electronically monitored house arrest. The 7538
cumulative total of the ten consecutive days in jail and the 7539
period of electronically monitored house arrest shall not exceed 7540
six months. The ten consecutive days in jail do not have to be 7541

served prior to or consecutively to the period of house arrest. 7542

As an alternative to a mandatory jail term of thirty 7543
consecutive days required by division (G)(1)(c)(i) of this 7544
section, the court, under this division, may sentence the offender 7545
to fifteen consecutive days in jail and not less than fifty-five 7546
consecutive days of electronically monitored house arrest. The 7547
cumulative total of the fifteen consecutive days in jail and the 7548
period of electronically monitored house arrest shall not exceed 7549
one year. The fifteen consecutive days in jail do not have to be 7550
served prior to or consecutively to the period of house arrest. 7551

As an alternative to the mandatory jail term of sixty 7552
consecutive days required by division (G)(1)(c)(ii) of this 7553
section, the court, under this division, may sentence the offender 7554
to thirty consecutive days in jail and not less than one hundred 7555
ten consecutive days of electronically monitored house arrest. The 7556
cumulative total of the thirty consecutive days in jail and the 7557
period of electronically monitored house arrest shall not exceed 7558
one year. The thirty consecutive days in jail do not have to be 7559
served prior to or consecutively to the period of house arrest. 7560

(4) If an offender's driver's or occupational driver's 7561
license or permit or nonresident operating privilege is suspended 7562
under division (G) of this section and if section 4510.13 of the 7563
Revised Code permits the court to grant limited driving 7564
privileges, the court may grant the limited driving privileges 7565
only if the court imposes as one of the conditions of the 7566
privileges that the offender must display on the vehicle that is 7567
driven subject to the privileges restricted license plates that 7568
are issued under section 4503.231 of the Revised Code, except as 7569
provided in division (B) of that section. 7570

(5) Fines imposed under this section for a violation of 7571
division (A) of this section shall be distributed as follows: 7572

(a) Twenty-five dollars of the fine imposed under division 7573
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 7574
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 7575
fine imposed under division (G)(1)(c)(iii), and two hundred ten 7576
dollars of the fine imposed under division (G)(1)(d)(iii) or 7577
(e)(iii) of this section shall be paid to an enforcement and 7578
education fund established by the legislative authority of the law 7579
enforcement agency in this state that primarily was responsible 7580
for the arrest of the offender, as determined by the court that 7581
imposes the fine. The agency shall use this share to pay only 7582
those costs it incurs in enforcing this section or a municipal OVI 7583
ordinance and in informing the public of the laws governing the 7584
operation of a vehicle while under the influence of alcohol, the 7585
dangers of the operation of a vehicle under the influence of 7586
alcohol, and other information relating to the operation of a 7587
vehicle under the influence of alcohol and the consumption of 7588
alcoholic beverages. 7589

(b) Fifty dollars of the fine imposed under division 7590
(G)(1)(a)(iii) of this section shall be paid to the political 7591
subdivision that pays the cost of housing the offender during the 7592
offender's term of incarceration. If the offender is being 7593
sentenced for a violation of division (A)(1), (2), (3), (4), or 7594
(5) of this section and was confined as a result of the offense 7595
prior to being sentenced for the offense but is not sentenced to a 7596
term of incarceration, the fifty dollars shall be paid to the 7597
political subdivision that paid the cost of housing the offender 7598
during that period of confinement. The political subdivision shall 7599
use the share under this division to pay or reimburse 7600
incarceration or treatment costs it incurs in housing or providing 7601
drug and alcohol treatment to persons who violate this section or 7602
a municipal OVI ordinance, costs of any immobilizing or disabling 7603
device used on the offender's vehicle, and costs of electronic 7604
house arrest equipment needed for persons who violate this 7605

section. 7606

(c) Twenty-five dollars of the fine imposed under division 7607
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 7608
division (G)(1)(b)(iii) of this section shall be deposited into 7609
the county or municipal indigent drivers' alcohol treatment fund 7610
under the control of that court, as created by the county or 7611
municipal corporation under division (N) of section 4511.191 of 7612
the Revised Code. 7613

(d) One hundred fifteen dollars of the fine imposed under 7614
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 7615
fine imposed under division (G)(1)(c)(iii), and four hundred forty 7616
dollars of the fine imposed under division (G)(1)(d)(iii) or 7617
(e)(iii) of this section shall be paid to the political 7618
subdivision that pays the cost of housing the offender during the 7619
offender's term of incarceration. The political subdivision shall 7620
use this share to pay or reimburse incarceration or treatment 7621
costs it incurs in housing or providing drug and alcohol treatment 7622
to persons who violate this section or a municipal OVI ordinance, 7623
costs for any immobilizing or disabling device used on the 7624
offender's vehicle, and costs of electronic house arrest equipment 7625
needed for persons who violate this section. 7626

(e) The balance of the fine imposed under division 7627
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 7628
section shall be disbursed as otherwise provided by law. 7629

(6) If title to a motor vehicle that is subject to an order 7630
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 7631
this section is assigned or transferred and division (B)(2) or (3) 7632
of section 4503.234 of the Revised Code applies, in addition to or 7633
independent of any other penalty established by law, the court may 7634
fine the offender the value of the vehicle as determined by 7635
publications of the national auto dealers association. The 7636
proceeds of any fine so imposed shall be distributed in accordance 7637

with division (C)(2) of that section. 7638

(H) Whoever violates division (B) of this section is guilty 7639
of operating a vehicle after underage alcohol consumption and 7640
shall be punished as follows: 7641

(1) Except as otherwise provided in division (H)(2) of this 7642
section, the offender is guilty of a misdemeanor of the fourth 7643
degree. In addition to any other sanction imposed for the offense, 7644
the court shall impose a class six suspension of the offender's 7645
driver's license, commercial driver's license, temporary 7646
instruction permit, probationary license, or nonresident operating 7647
privilege from the range specified in division (A)(6) of section 7648
4510.02 of the Revised Code. 7649

(2) If, within one year of the offense, the offender 7650
previously has been convicted of or pleaded guilty to one or more 7651
violations of division (A) or (B) of this section or other 7652
equivalent offense offenses, the offender is guilty of a 7653
misdemeanor of the third degree. In addition to any other sanction 7654
imposed for the offense, the court shall impose a class four 7655
suspension of the offender's driver's license, commercial driver's 7656
license, temporary instruction permit, probationary license, or 7657
nonresident operating privilege from the range specified in 7658
division (A)(4) of section 4510.02 of the Revised Code. 7659

(I)(1) No court shall sentence an offender to an alcohol 7660
treatment program under this section unless the treatment program 7661
complies with the minimum standards for alcohol treatment programs 7662
adopted under Chapter 3793. of the Revised Code by the director of 7663
alcohol and drug addiction services. 7664

(2) An offender who stays in a drivers' intervention program 7665
or in an alcohol treatment program under an order issued under 7666
this section shall pay the cost of the stay in the program. 7667
However, if the court determines that an offender who stays in an 7668

alcohol treatment program under an order issued under this section 7669
is unable to pay the cost of the stay in the program, the court 7670
may order that the cost be paid from the court's indigent drivers' 7671
alcohol treatment fund. 7672

(J) If a person whose driver's or commercial driver's license 7673
or permit or nonresident operating privilege is suspended under 7674
this section files an appeal regarding any aspect of the person's 7675
trial or sentence, the appeal itself does not stay the operation 7676
of the suspension. 7677

(K) All terms defined in sections 4510.01 of the Revised Code 7678
apply to this section. If the meaning of a term defined in section 7679
4510.01 of the Revised Code conflicts with the meaning of the same 7680
term as defined in section 4501.01 or 4511.01 of the Revised Code, 7681
the term as defined in section 4510.01 of the Revised Code applies 7682
to this section. 7683

(L)(1) The Ohio Traffic Rules in effect on January 1, 2004, 7684
as adopted by the supreme court under authority of section 2937.46 7685
of the Revised Code, do not apply to felony violations of this 7686
section. Subject to division (L)(2) of this section, the Rules of 7687
Criminal Procedure apply to felony violations of this section. 7688

(2) If, on or after January 1, 2004, the supreme court 7689
modifies the Ohio Traffic Rules to provide procedures to govern 7690
felony violations of this section, the modified rules shall apply 7691
to felony violations of this section. 7692

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 7693
whose model year was 2001 or earlier, when being operated or 7694
traveling on a street or highway at the times specified in section 7695
4513.03 of the Revised Code, at a minimum shall be equipped with 7696
and display reflectors and illuminated amber lamps so that the 7697
extreme left and right projections of the tractor are indicated by 7698
flashing lamps displaying amber light, visible to the front and 7699

the rear, by amber reflectors, all visible to the front, and by 7700
red reflectors, all visible to the rear. 7701

(2) The lamps displaying amber light need not flash 7702
simultaneously and need not flash in conjunction with any 7703
directional signals of the tractor. 7704

(3) The lamps and reflectors required by division (A)(1) of 7705
this section and their placement shall meet standards and 7706
specifications contained in rules adopted by the director of 7707
public safety in accordance with Chapter 119. of the Revised Code. 7708
The rules governing the amber lamps, amber reflectors, and red 7709
reflectors and their placement shall correlate with and, as far as 7710
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 7711
respectively of the American society of agricultural engineers 7712
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 7713
agricultural equipment on highways. 7714

(B) Every unit of farm machinery whose model year was 2002 or 7715
later, when being operated or traveling on a street or highway at 7716
the times specified in section 4513.03 of the Revised Code, shall 7717
be equipped with and display markings and illuminated lamps that 7718
meet or exceed the lighting, illumination, and marking standards 7719
and specifications that are applicable to that type of farm 7720
machinery for the unit's model year specified in the American 7721
society of agricultural engineers standard ANSI/ASAE ~~S279.10 OCT98~~ 7722
S279.11 APR01, lighting and marking of agricultural equipment on 7723
highways, or any subsequent revisions of that standard. 7724

(C) The lights and reflectors required by division (A) of 7725
this section are in addition to the slow-moving vehicle emblem and 7726
lights required or permitted by section 4513.11 or 4513.17 of the 7727
Revised Code to be displayed on farm machinery being operated or 7728
traveling on a street or highway. 7729

(D) No person shall operate any unit of farm machinery on a 7730

street or highway or cause any unit of farm machinery to travel on 7731
a street or highway in violation of division (A) or (B) of this 7732
section. 7733

(E) Whoever violates this section shall be punished as 7734
provided in section 4513.99 of the Revised Code. 7735

Section 5. That the existing versions of sections 1547.11, 7736
4503.10, 4503.11, 4503.182, 4511.19, and 4513.111 of the Revised 7737
Code that are scheduled to take effect January 1, 2004, are hereby 7738
repealed. 7739

Section 6. Sections 4 and 5 of this act take effect January 7740
1, 2004. 7741

Section 7. The amendment of section 4511.191 of the Revised 7742
Code by this act does not supersede the earlier amendment with 7743
delayed effective date of that section by Am. Sub. S.B. 123 of the 7744
124th General Assembly. 7745

Section 8. Upon the approval of the Legislative Service 7746
Commission, the staff of the Legislative Service Commission, 7747
beginning in January, 2006, shall conduct a study of force account 7748
limits established by this act for the Department of 7749
Transportation, counties, townships, and municipal corporations. 7750

The study shall consider the number of force account projects 7751
completed by the Department of Transportation and the political 7752
subdivisions and shall assess the use of taxpayer funds for those 7753
projects. The study shall discuss any measurable effects on 7754
economic development that may relate to specific force account 7755
projects. The study also shall address findings of the Auditor of 7756
State under section 117.16 of the Revised Code, including whether 7757
the Department of Transportation or political subdivisions were 7758
found to have violated the force account limits and whether any 7759

political subdivisions were subject to reduced force account 7760
limits as a result of the audits. 7761

