

As Reported by the Committee of Conference

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 87

Representatives Buehrer, Setzer

Senator Armbruster

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

operation of those programs, and to amend the 25
versions of sections 1547.11, 4503.10, 4503.11,
4503.182, 4511.19, and 4513.111 of the Revised 26
Code that are scheduled to take effect January 1, 27
2004. 28
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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, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67,
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4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 4503.75,
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4506.08, 4507.23, 4511.04, 4511.19, 4511.191, 4511.197, 4513.111,
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4513.52, 4513.53, 4921.02, 5501.20, 5501.34, 5501.45