If approved by the Commission, the staff shall submit a 7762
report on the study to the General Assembly not later than January 7763
1, 2007. 7764

Section 9. From July 1, 2003, through June 30, 2004, three or 7765
fewer steel coils are deemed to be a nondivisible load for 7766
purposes of special permits issued under section 4513.34 of the 7767
Revised Code, provided that the maximum overall gross vehicle 7768
weight of the vehicle and load shall not exceed ninety-two 7769
thousand pounds. 7770

The Department of Transportation shall conduct a study of 7771
special permits issued under section 4513.34 of the Revised Code 7772
to persons transporting steel coils. The Department shall collect 7773
data from such persons detailing the vehicle weights, trip paths, 7774
and truck destinations. As part of its study, the Department shall 7775
evaluate the conditions of roads used by vehicles operating under 7776
the special permits and, if possible, shall compare the condition 7777
of such roads with the condition of similar roads not being used 7778
by overweight vehicles to determine the extent of additional 7779
damage, if any, caused by the overweight vehicles. Not later than 7780
December 31, 2003, the Department shall complete its study and 7781
present a report with its findings to the President and Minority 7782
Leader of the Senate, the Speaker and Minority Leader of the House 7783
of Representatives, and the chairs and ranking minority members of 7784
the Senate Highways and Transportation Committee and the House of 7785
Representatives Transportation and Public Safety Committee. 7786

Section 10. Except as otherwise provided, all appropriation 7787
items in this act are hereby appropriated out of any moneys in the 7788
state treasury to the credit of the designated fund, which are not 7789

otherwise appropriated. For all appropriations made in this act, 7790
 the amounts in the first column are for fiscal year 2004 and the 7791
 amounts in the second column are for fiscal year 2005. 7792

Section 11. DOT DEPARTMENT OF TRANSPORTATION 7793

FUND	TITLE	FY 2004	FY 2005	
	Transportation Planning and Research			7794
	Highway Operating Fund Group			7795
002 771-411	Planning and Research - State	\$ 14,548,950	\$ 15,070,100	7796
002 771-412	Planning and Research - Federal	\$ 35,193,300	\$ 35,644,900	7797
TOTAL HOF	Highway Operating Fund Group	\$ 49,742,250	\$ 50,715,000	7798
TOTAL ALL BUDGET FUND GROUPS -	Transportation Planning and Research	\$ 49,742,250	\$ 50,715,000	7799
	Highway Construction			7800
002 772-421	Highway Construction - State	\$ 482,556,689	\$ 444,301,790	7801
002 772-422	Highway Construction - Federal	\$ 762,964,700	\$ 766,001,700	7802
002 772-424	Highway Construction - Other	\$ 70,000,000	\$ 51,000,000	7803
212 770-005	Infrastructure Debt Service - Federal	\$ 72,064,200	\$ 78,696,100	7804
212 772-423	Infrastructure Lease Payments - Federal	\$ 12,537,800	\$ 12,537,300	7805
212 772-426	Highway Infrastructure Bank - Federal	\$ 2,740,000	\$ 2,620,000	7806

212	772-427	Highway Infrastructure	\$	11,000,000	\$	11,000,000	7812
		Bank - State					
		TOTAL HOF Highway Operating					7813
		Fund Group	\$	1,413,863,389	\$	1,366,156,890	7814
		Highway Capital Improvement Fund Group					7815
042	772-723	Highway Construction -	\$	220,000,000	\$	220,000,000	7816
		Bonds					
		TOTAL 042 Highway Capital					7817
		Improvement Fund Group	\$	220,000,000	\$	220,000,000	7818
		Infrastructure Bank Obligations					7819
		Fund Group					
045	772-428	Highway Infrastructure	\$	40,000,000	\$	40,000,000	7820
		Bank - Bonds					
		TOTAL 045 Infrastructure Bank					7821
		Obligations Fund Group	\$	40,000,000	\$	40,000,000	7822
		TOTAL ALL BUDGET FUND GROUPS -					7823
		Highway Construction	\$	1,675,363,389	\$	1,629,156,890	7824
		Highway Maintenance					7825
		Highway Operating Fund Group					7826
002	773-431	Highway Maintenance -	\$	394,605,100	\$	413,082,600	7827
		State					
		TOTAL HOF Highway Operating					7828
		Fund Group	\$	394,605,100	\$	413,082,600	7829
		TOTAL ALL BUDGET FUND GROUPS -					7830
		Highway Maintenance	\$	394,605,100	\$	413,082,600	7831
		Public Transportation					7832
		Highway Operating Fund Group					7833
002	775-452	Public Transportation	\$	27,000,000	\$	27,000,000	7834
		- Federal					
002	775-454	Public Transportation	\$	1,500,000	\$	1,500,000	7835
		- Other					
002	775-459	Elderly and Disabled	\$	4,230,000	\$	4,230,000	7836

Special Equipment -				
Federal				
TOTAL HOF Highway Operating				7837
Fund Group	\$	32,730,000	\$	32,730,000 7838
TOTAL ALL BUDGET FUND GROUPS -				7839
Public Transportation	\$	32,730,000	\$	32,730,000 7840
Rail Transportation				7841
Highway Operating Fund Group				7842
002 776-462 Grade Crossings -	\$	15,000,000	\$	15,000,000 7843
Federal				
TOTAL HOF Highway Operating				7844
Fund Group	\$	15,000,000	\$	15,000,000 7845
State Special Revenue Fund Group				7846
4A3 776-665 Railroad Crossing	\$	675,000	\$	0 7847
Safety Devices				
TOTAL SSR State Special Revenue	\$	675,000	\$	0 7848
Fund Group				
TOTAL ALL BUDGET FUND GROUPS -				7849
Rail Transportation	\$	15,675,000	\$	15,000,000 7850
Aviation				7851
Highway Operating Fund Group				7852
002 777-472 Airport Improvements -	\$	405,000	\$	405,000 7853
Federal				
002 777-475 Aviation	\$	4,064,700	\$	4,139,000 7854
Administration				
TOTAL HOF Highway Operating				7855
Fund Group	\$	4,469,700	\$	4,544,000 7856
TOTAL ALL BUDGET FUND GROUPS -				7857
Aviation	\$	4,469,700	\$	4,544,000 7858
Administration				7859
State Special Revenue Fund Group				7860
4T5 770-609 Administration	\$	5,000	\$	5,000 7861

Memorial Fund				
TOTAL SSR State Special Revenue				7862
Fund Group	\$	5,000	\$ 5,000	7863
Highway Operating Fund Group				7864
002 779-491 Administration - State	\$	116,449,900	\$ 121,986,500	7865
TOTAL HOF Highway Operating				7866
Fund Group	\$	116,449,900	\$ 121,986,500	7867
TOTAL ALL BUDGET FUND GROUPS -				7868
Administration	\$	116,454,900	\$ 121,991,500	7869
Debt Service				7870
Highway Operating Fund Group				7871
002 770-003 Administration - State	\$	13,802,600	\$ 13,395,900	7872
- Debt Service				
TOTAL HOF Highway Operating				7873
Fund Group	\$	13,802,600	\$ 13,395,900	7874
TOTAL ALL BUDGET FUND GROUPS -				7875
Debt Service	\$	13,802,600	\$ 13,395,900	7876
TOTAL Department of Transportation				7877
TOTAL HOF Highway Operating				7878
Fund Group	\$	2,040,662,939	\$ 2,017,610,890	7879
TOTAL 042 Highway Capital				7880
Improvement Fund Group	\$	220,000,000	\$ 220,000,000	7881
TOTAL 045 Infrastructure Bank				7882
Obligations Fund Group	\$	40,000,000	\$ 40,000,000	7883
TOTAL SSR State Special Revenue				7884
Fund Group	\$	680,000	\$ 5,000	7885
TOTAL ALL BUDGET FUND GROUPS	\$	2,301,342,939	\$ 2,277,615,890	7886
 Section 11.01. ISSUANCE OF BONDS				 7888
The Treasurer of State, upon the request of the Director of				7889
Transportation, is authorized to issue and sell, in accordance				7890
with Section 2m of Article VIII, Ohio Constitution, and Chapter				7891

151. and particularly sections 151.01 and 151.06 of the Revised 7892
Code, obligations, including bonds and notes, of the State of Ohio 7893
in the aggregate amount of \$420,000,000 in addition to the 7894
original issuance of obligations heretofore authorized by prior 7895
acts of the General Assembly. 7896

The obligations shall be dated, issued, and sold from time to 7897
time in such amounts as may be necessary to provide sufficient 7898
moneys to the credit of the Highway Capital Improvement Fund (Fund 7899
042) created by section 5528.53 of the Revised Code to pay costs 7900
charged to the fund when due as estimated by the Director of 7901
Transportation, provided, however, that such obligations shall be 7902
issued and sold at such time or times so that not more than 7903
\$220,000,000 original principal amount of obligations, plus the 7904
principal amount of obligations that in prior fiscal years could 7905
have been, but were not, issued within the \$220,000,000 limit, may 7906
be issued in any fiscal year, and not more than \$1,200,000,000 7907
original principal amount of such obligations are outstanding at 7908
any one time. 7909

Section 11.02. MAINTENANCE INTERSTATE HIGHWAYS 7910

The Director of Transportation may remove snow and ice and 7911
maintain, repair, improve, or provide lighting upon interstate 7912
highways that are located within the boundaries of municipal 7913
corporations, adequate to meet the requirements of federal law. 7914
When agreed in writing by the Director of Transportation and the 7915
legislative authority of a municipal corporation and 7916
notwithstanding sections 125.01 and 125.11 of the Revised Code, 7917
the Department of Transportation may reimburse the municipal 7918
corporation for all or any part of the costs, as provided by such 7919
agreement, incurred by the municipal corporation in maintaining, 7920
repairing, lighting, and removing snow and ice from the interstate 7921
system. 7922

Section 11.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING 7923
AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, RAIL, 7924
AVIATION, AND ADMINISTRATION 7925

The Director of Budget and Management may approve requests 7926
from the Department of Transportation for transfer of Fund 002 7927
appropriations for highway planning and research (appropriation 7928
items 771-411 and 771-412), highway construction (appropriation 7929
items 772-421, 772-422, and 772-424), highway maintenance 7930
(appropriation item 773-431), rail grade crossings (appropriation 7931
item 776-462), aviation (appropriation item 777-475), and 7932
administration (appropriation item 779-491). Transfers of 7933
appropriations may be made upon the written request of the 7934
Director of Transportation and with the approval of the Director 7935
of Budget and Management. Such transfers shall be reported to the 7936
Controlling Board at the next regularly scheduled meeting of the 7937
board. 7938

This transfer authority is intended to provide for emergency 7939
situations and flexibility to meet unforeseen conditions that 7940
could arise during the budget period. It also is intended to allow 7941
the department to optimize the use of available resources and 7942
adjust to circumstances affecting the obligation and expenditure 7943
of federal funds. 7944

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL 7945
TRANSIT 7946

The Director of Budget and Management may approve requests 7947
from the Department of Transportation for the transfer of 7948
appropriations between appropriation items 772-422, Highway 7949
Construction - Federal, and 775-452, Public Transportation - 7950
Federal, based upon transit capital projects meeting Federal 7951
Highway Administration and Federal Transit Administration funding 7952

guidelines. Transfers between these appropriation items may be 7953
made upon the written request of the Director of Transportation 7954
and with the approval of the Director of Budget and Management. 7955
Such transfers shall be reported to the Controlling Board at its 7956
next regularly scheduled meeting. 7957

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK 7958

The Director of Budget and Management may approve requests 7959
from the Department of Transportation for transfer of 7960
appropriations and cash of the Infrastructure Bank funds created 7961
in section 5531.09 of the Revised Code, including transfers 7962
between fiscal years 2004 and 2005. Such transfers shall be 7963
reported to the Controlling Board at its next regularly scheduled 7964
meeting. However, the director may not make transfers out of debt 7965
service and lease payment appropriation items unless the director 7966
determines that the appropriated amounts exceed the actual and 7967
projected debt, rental, or lease payments. 7968

Should the appropriation and any reappropriations from prior 7969
years in appropriation item 770-005 and appropriation item 772-423 7970
exceed the actual and projected debt, rental, or lease payments 7971
for fiscal year 2004 or 2005, then prior to June 30, 2005, the 7972
balance may be transferred to appropriation item 772-422. Such 7973
transfer may be made upon the written request of the Director of 7974
Transportation and with the approval of the Director of Budget and 7975
Management. Transfers shall be reported to the Controlling Board 7976
at its next regularly scheduled meeting. 7977

The Director of Budget and Management may approve requests 7978
from the Department of Transportation for transfer of 7979
appropriations and cash from the Highway Operating Fund (Fund 002) 7980
to the Infrastructure Bank funds created in section 5531.09 of the 7981
Revised Code. The Director of Budget and Management may transfer 7982
from the Infrastructure Bank funds to the Highway Operating Fund 7983

up to the amounts originally transferred to the Infrastructure Bank funds under this section. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers between modes and transfers between different funding sources.

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

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, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

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 unencumbered on June 30, 2003, are hereby reappropriated for the same purpose in fiscal year 2004.

All appropriations of the Highway Operating Fund (Fund 002) and the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2004, are hereby

reappropriated for the same purpose in fiscal year 2005. 8014

Any balances of prior years' appropriations to the Highway 8015
Operating Fund (Fund 002), the Highway Capital Improvement Fund 8016
(Fund 042), and the Infrastructure Bank funds created in section 8017
5531.09 of the Revised Code that are unencumbered on June 30, 8018
2003, subject to the availability of revenue as determined by the 8019
Director of Transportation, are hereby reappropriated for the same 8020
purpose in fiscal year 2004 upon the request of the Director of 8021
Transportation and with the approval of the Director of Budget and 8022
Management. Such reappropriations shall be reported to the 8023
Controlling Board. 8024

Any balances of prior years' appropriations to the Highway 8025
Operating Fund (Fund 002), the Highway Capital Improvement Fund 8026
(Fund 042), and the Infrastructure Bank funds created in section 8027
5531.09 of the Revised Code that are unencumbered on June 30, 8028
2004, subject to the availability of revenue as determined by the 8029
Director of Transportation, are hereby reappropriated for the same 8030
purpose in fiscal year 2005 upon the request of the Director of 8031
Transportation and with the approval of the Director of Budget and 8032
Management. Such reappropriations shall be reported to the 8033
Controlling Board. 8034

Section 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES 8035

Of the foregoing appropriation item 772-421, Highway 8036
Construction - State, \$3,145,500 is to be used each fiscal year 8037
during the 2003-2005 biennium by the Department of Transportation 8038
for the construction, reconstruction, or maintenance of public 8039
access roads, including support features, to and within state 8040
facilities owned or operated by the Department of Natural 8041
Resources, as requested by the Director of Natural Resources. 8042

Notwithstanding section 5511.06 of the Revised Code, of the 8043

foregoing appropriation item 772-421, Highway Construction - 8044
State, \$2,228,000 in each fiscal year of the 2003-2005 biennium 8045
shall be used by the Department of Transportation for the 8046
construction, reconstruction, or maintenance of park drives or 8047
park roads within the boundaries of metropolitan parks. 8048

Included in the foregoing appropriation item 772-421, Highway 8049
Construction - State, the department may perform related road work 8050
on behalf of the Ohio Expositions Commission at the state 8051
fairgrounds, including reconstruction or maintenance of public 8052
access roads, including support features, to and within the 8053
facilities as requested by the commission and approved by the 8054
Director of Transportation. 8055

LIQUIDATION OF UNFORESEEN LIABILITIES 8056

Any appropriation made to the Department of Transportation, 8057
Highway Operating Fund, not otherwise restricted by law, is 8058
available to liquidate unforeseen liabilities arising from 8059
contractual agreements of prior years when the prior year 8060
encumbrance is insufficient. 8061

RUMBLE STRIPS AT RAILROAD CROSSINGS 8062

Of the foregoing appropriation item 776-665, Railroad 8063
Crossing Safety Devices, \$675,000 in fiscal year 2004 shall be 8064
used by the Department of Transportation to fund competitive 8065
grants to political subdivisions for the cost of putting rumble 8066
strips at active railroad crossings without gates or lights. The 8067
maximum amount of a competitive grant is \$50,000 for any single 8068
crossing. Each political subdivision with jurisdiction over a 8069
crossing may apply to the Department for a competitive grant for 8070
the costs of putting rumble strips at crossings. Those political 8071
subdivisions awarded grants shall install the rumble strips by 8072
December 1, 2004. Those political subdivisions awarded such grants 8073
shall not use the moneys as matching funds for any other state 8074

rail safety programs. 8075

If rumble strips are not appropriate for a crossing, the 8076
Department may allow the political subdivision which is awarded 8077
the grant to use the funding for a safety device or technology 8078
more appropriate for the crossing. 8079

The Department shall notify each political subdivision with 8080
jurisdiction over a crossing of the requirements of this section 8081
that funding is available for rumble strips at crossings and for 8082
other rail crossing safety improvements. The Department also shall 8083
notify associations representing political subdivisions of the 8084
availability of the funding. 8085

The Department shall spend no more than five per cent of the 8086
appropriation item on Department administrative expenses. 8087

The Department shall issue a report on or before June 30, 8088
2005, describing the activities carried out by the Department to 8089
comply with the provisions of this section. The report shall 8090
include the number of crossings at which rumble strip installation 8091
was completed, the cost of each installation to date, the number 8092
of active crossings without gates or lights that still do not have 8093
rumble strips, and a geographic breakdown of where the crossings 8094
are that have and have not yet received rumble strips. 8095

All appropriations in Fund 4A3, appropriation item 776-665, 8096
Railroad Crossing Safety Devices, remaining unencumbered on June 8097
30, 2004, are hereby reappropriated for the same purpose in fiscal 8098
year 2005. No transfer of moneys shall occur between appropriation 8099
item 776-665, Railroad Crossing Safety Devices, and appropriation 8100
item 870-614, Grade Crossing Protection Devices-State. The 8101
Department shall report all such appropriations to the Controlling 8102
Board. 8103

Section 11.05. RENTAL PAYMENTS - OBA 8104

The foregoing appropriation item 770-003, Administration - 8105
State - Debt Service, shall be used to pay rent to the Ohio 8106
Building Authority for various capital facilities to be 8107
constructed, reconstructed, or rehabilitated for the use of the 8108
Department of Transportation, including the department's plant and 8109
facilities at its central office, field districts, and county and 8110
outpost locations. The rental payments shall be made from revenues 8111
received from the motor vehicle fuel tax. The amounts of any bonds 8112
and notes to finance such capital facilities shall be at the 8113
request of the Director of Transportation. Notwithstanding section 8114
152.24 of the Revised Code, the Ohio Building Authority may, with 8115
approval of the Office of Budget and Management, lease capital 8116
facilities to the Department of Transportation. 8117

The Director of Transportation shall hold title to any land 8118
purchased and any resulting structures that are attributable to 8119
appropriation item 770-003. Notwithstanding section 152.18 of the 8120
Revised Code, the Director of Transportation shall administer any 8121
purchase of land and any contract for construction, 8122
reconstruction, and rehabilitation of facilities as a result of 8123
this appropriation. 8124

Should the appropriation and any reappropriations from prior 8125
years in appropriation item 770-003 exceed the rental payments for 8126
fiscal year 2004 or 2005, then prior to June 30, 2005, the balance 8127
may be transferred to appropriation item 772-421, 773-431, or 8128
779-491. Such transfer may be made upon the written request of the 8129
Director of Transportation and with the approval of the Director 8130
of Budget and Management. Transfers shall be reported to the 8131
Controlling Board at its next regularly scheduled meeting. 8132

Section 11.06. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 8133

The Director of Transportation may use revenues from the 8134
state motor vehicle fuel tax to match approved federal grants 8135

awarded to the Department of Transportation, regional transit 8136
authorities, or eligible public transportation systems, for public 8137
transportation highway purposes, or to support local or state 8138
funded projects for public transportation highway purposes. Public 8139
transportation highway purposes include: the construction or 8140
repair of high-occupancy vehicle traffic lanes, the acquisition or 8141
construction of park-and-ride facilities, the acquisition or 8142
construction of public transportation vehicle loops, the 8143
construction or repair of bridges used by public transportation 8144
vehicles or that are the responsibility of a regional transit 8145
authority or other public transportation system, or other similar 8146
construction that is designated as an eligible public 8147
transportation highway purpose. Motor vehicle fuel tax revenues 8148
may not be used for operating assistance or for the purchase of 8149
vehicles, equipment, or maintenance facilities. 8150

Section 12. PAVEMENT-SELECTION PROCESS ANALYSIS 8151

The Ohio Department of Transportation shall contract with a 8152
neutral third-party entity to conduct an analysis of the 8153
Department's pavement-selection process including but not limited 8154
to life cycle cost analysis; user delay; constructability and 8155
environment factors. The entity shall be an individual or an 8156
academic, research, or professional association with an expertise 8157
in pavement-selection decisions and shall not be a research center 8158
for concrete or asphalt pavement. The analysis shall compare and 8159
contrast the Department's pavement-selection process with those of 8160
other states and with model selection processes as described by 8161
the American Association of State Highway and Transportation 8162
Officials and the Federal Highway Administration. 8163

An advisory council shall be appointed to approve the scope 8164
of study and to select the neutral third-party entity. The 8165
advisory council shall consist of the following members: 8166

(1) The director of the Ohio Department of Transportation,	8167
who shall act as Chairman of the council;	8168
(2) A member of the Ohio Society of Certified Public	8169
Accountants;	8170
(3) A member of a statewide business organization	8171
representing major corporate entities from a list of three names	8172
submitted to and appointed by the Speaker of the House of	8173
Representatives;	8174
(4) A member of the Ohio Society of Professional Engineers;	8175
(5) A member of a business organization representing small or	8176
independent businesses from a list of three names submitted to and	8177
appointed by the President of the Senate;	8178
(6) A representative of the Ohio Concrete Construction	8179
Association;	8180
(7) A representative of Flexible Pavements Association of	8181
Ohio, Inc.	8182
Members of the advisory council representing the Ohio Society	8183
of Certified Public Accountants, the Ohio Society of Professional	8184
Engineers, the small or independent businesses and the major	8185
corporate entities shall have no conflict of interest with the	8186
position. For purposes of this section, "conflict of interest"	8187
means taking any action that violates any provision of Chapter	8188
102. or 2921. of the Revised Code.	8189
The advisory council shall be appointed no later than July	8190
31, 2003. Once appointed, the council shall meet, at a minimum,	8191
every thirty days. The council shall publish a schedule of	8192
meetings and provide adequate public notice of these meetings. The	8193
meetings are also subject to the applicable public meeting	8194
requirements. The council shall allow a comment period of not less	8195
than thirty days before issuing its final report. The report shall	8196

be issued on or before December 31, 2003. Upon issuing its final report, the council shall cease to exist.

The Department shall make changes to its pavement-selection process based on the recommendations included in the third-party entity's report.

The Department shall make the changes to its pavement-selection process based on the recommendations included in the neutral third-party entity's report.

Section 13. DHS DEPARTMENT OF PUBLIC SAFETY

Highway Safety Information and Education

State Highway Safety Fund Group

036	761-321	Operating Expense -	\$	2,900,702	\$	3,030,054	8208
		Information and					
		Education					
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137	8209
831	761-610	Information and	\$	468,982	\$	468,982	8210
		Education - Federal					
83N	761-611	Elementary School Seat	\$	447,895	\$	447,895	8211
		Belt Program					
832	761-612	Traffic Safety-Federal	\$	16,577,565	\$	16,577,565	8212
844	761-613	Seat Belt Education	\$	463,760	\$	482,095	8213
		Program					
846	761-625	Motorcycle Safety	\$	1,780,507	\$	1,827,868	8214
		Education					
847	761-622	Film Production	\$	22,000	\$	22,000	8215
		Reimbursement					
TOTAL HSF State Highway Safety							8216
		Fund Group	\$	22,938,548	\$	23,133,596	8217
Agency Fund Group							8218
5J9	761-678	Federal Salvage/GSA	\$	100,000	\$	100,000	8219
TOTAL AGY Agency							8220

TOTAL ALL BUDGET FUND GROUPS -				8221
Highway Safety Information				8222
and Education	\$	23,038,548	\$ 23,233,596	8223
FEDERAL HIGHWAY SAFETY PROGRAM MATCH				8224
The foregoing appropriation item 761-402, Traffic Safety				8225
Match, shall be used to provide the nonfederal portion of the				8226
federal Highway Safety Program. Upon request by the Director of				8227
Public Safety and approval by the Director of Budget and				8228
Management, appropriation item 761-402 shall be used to transfer				8229
cash from the Highway Safety Fund to the Traffic Safety - Federal				8230
Fund (Fund 832) at the beginning of each fiscal year on an				8231
intrastate transfer voucher.				8232
Section 13.01. BUREAU OF MOTOR VEHICLES				8233
State Special Revenue Fund Group				8234
539 762-614 Motor Vehicle Dealers	\$	239,902	\$ 239,902	8235
Board				
TOTAL SSR State Special Revenue				8236
Fund Group	\$	239,902	\$ 239,902	8237
State Highway Safety Fund Group				8238
4W4 762-321 Operating Expense-BMV	\$	73,385,912	\$ 70,152,893	8239
4W4 762-410 Registrations	\$	34,588,363	\$ 32,480,610	8240
Supplement				
5V1 762-682 License Plate	\$	2,388,568	\$ 2,388,568	8241
Contributions				
83R 762-639 Local Immobilization	\$	850,000	\$ 850,000	8242
Reimbursement				
835 762-616 Financial	\$	6,303,125	\$ 6,551,535	8243
Responsibility				
Compliance				
849 762-627 Automated Title	\$	16,800,620	\$ 26,076,349	8244
Processing Board				

TOTAL HSF State Highway Safety	8245
Fund Group	\$ 134,316,588 \$ 138,499,955 8246
TOTAL ALL BUDGET FUND GROUPS -	8247
Bureau of Motor Vehicles	\$ 134,556,490 \$ 138,739,857 8248
MOTOR VEHICLE REGISTRATION	8249
The Registrar of Motor Vehicles may deposit revenues to meet	8250
the cash needs of the State Bureau of Motor Vehicles Fund (Fund	8251
4W4) established in section 4501.25 of the Revised Code, obtained	8252
pursuant to sections 4503.02 and 4504.02 of the Revised Code, less	8253
all other available cash. Revenue deposited pursuant to this	8254
section shall support, in part, appropriations for operating	8255
expenses and defray the cost of manufacturing and distributing	8256
license plates and license plate stickers and enforcing the law	8257
relative to the operation and registration of motor vehicles.	8258
Notwithstanding section 4501.03 of the Revised Code, the revenues	8259
shall be paid into the State Bureau of Motor Vehicles Fund before	8260
any revenues obtained pursuant to sections 4503.02 and 4504.02 of	8261
the Revised Code are paid into any other fund. The deposit of	8262
revenues to meet the aforementioned cash needs shall be in	8263
approximate equal amounts on a monthly basis or as otherwise	8264
determined by the Director of Budget and Management pursuant to a	8265
plan submitted by the Registrar of Motor Vehicles.	8266
CAPITAL PROJECTS	8267
The Registrar of Motor Vehicles may transfer cash from the	8268
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State	8269
Highway Safety Fund (Fund 036) to meet its obligations for capital	8270
projects CIR-047, Department of Public Safety Office Building,	8271
CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop.	8272
TRANSFER OF FUNDS TO FUND 5V1	8273
On July 1, 2003, or as soon thereafter as possible, the	8274
Director of Budget and Management shall transfer the cash balances	8275

in the Collegiate, Football Hall of Fame, Ohio Casa/GAL, Rotary 8276
 International, Pro Sports Teams, Boy Scouts, Girl Scouts, Eagle 8277
 Scouts, FOP, FOP Associates, Ducks Unlimited, FFA, and Leader in 8278
 Flight Funds to the License Plate Contribution Fund (Fund 5V1). 8279
 The spending authority to honor encumbrances established in the 8280
 prior fiscal year is hereby appropriated. 8281

Section 13.02. ENFORCEMENT 8282

State Highway Safety Fund Group				8283
036 764-033 Minor Capital Projects	\$	1,775,667	\$ 1,779,664	8284
036 764-321 Operating Expense - Highway Patrol	\$	212,806,193	\$ 221,449,111	8285
036 764-605 Motor Carrier Enforcement Expenses	\$	2,544,319	\$ 2,603,697	8286
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	8287
83F 764-657 Law Enforcement Automated Data System	\$	6,425,009	\$ 7,111,198	8288
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	8289
831 764-610 Patrol - Federal	\$	2,371,659	\$ 2,407,585	8290
831 764-659 Transportation Enforcement - Federal	\$	4,635,684	\$ 4,738,515	8291
837 764-602 Turnpike Policing	\$	9,648,265	\$ 9,653,030	8292
838 764-606 Patrol Reimbursement	\$	222,108	\$ 222,108	8293
840 764-607 State Fair Security	\$	1,462,774	\$ 1,496,283	8294
840 764-617 Security and Investigations	\$	8,653,390	\$ 8,145,192	8295
840 764-626 State Fairgrounds Police Force	\$	788,375	\$ 788,375	8296
841 764-603 Salvage and Exchange - Highway Patrol	\$	1,274,101	\$ 1,274,101	8297
TOTAL HSF State Highway Safety				8298

Fund Group	\$	254,051,365	\$	263,112,680	8299
General Services Fund Group					8300
4S2 764-660 MARCS Maintenance	\$	232,154	\$	237,210	8301
TOTAL GSF General Services					8302
Fund Group	\$	232,154	\$	237,210	8303
TOTAL ALL BUDGET FUND GROUPS -					8304
Enforcement	\$	254,283,519	\$	263,349,890	8305
COLLECTIVE BARGAINING INCREASES					8306
Notwithstanding division (D) of section 127.14 and division					8307
(B) of section 131.35 of the Revised Code, except for the General					8308
Revenue Fund, the Controlling Board may, upon the request of					8309
either the Director of Budget and Management, or the Department of					8310
Public Safety with the approval of the Director of Budget and					8311
Management, increase appropriations for any fund, as necessary for					8312
the Department of Public Safety, to assist in paying the costs of					8313
increases in employee compensation that have occurred pursuant to					8314
collective bargaining agreements under Chapter 4117. of the					8315
Revised Code and, for exempt employees, under section 124.152 of					8316
the Revised Code.					8317
Section 13.03. EMERGENCY MEDICAL SERVICES					8318
State Highway Safety Fund Group					8319
83M 765-624 Operating Expenses -	\$	2,519,883	\$	2,587,627	8320
EMS					
83P 765-637 EMS Grants	\$	5,836,744	\$	5,836,744	8321
831 765-610 EMS/Federal	\$	582,007	\$	582,007	8322
TOTAL HSF State Highway Safety					8323
Fund Group	\$	8,938,634	\$	9,006,378	8324
TOTAL ALL BUDGET FUND GROUPS -					8325
Emergency Medical Services	\$	8,938,634	\$	9,006,378	8326
Section 13.04. INVESTIGATIVE UNIT					8328

State Highway Safety Fund Group				8329
831 767-610 Liquor Enforcement -	\$	514,184	\$ 514,184	8330
Federal				
831 769-610 Food Stamp Trafficking	\$	817,177	\$ 817,177	8331
Enforcement - Federal				
TOTAL HSF State Highway Safety				8332
Fund Group	\$	1,331,361	\$ 1,331,361	8333
Liquor Control Fund Group				8334
043 767-321 Liquor Enforcement -	\$	9,644,288	\$ 9,825,597	8335
Operations				
TOTAL LCF Liquor Control Fund				8336
Group	\$	9,644,288	\$ 9,825,597	8337
State Special Revenue Fund Group				8338
622 767-615 Investigative	\$	404,111	\$ 404,111	8339
Contraband and				
Forfeiture				
850 767-628 Investigative Unit	\$	120,000	\$ 120,000	8340
Salvage				
TOTAL SSR State Special Revenue				8341
Fund Group	\$	524,111	\$ 524,111	8342
TOTAL ALL BUDGET FUND GROUPS -				8343
Special Enforcement	\$	11,499,760	\$ 11,681,069	8344
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				8345
EQUIPMENT				8346
The Director of Public Safety, using intrastate transfer				8347
vouchers, shall make cash transfers to the State Highway Safety				8348
Fund (Fund 036) from other funds to reimburse the State Highway				8349
Safety Fund for the share of lease rental payments to the Ohio				8350
Building Authority that are associated with appropriation item				8351
CAP-076, Investigative Unit MARCS Equipment.				8352
Section 13.05. EMERGENCY MANAGEMENT				8353

Federal Special Revenue Fund Group				8354
3N5 763-644 U.S. DOE Agreement	\$	266,000	\$ 275,000	8355
329 763-645 Individual/Family	\$	303,504	\$ 303,504	8356
Grant - Fed				
337 763-609 Federal Disaster	\$	5,000,000	\$ 3,000,000	8357
Relief				
339 763-647 Emergency Management	\$	129,622,000	\$ 129,622,000	8358
Assistance and				
Training				
TOTAL FED Federal Special				8359
Revenue Fund Group	\$	135,191,504	\$ 133,200,504	8360
General Services Fund Group				8361
4V3 763-662 EMA Service and	\$	696,446	\$ 696,446	8362
Reimbursement				
533 763-601 State Disaster Relief	\$	7,500,000	\$ 7,500,000	8363
TOTAL GSF General Services				8364
Fund Group	\$	8,196,446	\$ 8,196,446	8365
State Special Revenue Fund Group				8366
657 763-652 Utility Radiological	\$	1,200,000	\$ 1,260,000	8367
Safety				
681 763-653 SARA Title III HAZMAT	\$	264,510	\$ 271,510	8368
Planning				
TOTAL SSR State Special Revenue				8369
Fund Group	\$	1,464,510	\$ 1,531,510	8370
TOTAL ALL BUDGET FUND GROUPS -				8371
Emergency Management	\$	144,852,460	\$ 142,928,460	8372
SARA TITLE III HAZMAT PLANNING				8373
The SARA Title III HAZMAT Planning Fund (Fund 681) shall				8374
receive grant funds from the Emergency Response Commission to				8375
implement the Emergency Management Agency's responsibilities under				8376
Chapter 3750. of the Revised Code.				8377

STATE DISASTER RELIEF 8378

The foregoing appropriation item 763-601, State Disaster 8379
Relief, may accept transfers of cash and appropriations from 8380
Controlling Board appropriation items to reimburse eligible local 8381
governments and private nonprofit organizations for costs related 8382
to disasters that have been declared by local governments or the 8383
Governor. The Ohio Emergency Management Agency shall publish and 8384
make available an application packet outlining eligible items and 8385
application procedures for entities requesting state disaster 8386
relief. 8387

Individuals may be eligible for reimbursement of costs 8388
related to disasters that have been declared by the Governor and 8389
the Small Business Administration. The funding in appropriation 8390
item 763-601, State Disaster Relief, shall be used in accordance 8391
with the principles of the federal Individual and Family Grant 8392
Program, which provides grants to households that have been 8393
affected by a disaster to replace basic living items. The Ohio 8394
Emergency Management Agency shall publish and make available an 8395
application procedure for individuals requesting assistance under 8396
the state Individual Assistance Program. 8397

EMA SERVICE AND REIMBURSEMENT FUND 8398

On July 1, 2003, or as soon as possible thereafter, the 8399
Director of Budget and Management shall transfer the cash balances 8400
in the EMA Utility Payment Fund (Fund 4Y0) and the Salvage and 8401
Exchange-EMA Fund (Fund 4Y1) to the EMA Service and Reimbursement 8402
Fund (Fund 4V3), created in section 5502.39 of the Revised Code. 8403
Upon the completion of the transfer, notwithstanding any other 8404
provision of law to the contrary, the EMA Utility Payment Fund 8405
(Fund 4Y0) and the Salvage and Exchange-EMA Fund (Fund 4Y1) are 8406
abolished. The director shall cancel any existing encumbrances 8407
against appropriation items 763-654, EMA Utility Payment, and 8408
763-655, Salvage and Exchange-EMA, and reestablish them against 8409

appropriation item 763-662, EMA Service and Reimbursement. The 8410
amounts of the reestablished encumbrances are hereby appropriated. 8411

Section 13.06. ADMINISTRATION 8412

State Highway Safety Fund Group 8413

036 766-321 Operating Expense - \$ 4,346,226 \$ 4,461,836 8414
Administration

830 761-603 Salvage and Exchange - \$ 22,070 \$ 22,070 8415
Administration

TOTAL HSF State Highway Safety 8416

Fund Group \$ 4,368,296 \$ 4,483,906 8417

General Services Fund Group 8418

4S3 766-661 Hilltop Utility \$ 500,000 \$ 500,000 8419
Reimbursement

TOTAL GSF General Services 8420

Fund Group \$ 500,000 \$ 500,000 8421

TOTAL ALL BUDGET FUND GROUPS - 8422

Administration \$ 4,868,296 \$ 4,983,906 8423

Section 13.07. DEBT SERVICE 8425

State Highway Safety Fund Group 8426

036 761-401 Lease Rental Payments \$ 11,676,700 \$ 13,663,200 8427

TOTAL HSF State Highway Safety 8428

Fund Group \$ 11,676,700 \$ 13,663,200 8429

TOTAL ALL BUDGET FUND GROUPS - 8430

Debt Service \$ 11,676,700 \$ 13,663,200 8431

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 8432

The foregoing appropriation item 761-401, Lease Rental 8433

Payments, shall be used for payments to the Ohio Building 8434

Authority for the period July 1, 2003, to June 30, 2005, pursuant 8435

to the primary leases and agreements for buildings made under 8436

Chapter 152. of the Revised Code that are pledged for bond service 8437

charges on related obligations issued pursuant to Chapter 152. of 8438
the Revised Code. Notwithstanding section 152.24 of the Revised 8439
Code, the Ohio Building Authority may, with approval of the 8440
Director of Budget and Management, lease capital facilities to the 8441
Department of Public Safety. 8442

HILLTOP TRANSFER 8443

The Director of Public Safety shall determine, per an 8444
agreement with the Director of Transportation, the share of each 8445
debt service payment made out of appropriation item 761-401, Lease 8446
Rental Payments, that relates to the Department of 8447
Transportation's portion of the Hilltop Building Project, and 8448
shall certify to the Director of Budget and Management the amounts 8449
of this share. The Director of Budget and Management shall 8450
transfer such shares from the Highway Operating Fund (Fund 002) to 8451
the Highway Safety Fund (Fund 036). 8452

Section 13.08. REVENUE DISTRIBUTION 8453

Holding Account Redistribution Fund Group				8454
R24 762-619 Unidentified Motor	\$	1,850,000	\$ 1,850,000	8455
Vehicle Receipts				
R27 764-608 Patrol Fee Refunds	\$	35,000	\$ 35,000	8456
R52 762-623 Security Deposits	\$	250,000	\$ 250,000	8457
TOTAL 090 Holding Account				8458
Redistribution Fund Group	\$	2,135,000	\$ 2,135,000	8459
TOTAL ALL BUDGET FUND GROUPS -				8460
Revenue Distribution	\$	2,135,000	\$ 2,135,000	8461
TOTAL Department of Public Safety				8462
TOTAL HSF State Highway Safety				8463
Fund Group	\$	437,621,492	\$ 453,231,076	8464
TOTAL SSR State Special Revenue				8465
Fund Group	\$	2,228,523	\$ 2,295,523	8466
TOTAL LCF Liquor Control				8467

Fund Group	\$	9,644,288	\$	9,825,597	8468
TOTAL GSF General Services					8469
Fund Group	\$	8,928,600	\$	8,933,656	8470
TOTAL FED Federal Revenue Special					8471
Fund Group	\$	135,191,504	\$	133,200,504	8472
TOTAL AGY Agency Fund Group	\$	100,000	\$	100,000	8473
TOTAL 090 Holding Account					8474
Redistribution					
Fund Group	\$	2,135,000	\$	2,135,000	8475
TOTAL ALL BUDGET FUND GROUPS	\$	595,849,407	\$	609,721,356	8476

Section 13.09. CASH BALANCE FUND REVIEW 8478

Not later than the first day of April in each fiscal year of 8479
the biennium, the Director of Budget and Management shall review 8480
the cash balances for each fund, except the State Highway Safety 8481
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4) 8482
in the State Highway Safety Fund Group, and shall recommend to the 8483
Controlling Board an amount to be transferred to the credit of the 8484
State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, 8485
as appropriate. 8486

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND 8487

The Director of Budget and Management, pursuant to a plan 8488
submitted by the Department of Public Safety or as otherwise 8489
determined by the Director, shall set a cash transfer schedule 8490
totaling \$140,137,500 in fiscal year 2004 and \$94,359,250 in 8491
fiscal year 2005 from the Highway Operating Fund, established in 8492
section 5735.291 of the Revised Code, to the State Highway Safety 8493
Fund, established in section 4501.06 of the Revised Code. The 8494
director shall transfer the cash at such times as is determined by 8495
the transfer schedule. 8496

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 8497

The Director of Budget and Management shall transfer cash in 8498

equal monthly increments totaling \$46,712,500 in fiscal year 2004 8499
and \$94,359,250 in fiscal year 2005 from the Highway Operating 8500
Fund, established in section 5735.291 of the Revised Code, to the 8501
Gasoline Excise Tax Fund established in division (A) of section 8502
5735.27 of the Revised Code. The monthly amounts transferred 8503
pursuant to this section shall be distributed as follows: 8504
forty-two and eighty-six hundredths (42.86) per cent shall be 8505
distributed among the municipal corporations within the state in 8506
accordance with division (A)(2) of section 5735.27 of the Revised 8507
Code; thirty-seven and fourteen hundredths (37.14) per cent shall 8508
be distributed among the counties within the state in accordance 8509
with division (A)(3) of section 5735.27 of the Revised Code; and 8510
twenty (20) per cent shall be distributed among the townships 8511
within the state in accordance with division (A)(5) of section 8512
5735.27 of the Revised Code. 8513

Section 14. DEV DEPARTMENT OF DEVELOPMENT 8514

State Special Revenue Fund Group 8515
4W0 195-629 Roadwork Development \$ 12,699,900 \$ 12,699,900 8516
TOTAL SSR State Special Revenue 8517
Fund Group \$ 12,699,900 \$ 12,699,900 8518
TOTAL ALL BUDGET FUND GROUPS \$ 12,699,900 \$ 12,699,900 8519

ROADWORK DEVELOPMENT FUND 8520

The Roadwork Development Fund shall be used for road 8521
improvements associated with economic development opportunities 8522
that will retain or attract businesses for Ohio. "Road 8523
improvements" are improvements to public roadway facilities 8524
located on, or serving or capable of serving, a project site. 8525

The Department of Transportation, under the direction of the 8526
Department of Development, shall provide these funds in accordance 8527
with all guidelines and requirements established for Department of 8528
Development appropriation item 195-412, Business Development, 8529

including Controlling Board review and approval as well as the 8530
requirements for usage of gas tax revenue prescribed in Section 5a 8531
of Article XII, Ohio Constitution. Should the Department of 8532
Development require the assistance of the Department of 8533
Transportation to bring a project to completion, the Department of 8534
Transportation shall use the authority under Title LV of the 8535
Revised Code to provide such assistance and enter into contracts 8536
on behalf of the Department of Development. In addition, these 8537
funds may be used in conjunction with appropriation item 195-412, 8538
Business Development, or any other state funds appropriated for 8539
infrastructure improvements. 8540

The Director of Budget and Management, pursuant to a plan 8541
submitted by the Department of Development or as otherwise 8542
determined by the Director of Budget and Management, shall set a 8543
cash transfer schedule to meet the cash needs of the Department of 8544
Development's Roadwork Development Fund (Fund 4W0), less any other 8545
available cash. The director shall transfer to the Roadwork 8546
Development Fund from the Highway Operating Fund (Fund 002), 8547
established in section 5735.291 of the Revised Code, such amounts 8548
at such times as determined by the transfer schedule. 8549

TRANSPORTATION IMPROVEMENT DISTRICTS 8550

Notwithstanding section 5540.151 of the Revised Code, 8551
\$250,000 in each fiscal year of the biennium of the foregoing 8552
appropriation item 195-629, Roadwork Development, shall be paid by 8553
the Director of Development to each of the transportation 8554
improvement districts of Butler, Hamilton, Lorain, Medina, 8555
Montgomery, and Stark counties. The transportation improvement 8556
districts may use the payments for any purpose authorized under 8557
Chapter 5540. of the Revised Code, including administrative 8558
activities and the purchase of property and rights for the 8559
construction, maintenance, or operation of a project. These 8560
payments shall not be subject to the restrictions of appropriation 8561

item 195-629, Roadwork Development. 8562

Section 15. PWC PUBLIC WORKS COMMISSION 8563

Local Transportation Improvements Fund Group 8564

052 150-402 LTIP - Operating \$ 291,946 \$ 298,441 8565

052 150-701 Local Transportation \$ 67,500,000 \$ 67,500,000 8566

Improvement Program

TOTAL 052 Local Transportation 8567

Improvements Fund Group \$ 67,791,946 \$ 67,798,441 8568

Local Infrastructure Improvements Fund Group 8569

038 150-321 SCIP - Operating \$ 884,239 \$ 906,324 8570

Expenses

TOTAL LIF Local Infrastructure 8571

Improvements Fund Group \$ 884,239 \$ 906,324 8572

TOTAL ALL BUDGET FUND GROUPS \$ 68,676,185 \$ 68,704,765 8573

DISTRICT ADMINISTRATION COSTS 8574

The Director of the Public Works Commission is authorized to 8575

create a District Administration Costs Program from interest 8576

earnings of the Capital Improvements Fund and Local Transportation 8577

Improvement Program Fund proceeds. This program shall be used to 8578

provide for administration costs of the nineteen public works 8579

districts for the direct costs of district administration. 8580

Districts choosing to participate in this program shall only 8581

expend Capital Improvements Fund moneys for Capital Improvements 8582

Fund costs and Local Transportation Improvement Program Fund 8583

moneys for Local Transportation Improvement Program Fund costs. 8584

The account shall not exceed \$760,000 per fiscal year. Each public 8585

works district may be eligible for up to \$40,000 per fiscal year 8586

from its district allocation as provided in sections 164.08 and 8587

164.14 of the Revised Code. 8588

The director, by rule, shall define allowable and 8589

nonallowable costs for the purpose of the District Administration 8590
Costs Program. Nonallowable costs include indirect costs, elected 8591
official salaries and benefits, and project-specific costs. No 8592
district public works committee may participate in the District 8593
Administration Costs Program without the approval of those costs 8594
by the district public works committee pursuant to section 164.04 8595
of the Revised Code. 8596

REAPPROPRIATIONS 8597

All capital appropriations from the Local Transportation 8598
Improvement Program Fund (Fund 052) in Sub. H.B. 73 of the 124th 8599
General Assembly remaining unencumbered as of June 30, 2003, are 8600
reappropriated for use during the period July 1, 2003, through 8601
June 30, 2004, for the same purpose. 8602

Notwithstanding division (B) of section 127.14 of the Revised 8603
Code, all capital appropriations and reappropriations from the 8604
Local Transportation Improvement Program Fund (Fund 052) in this 8605
act remaining unencumbered as of June 30, 2004, are reappropriated 8606
for use during the period July 1, 2004, through June 30, 2005, for 8607
the same purpose, subject to the availability of revenue as 8608
determined by the Director of the Public Works Commission. 8609

Section 16. (A) The Chief of the Division of Forestry may 8610
salvage and sell timber and other forest products from the state 8611
forests with the exception of the Shawnee Wilderness Area, as 8612
defined in section 1503.43 of the Revised Code, that had been 8613
felled or damaged by weather, natural forces, and conditions with 8614
the approval of the Attorney General and the Director of Natural 8615
Resources. 8616

(B) Except as otherwise provided in this section, a timber 8617
salvage and sale and agreement shall be executed in compliance 8618
with the terms and conditions set forth in section 1503.05 of the 8619
Revised Code. 8620

(C) All moneys received from the salvage and sale of timber and forest products from these lands shall be paid into the state treasury. Twenty per cent of the moneys received shall be credited to the state forest fund for the purposes of restoring public access to and within state forests, which shall include highway and road cleaning, reconstruction, and maintenance. The moneys received also may be used for forest management programs, including re-forestation, forest reclamation, and forest management practices. Ten per cent of the moneys received shall be credited to the General Revenue Fund.

(D) At the time of making such a payment or deposit, the Chief shall determine the amount and gross value of all such timber and forest products sold from lands in each county, each township within the county, and each school district within the county. Afterward, the Chief shall send to each county treasurer a copy of the determination and shall provide for payment to the county treasurer, for general use of the general fund of that county from the amount so received as provided in this division, an amount equal to seventy per cent of the gross value of the timber and forest products sold in that county. The county auditor shall do all of the following:

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county;

(2) Pay into the general fund of any township located within the county containing such lands one-fourth of the amount received by the county from timber and forest products sold from lands located in the township;

(3) Request the board of education of any school district located within the county and containing such lands to identify which fund or funds of the district should receive the moneys available to the school district under this section. After receiving notice from the board, the county auditor shall pay into

the fund or funds so identified one-half of the amount received by 8653
the county from timber and forest products sold from lands located 8654
in the school district, distributed proportionately as identified 8655
by the board. 8656

(E) When both damaged and undamaged timber are harvested, the 8657
Chief of the Division of Forestry shall estimate the proportion of 8658
damaged timber to total timber harvested. The Chief shall credit 8659
the proportion of undamaged timber as it applies in section 8660
1503.05 of the Revised Code. The undamaged proportion shall be 8661
allocated according to this section. 8662

(F) This section shall expire two years after its effective 8663
date. This section is not subject to the referendum. Therefore, 8664
under Ohio Constitution, Article II, Section 1d and section 1.471 8665
of the Revised Code, this section goes into immediate effect when 8666
this act becomes law. 8667

Section 17. That Sections 78 and 78.02 of Am. Sub. H.B. 94 of 8668
the 124th General Assembly be amended to read as follows: 8669

Sec. 78. DNR DEPARTMENT OF NATURAL RESOURCES 8670

General Revenue Fund 8671

GRF 725-401 Wildlife - GRF Central \$ 750,000 \$ 750,000 8672

Support

GRF 725-404 Fountain Square Rental \$ 1,092,400 \$ 1,089,100 8673

Payments - OBA

GRF 725-407 Conservation Reserve \$ 1,920,400 \$ 1,920,400 8674

Enhancement Program

GRF 725-412 Reclamation Commission \$ 67,123 \$ 70,971 8675

GRF 725-413 OPFC Lease Rental \$ 16,211,500 \$ 14,279,000 8676

Payments

GRF 725-423 Stream and Ground \$ 448,745 \$ 478,214 8677

Water Gauging

GRF 725-425	Wildlife License	\$	1,000,000	\$	1,000,000	8678
	Reimbursement					
GRF 725-456	Canal Lands	\$	397,811	\$	407,756	8679
GRF 725-502	Soil and Water	\$	12,126,462	\$	12,621,123	8680
	Districts					
GRF 725-903	Natural Resources	\$	19,001,100	\$	22,101,900	8681
	General Obligation					
	Debt Service					
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345	8682
GRF 728-321	Division of Geological	\$	2,269,911	\$	2,432,974	8683
	Survey					
GRF 729-321	Office of Information	\$	1,072,960	\$	1,985,667	8684
	Technology					
GRF 730-321	Division of Parks and	\$	35,651,542	\$	37,972,382	8685
	Recreation					
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581	8686
GRF 736-321	Division of	\$	3,709,501	\$	3,918,766	8687
	Engineering					
GRF 737-321	Division of Soil and	\$	4,675,812	\$	4,879,744	8688
	Water					
GRF 738-321	Division of Real	\$	2,540,554	\$	2,669,042	8689
	Estate and Land					
	Management					
GRF 741-321	Division of Natural	\$	3,439,427	\$	3,616,940	8690
	Areas and Preserves					
GRF 744-321	Division of Mineral	\$	3,946,725	\$	4,162,882	8691
	Resources Management					
TOTAL GRF	General Revenue Fund	\$	124,566,359	\$	131,479,787	8692
	General Services Fund Group					8693
155 725-601	Departmental Projects	\$	2,216,594	\$	1,913,242	8694
157 725-651	Central Support	\$	8,009,551	\$	8,423,094	8695
	Indirect					
158 725-604	Natural Resources	\$	94,198	\$	94,595	8696

		Publication Center					
		Intrastate					
161	725-635	Parks Facilities	\$	2,993,169	\$	3,063,124	8697
		Maintenance					
162	725-625	Civilian Conservation	\$	7,885,349			8698
		Corps Operations					
204	725-687	Information Services	\$	3,010,774	\$	3,971,856	8699
206	725-689	REALM Support Services	\$	475,000	\$	475,000	8700
207	725-690	Real Estate Services	\$	50,000	\$	54,000	8701
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	8702
4S9	725-622	NatureWorks Personnel	\$	759,143	\$	832,528	8703
4X8	725-662	Water Resources	\$	275,633	\$	282,524	8704
		Council					
430	725-671	Canal Lands	\$	1,215,441	\$	1,259,511	8705
508	725-684	Natural Resources	\$	239,538	\$	245,808	8706
		Publication Center					
		Interstate					
510	725-631	Maintenance -	\$	224,926	\$	229,710	8707
		state-owned residences					
516	725-620	Water Management	\$	2,459,256	\$	2,522,146	8708
635	725-664	Fountain Square	\$	2,755,109	\$	2,821,999	8709
		Facilities Management					
697	725-670	Submerged Lands	\$	589,315	\$	615,000	8710
		TOTAL GSF General Services					8711
		Fund Group	\$	33,302,996	\$	34,912,852	8712
		Federal Special Revenue Fund Group					8713
3B3	725-640	Federal Forest	\$	55,000	\$	55,000	8714
		Pass-Thru					
3B4	725-641	Federal Flood	\$	190,000	\$	190,000	8715
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	9,908,408	\$	10,125,056	8716
		Lands					
3B6	725-653	Federal Land and Water	\$	3,559,697	\$	3,689,697	8717

		Conservation Grants				
3B7	725-654	Reclamation -	\$	1,788,579	\$	1,799,459 8718
		Regulatory				
3P0	725-630	Natural Areas and	\$	230,000	\$	230,000 8719
		Preserves - Federal				
3P1	725-632	Geological Survey -	\$	381,910	\$	366,303 8720
		Federal				
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289 8721
3P3	725-650	Real Estate and Land	\$	2,980,975	\$	3,184,300 8722
		Management - Federal				
3P4	725-660	Water - Federal	\$	180,000	\$	180,000 8723
3R5	725-673	Acid Mine Drainage	\$	600,000	\$	613,200 8724
		Abatement/Treatment				
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000 8725
332	725-669	Federal Mine Safety	\$	136,423	\$	141,880 8726
		Grant				
TOTAL FED		Federal Special Revenue				8727
Fund Group			\$	21,400,693	\$	21,965,184 8728
State Special Revenue Fund Group						8729
4J2	725-628	Injection Well Review	\$	51,742	\$	61,638 8730
4M7	725-631	Wildfire Suppression	\$	150,310	\$	150,000 8731
4U6	725-668	Scenic Rivers	\$	500,000	\$	510,000 8732
		Protection				
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000 8733
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000 8734
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000 8735
		Administration				
509	725-602	State Forest	\$	1,489,013	\$	1,536,595 8736
						<u>2,536,595</u>
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899 8737
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146 8738
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305 8739
518	725-643	Oil and Gas Permit	\$	1,821,252	\$	1,821,325 8740

		Fees				
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000 8741
		Plugging				
521	725-627	Off-Road Vehicle	\$	66,213	\$	68,490 8742
		Trails				
522	725-656	Natural Areas Checkoff	\$	1,508,080	\$	1,860,670 8743
		Funds				
526	725-610	Strip Mining	\$	1,480,566	\$	1,449,459 8744
		Administration Fees				
527	725-637	Surface Mining	\$	2,963,272	\$	3,093,938 8745
		Administration				
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327 8746
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087 8747
532	725-644	Litter Control and	\$	13,137,680	\$	13,311,365 8748
		Recycling				
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000 8749
615	725-661	Dam Safety	\$	244,442	\$	259,758 8750
		TOTAL SSR State Special Revenue				8751
		Fund Group	\$	61,594,456	\$	63,822,002 8752
						<u>64,822,002</u>
		Wildlife Fund Group				8753
015	740-401	Division of Wildlife	\$	46,177,752	\$	48,713,747 8754
		Conservation				
815	725-636	Cooperative Management	\$	156,536	\$	160,449 8755
		Projects				
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885 8756
817	725-655	Wildlife Conservation	\$	1,435,567	\$	1,472,755 8757
		Checkoff Fund				
818	725-629	Cooperative Fisheries	\$	964,470	\$	988,582 8758
		Research				
819	725-685	Ohio River Management	\$	125,448	\$	128,584 8759
		TOTAL WLF Wildlife Fund Group	\$	49,803,076	\$	52,431,002 8760
		Waterways Safety Fund Group				8761

086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	8762
086	725-416	Natural Areas Marine	\$	25,000	\$	0	8763
		Patrol					
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	8764
086	725-418	Buoy Placement	\$	41,153	\$	42,182	8765
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	8766
086	725-506	Watercraft Marine	\$	562,100	\$	576,153	8767
		Patrol					
086	725-513	Watercraft Educational	\$	357,700	\$	366,643	8768
		Grants					
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158	8769
TOTAL WSF Waterways Safety Fund							8770
Group			\$	21,026,671	\$	21,969,500	8771
Holding Account Redistribution Fund Group							8772
R17	725-659	Performance Cash Bond	\$	251,500	\$	252,000	8773
		Refunds					
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	8774
TOTAL 090 Holding Account							8775
Redistribution Fund Group			\$	2,001,500	\$	2,002,000	8776
Accrued Leave Liability Fund Group							8777
4M8	725-675	FOP Contract	\$	19,609	\$	20,844	8778
TOTAL ALF Accrued Leave							8779
Liability Fund Group			\$	19,609	\$	20,844	8780
TOTAL ALL BUDGET FUND GROUPS							8781
						<u>328,603,171</u>	
						<u>329,603,171</u>	

The review and acceptance of amended articles of dedication 8782
under section 1517.05 of the Revised Code, as amended by ~~this act~~ 8783
Am. Sub. H.B. 94 of the 124th General Assembly, is an 8784
administrative function that is performed by the Department of 8785
Natural Resources. The amendments to that section clarify the 8786
manner in which such reviews are to be conducted. The reviews 8787
contemplated by section 1517.05 of the Revised Code, as amended by 8788

~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly, shall be 8789
funded by the general appropriation to the Department of Natural 8790
Resources under this section. 8791

Sec. 78.02. CENTRAL SUPPORT INDIRECT 8792

With the exception of the Division of Wildlife, whose 8793
indirect central support charges shall be paid out of the General 8794
Revenue Fund from the foregoing appropriation item 725-401, 8795
Wildlife - GRF Central Support, the Department of Natural 8796
Resources, with the approval of the Director of Budget and 8797
Management, shall utilize a methodology for determining each 8798
division's payments into the Central Support Indirect Fund (Fund 8799
157). The methodology used shall contain the characteristics of 8800
administrative ease and uniform application. Payments to the 8801
Central Support Indirect Fund shall be made using an intrastate 8802
transfer voucher. 8803

WILDLIFE LICENSE REIMBURSEMENT 8804

Notwithstanding the limits of the transfer from the General 8805
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 8806
of the Revised Code, up to the amount available in appropriation 8807
item 725-425, Wildlife License Reimbursement, may be transferred 8808
from the General Revenue Fund to the Wildlife Fund (Fund 015). 8809
Pursuant to the certification of the Director of Budget and 8810
Management of the amount of foregone revenue in accordance with 8811
section 1533.15 of the Revised Code, the foregoing appropriation 8812
item in the General Revenue Fund, appropriation item 725-425, 8813
Wildlife License Reimbursement, shall be used to reimburse the 8814
Wildlife Fund (Fund 015) for the cost of hunting and fishing 8815
licenses and permits issued after June 30, 1990, to individuals 8816
who are exempted under the Revised Code from license, permit, and 8817
stamp fees. 8818

SOIL AND WATER DISTRICTS 8819

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 in each fiscal year shall be distributed to the Muskingum Watershed Conservancy District and \$50,000 in each fiscal year shall be distributed to the Livestock Assurance Program.

Of the foregoing appropriation 725-502, Soil and Water Districts, \$136,000 shall be earmarked in fiscal year 2002 for Indian Lake, \$56,000 per fiscal year for the Conservation Action Program, \$48,000 in fiscal year 2002 for Millcreek Valley Conservation District, \$40,000 per fiscal year for Wills Creek Reservoir, \$120,000 in fiscal year 2002 for the relocation of Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and Rush Creek Flood Control project, and \$100,000 per fiscal year for Rush Creek Conservancy District. Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 shall be earmarked in each fiscal year for the Loramie Lake Project.

DIVISION OF SOIL AND WATER

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$220,000 in each fiscal year shall be distributed to the Water Quality Laboratory located at Heidelberg College.

CANAL LANDS 8852

The foregoing appropriation item 725-456, Canal Lands, shall 8853
be used to transfer funds to the Canal Lands Fund (Fund 430) to 8854
provide operating expenses for the State Canal Lands Program. The 8855
transfer shall be made using an intrastate transfer voucher and 8856
shall be subject to the approval of the Director of Budget and 8857
Management. 8858

STATE FOREST 8859

Of the foregoing appropriation item 725-602, State Forest, 8860
\$285,000 shall be used in fiscal year 2003 for the Civilian 8861
Conservation Corps' Camp Riffe facility in southern Ohio to aid in 8862
forestry cleanup and road clearing. This shall be the final state 8863
assistance to the Civilian Conservation Corps' Camp Riffe 8864
facility. 8865

WATERCRAFT MARINE PATROL 8866

Of the foregoing appropriation item 739-401, Division of 8867
Watercraft, not more than \$200,000 in each fiscal year shall be 8868
expended for the purchase of equipment for marine patrols 8869
qualifying for funding from the Department of Natural Resources 8870
pursuant to section 1547.67 of the Revised Code. Proposals for 8871
equipment shall accompany the submission of documentation for 8872
receipt of a marine patrol subsidy pursuant to section 1547.67 of 8873
the Revised Code and shall be loaned to eligible marine patrols 8874
pursuant to a cooperative agreement between the Department of 8875
Natural Resources and the eligible marine patrol. 8876

FUND CONSOLIDATION 8877

On July 15, 2001, or as soon thereafter as possible, the 8878
Director of Budget and Management shall transfer the cash balances 8879
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 8880
any amounts that accrue to that fund after that date, to the 8881
Wildlife Education Fund (Fund 015). The Director shall cancel any 8882

remaining outstanding encumbrances against appropriation item 8883
725-612, Wildlife Education, and reestablish them against 8884
appropriation item 740-401, Division of Wildlife Conservation. The 8885
amounts of any encumbrances canceled and reestablished are 8886
appropriated. 8887

On July 15, 2001, or as soon thereafter as possible, the 8888
Director of Budget and Management shall transfer the cash balances 8889
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 8890
30, 2001, and any amounts that accrue to that fund after that 8891
date, to the Waterways Safety Fund (Fund 086). The director shall 8892
cancel any remaining outstanding encumbrances against 8893
appropriation item 725-614, Cooperative Boat Harbor Projects, and 8894
reestablish them against appropriation item 739-401, Division of 8895
Watercraft. The amounts of any encumbrances canceled and 8896
reestablished are hereby appropriated. 8897

On July 15, 2001, or as soon thereafter as possible, the 8898
Director of Budget and Management shall transfer the cash balances 8899
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 8900
and any amounts that accrue to that fund after that date, to the 8901
State Forest Fund (Fund 509). The director shall cancel any 8902
remaining outstanding encumbrances against appropriation item 8903
725-617, Forestry Development Fund, and reestablish them against 8904
appropriation item 725-602, State Forest. The amounts of any 8905
encumbrances canceled and reestablished are appropriated. No 8906
interest shall be credited to Fund 4B8 after June 30, 2001. 8907

On July 15, 2001, or as soon thereafter as possible, the 8908
Director of Budget and Management shall transfer the cash balance 8909
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 8910
the repeal of section 1507.12 of the Revised Code in this act, to 8911
the Burr Oak Regional Water District. 8912

PARKS FACILITIES MAINTENANCE 8913

Notwithstanding section 1541.221 of the Revised Code, the 8914
first \$1,100,000 that would be transferred to the Parks Facilities 8915
Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained 8916
by the State Park Fund (Fund 512). The difference between ten per 8917
cent of the receipts from revenue-producing facilities of the 8918
division of parks and recreation and \$1,100,000 shall be 8919
transferred to the Parks Facilities Maintenance Fund in fiscal 8920
year 2002. 8921

OIL AND GAS WELL PLUGGING 8922

The foregoing appropriation item 725-677, Oil and Gas Well 8923
Plugging, shall be used exclusively for the purposes of plugging 8924
wells and to properly restore the land surface of idle and orphan 8925
oil and gas wells pursuant to section 1509.071 of the Revised 8926
Code. No funds from the appropriation item shall be used for 8927
salaries, maintenance, equipment, or other administrative 8928
purposes, except for those costs directly attributed to the 8929
plugging of an idle or orphan well. Appropriation authority from 8930
this line item shall not be transferred to any other fund or line 8931
item. 8932

Section 18. That existing Sections 78 and 78.02 of Am. Sub. 8933
H.B. 94 of the 124th General Assembly are hereby repealed. 8934

Section 19. That Section 25 of Am. Sub. H.B. 524 of the 124th 8935
General Assembly be amended to read as follows: 8936

Sec. 25. All items set forth in this section are hereby 8937
appropriated out of any moneys in the state treasury to the credit 8938
of the Parks and Recreation Improvement Fund (Fund 035) and 8939
derived from the proceeds of obligations heretofore authorized to 8940
pay costs of capital facilities, as defined in section 154.01 of 8941
the Revised Code, for parks and recreation. 8942

		Reappropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			8943
CAP-005	Cowan Lake State Park	\$ 51,964	8944
CAP-011	Findley State Park	\$ 22,856	8945
CAP-012	Land Acquisition	\$ 586,825	8946
CAP-016	Hueston Woods State Park	\$ 4,467	8947
CAP-017	Indian Lake State Park	\$ 5,288	8948
CAP-019	Lake Hope State Park	\$ 500	8949
CAP-025	Punderson State Park	\$ 7,763	8950
CAP-026	Pymatuning State Park	\$ 80,000	8951
CAP-051	Buck Creek State Park	\$ 3,050	8952
CAP-064	Geneva State Park	\$ 750	8953
CAP-069	Hocking Hills State Park	\$ 400	8954
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000	8955
CAP-162	Shawnee State Park	\$ 750	8956
CAP-205	Deer Creek State Park	\$ 18,800	8957
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 12,564,460	8958
CAP-331	Park Boating Facilities	\$ 1,061,800	8959
CAP-390	State Park Maintenance Facility Development	\$ 488,801	8960
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 1,033,254	8961
CAP-702	Upgrade Underground Storage Tanks	\$ 1,933,783	8962
CAP-703	Cap Abandoned Water Wells	\$ 250,000	8963
CAP-718	Grand Lake St. Mary's State Park	\$ 157,532	8964
CAP-719	Indian Lake State Park	\$ 11,945	8965
CAP-727	Riverfront Improvements	\$ 1,000,000	8966
CAP-744	Multi-Agency Radio Communication Equipment	\$ 425,000	8967
CAP-748	Local Parks Projects	\$ 1,572,000	8968
CAP-787	Scioto Riverfront Improvements	\$ 7,750,000	8969
CAP-789	Great Miami Riverfront Improvements	\$ 2,000,000	8970

CAP-821	State Park Dredging and Shoreline Protection	\$	300,000	8971
CAP-827	Cuyahoga Valley Scenic Railroad	\$	3,716,666	8972
CAP-836	State Parks Renovation/Upgrading	\$	350	8973
CAP-876	Statewide Trails Program	\$	1,272,680	8974
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000	8975
CAP-927	Mohican State Park	\$	50,571	8976
CAP-928	Handicapped Accessibility	\$	498,089	8977
CAP-929	Hazardous Waste/Asbestos Abatement	\$	785,978	8978
CAP-931	Wastewater/Water Systems Upgrade	\$	3,507,391	8979
	Total Department of Natural Resources	\$	46,703,443	8980
	Total Parks and Recreation Improvement Fund	\$	46,703,443	8981

LOCAL PARKS PROJECTS 8982

The following projects shall be funded from the foregoing 8983
reappropriation item CAP-748, Local Parks Projects: \$500,000 for 8984
Erie Metro Parks Land Acquisition; \$40,000 for Grove City Fryer 8985
Park Improvements; \$12,500 for ~~Big Prairie/Lakeville~~ Berlin 8986
Township Park Improvements; \$25,000 for Holmes County Park 8987
Improvements; \$25,000 for Stockport Village Park Improvements; 8988
\$50,000 for Silver Park Improvements, \$6,500 for Crossroads Park 8989
Improvements; \$38,000 for Wauseon Park Land Acquisition; \$150,000 8990
for Black Swamp Land Acquisition; \$75,000 for the Walbridge Parks 8991
Improvements; and \$100,000 by the West Creek Preservation 8992
Committee for a West Creek Watershed Project. 8993

SCIOTO RIVERFRONT IMPROVEMENTS 8994

Of the foregoing reappropriation item CAP-787, Scioto 8995
Riverfront Improvements, \$7,750,000 shall be used for Spring and 8996
Long Park. 8997

STATEWIDE TRAILS PROGRAM 8998

Of the foregoing reappropriation item CAP-876, Statewide 8999
Trails Program, \$50,000 shall be used for the Lake to River 9000

Greenway Bike Path in Trumbull County.	9001
FEDERAL REIMBURSEMENT	9002
All reimbursements received from the federal government for	9003
any expenditures made pursuant to this section shall be deposited	9004
in the state treasury to the credit of the Parks and Recreation	9005
Improvement Fund.	9006
Section 20. That existing Section 25 of Am. Sub. H.B. 524 of	9007
the 124th General Assembly is hereby repealed.	9008
Section 21. PROVISIONS OF LAW GENERALLY APPLICABLE TO	9009
APPROPRIATIONS	9010
Law contained in the main operating appropriations act of the	9011
125th General Assembly that is generally applicable to the	9012
appropriations made in the main operating appropriations act also	9013
is generally applicable to the appropriations made in this act.	9014
Section 22. LEASE PAYMENTS TO OBA AND TREASURER	9015
Certain appropriations are in this act for the purpose of	9016
lease payments to the Ohio Building Authority or to the Treasurer	9017
of State pursuant to leases and agreements relating to bonds or	9018
notes issued by the Ohio Building Authority or the Treasurer of	9019
State pursuant to the Ohio Constitution and acts of the General	9020
Assembly. If it is determined that additional appropriations are	9021
necessary for this purpose, such amounts are hereby appropriated.	9022
Section 23. In accordance with the Department of	9023
Transportation's existing schedule for reconstruction of	9024
Interstate Route 71, the Department shall open and mark the third	9025
lane of travel in both the northbound and southbound lanes of	9026
Interstate Route 71, from one mile south of State Route 18 to the	9027
interchange with State Route 303.	9028

Section 24. Sections 1 to 9 of Am.Sub. H.B. 512 of the 124th 9029
General Assembly take effect July 1, 2003. 9030

This section is not subject to the referendum. Therefore, 9031
under Ohio Constitution, Article II, Section 1d and section 1.471 9032
of the Revised Code, this section goes into immediate effect when 9033
this act becomes law. 9034

Section 25. (A) There is hereby created the Biofuel and 9035
Renewable Energy Task Force, which shall consist of seven members 9036
as follows: 9037

(1) Two members of the Senate appointed by the President of 9038
the Senate, one of whom shall be a member of the majority party 9039
and one of whom shall be a member of the minority party; 9040

(2) Two members of the House of Representatives appointed by 9041
the Speaker of the House of Representatives, one of whom shall be 9042
a member of the majority party and one of whom shall be a member 9043
of the minority party; 9044

(3) One member appointed by the Governor; 9045

(4) One member appointed by the Director of Agriculture; 9046

(5) One member appointed by the Director of Development. 9047

Appointments shall be made and the Task Force shall hold its 9048
first meeting not later than September 1, 2003. The member 9049
appointed by the Director of Agriculture shall serve as the 9050
chairperson and the Task Force shall elect from its members a 9051
vice-chairperson. 9052

(B) Not later than March 1, 2004, the Biofuel and Renewable 9053
Energy Task Force shall submit a report to the General Assembly 9054
and the Governor. The report shall do all of the following: 9055

(1) Provide an overview of the industries of biofuel and 9056
other renewable energy sources in this state; 9057

(2) Describe the condition of those industries in this state 9058
and describe state programs that are providing aid or financial 9059
assistance to those industries; 9060

(3) Provide a comparison of the status of the industries of 9061
biofuel and other renewable energy sources in this state and of 9062
those of the surrounding states; 9063

(4) Include recommendations to the General Assembly for 9064
expanding the industries of biofuel and other renewable energy 9065
sources in this state and for providing methods to fund biofuel 9066
and renewable energy projects or studies. 9067

Following submission of the report, the Task Force shall 9068
cease to exist. 9069

Section 26. Except as otherwise specifically provided in this 9070
act, the codified sections of law amended or enacted in this act, 9071
and the items of law of which the codified sections of law amended 9072
or enacted in this act are composed, are subject to the 9073
referendum. Therefore, under Ohio Constitution, Article II, 9074
Section 1c and section 1.471 of the Revised Code, the codified 9075
sections of law amended or enacted by this act, and the items of 9076
law of which the codified sections of law as amended or enacted by 9077
this act are composed, take effect on the ninety-first day after 9078
this act is filed with the Secretary of State. If, however, a 9079
referendum petition is filed against any such codified section of 9080
law as amended or enacted by this act, or against any item of law 9081
of which any such codified section of law as amended or enacted by 9082
this act is composed, the codified section of law as amended or 9083
enacted, or item of law, unless rejected at the referendum, takes 9084
effect at the earliest time permitted by law. 9085

Section 27. Sections 4501.21, 4503.50, 4503.51, 4503.55, 9086
4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 9087

4503.72, 4503.73, 4503.75, 5502.39, 5531.10, 5728.06, 5735.23, 9088
5735.27, 5735.29, 5735.291, and 5735.292 of the Revised Code, as 9089
amended or enacted by this act, and the items of law of which such 9090
sections as amended or enacted by this act are composed, are not 9091
subject to the referendum. Therefore, under Ohio Constitution, 9092
Article II, Section 1d and section 1.471 of the Revised Code, such 9093
sections as amended or enacted by this act, and the items of law 9094
of which such sections as amended or enacted by this act are 9095
composed, go into immediate effect when this act becomes law. 9096

This section is not subject to the referendum. Therefore, 9097
under Ohio Constitution, Article II, Section 1d and section 1.471 9098
of the Revised Code, this section goes into immediate effect when 9099
this act becomes law. 9100

Section 28. The repeal by this act of sections 4501.20, 9101
4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 9102
4501.40, 4501.41, 4501.61, 4501.71, and 4503.251 of the Revised 9103
Code is not subject to the referendum. Therefore, under Ohio 9104
Constitution, Article II, Section 1d and section 1.471 of the 9105
Revised Code, such repeals go into immediate effect when this act 9106
becomes law. 9107

This section is not subject to the referendum. Therefore, 9108
under Ohio Constitution, Article II, Section 1d and section 1.471 9109
of the Revised Code, this section goes into immediate effect when 9110
this act becomes law. 9111

Section 29. Notwithstanding the effective date of the 9112
amendments to sections 3704.14, 4503.103, and 4503.11 of the 9113
Revised Code relating to a program of biennial motor vehicle 9114
registration, the Bureau of Motor Vehicles is not required to have 9115
such a program in operation until January 1, 2004. 9116

Section 30. If the amendment or enactment in this act of a 9117

codified section of law is subject to the referendum, the 9118
corresponding indications in the amending, enacting, or existing 9119
repeal clauses commanding the amendment or enactment also are 9120
subject to the referendum, along with the amendment or enactment. 9121
If the amendment, enactment, or repeal by this act of a codified 9122
or uncodified section of law is not subject to the referendum, the 9123
corresponding indications in the amending, enacting, or repeal 9124
clauses commanding the amendment, enactment, or repeal also are 9125
not subject to the referendum, the same as the amendment, 9126
enactment, or repeal. 9127

This section is not subject to the referendum. Therefore, 9128
under Ohio Constitution, Article II, Section 1d and section 1.471 9129
of the Revised Code, this section goes into immediate effect when 9130
this act becomes law. 9131

Section 31. The items in the uncodified sections of law 9132
contained in this act that appropriate money for the current 9133
expenses of state government, earmark this class of 9134
appropriations, or depend for their implementation upon an 9135
appropriation for the current expenses of state government are not 9136
subject to the referendum. Therefore, under Ohio Constitution, 9137
Article II, Section 1d and section 1.471 of the Revised Code, 9138
these items go into immediate effect when this act becomes law. 9139

The items in the uncodified sections of law contained in this 9140
act that appropriate money other than for the current expenses of 9141
state government, earmark this class of appropriations, or do not 9142
depend for their implementation upon an appropriation for the 9143
current expenses of state government are subject to the 9144
referendum. Therefore, under Ohio Constitution, Article II, 9145
Section 1c and section 1.471 of the Revised Code, these items take 9146
effect on the ninety-first day after this act is filed with the 9147
Secretary of State. If, however, a referendum petition is filed 9148

against such an item, the item, unless rejected at the referendum, 9149
takes effect at the earliest time permitted by law. 9150

This section is not subject to the referendum. Therefore, 9151
under Ohio Constitution, Article II, Section 1d and section 1.471 9152
of the Revised Code, this section goes into immediate effect when 9153
this act becomes law. 9154

Section 32. Section 4503.10 of the Revised Code is presented 9155
in Section 1 of this act as a composite of the section as amended 9156
by Am. Sub. H.B. 94, S.B. 31, and Sub. S.B. 59, all of the 124th 9157
General Assembly. The General Assembly, applying the principle 9158
stated in division (B) of section 1.52 of the Revised Code that 9159
amendments are to be harmonized if reasonably capable of 9160
simultaneous operation, finds that the composite is the resulting 9161
version of the section in effect prior to the effective date of 9162
the section as presented in Section 1 of this act. 9163

Section 33. The version of section 4503.10 of the Revised 9164
Code that is scheduled to take effect January 1, 2004, is 9165
presented in this act as a composite of the section as amended by 9166
both Sub. S.B. 59 and Am. Sub. S.B. 123 of the 124th General 9167
Assembly. The General Assembly, applying the principle stated in 9168
division (B) of section 1.52 of the Revised Code that amendments 9169
are to be harmonized if reasonably capable of simultaneous 9170
operation, finds that the composite is the resulting version of 9171
the section in effect prior to the effective date of the section 9172
as presented in this act. 9173

Section 34. Section 4503.51 of the Revised Code is presented 9174
in this act as a composite of the section as amended by both Am. 9175
Sub. H.B. 210 and Am. Sub. H.B. 224 of the 122nd General Assembly. 9176
The General Assembly, applying the principle stated in division 9177
(B) of section 1.52 of the Revised Code that amendments are to be 9178

harmonized if reasonably capable of simultaneous operation, finds 9179
that the composite is the resulting version of the section in 9180
effect prior to the effective date of the section as presented in 9181
this act. 9182

This section is not subject to the referendum. Therefore, 9183
under Ohio Constitution, Article II, Section 1d and section 1.471 9184
of the Revised Code, this section goes into immediate effect when 9185
this act becomes law. 9186

Section 35. (A) Section 4503.55 of the Revised Code is 9187
presented in this act as a composite of the section as amended by 9188
both Am. Sub. H.B. 210 and Am. Sub. H.B. 224 of the 122nd General 9189
Assembly. The General Assembly, applying the principle stated in 9190
division (B) of section 1.52 of the Revised Code that amendments 9191
are to be harmonized if reasonably capable of simultaneous 9192
operation, finds that the composite is the resulting version of 9193
the section in effect prior to the effective date of the section 9194
as presented in this act. 9195

(B) Section 5735.23 of the Revised Code is presented in this 9196
act as a composite of the section as amended by both H.B. 612 and 9197
Am. Sub. H.B. 640 of the 123rd General Assembly. The General 9198
Assembly, applying the principle stated in division (B) of section 9199
1.52 of the Revised Code that amendments are to be harmonized if 9200
reasonably capable of simultaneous operation, finds that the 9201
composite is the resulting version of the section in effect prior 9202
to the effective date of the section as presented in this act. 9203

(C) This section is not subject to the referendum. Therefore, 9204
under Ohio Constitution, Article II, Section 1d and section 1.471 9205
of the Revised Code, this section goes into immediate effect when 9206
this act becomes law. 9207

Section 36. If any item of law that constitutes the whole or 9208

part of a codified or uncodified section of law contained in this 9209
act, or if any application of any item of law that constitutes the 9210
whole or part of a codified or uncodified section of law contained 9211
in this act, is held invalid, the invalidity does not affect other 9212
items of law or applications of items of law that can be given 9213
effect without the invalid item of law or application. To this 9214
end, the items of law of which the codified and uncodified 9215
sections contained in this act are composed, and their 9216
applications, are independent and severable. 9217

This section is not subject to the referendum. Therefore, 9218
under Ohio Constitution, Article II, Section 1d and section 1.471 9219
of the Revised Code, this section goes into immediate effect when 9220
this act becomes law. 9221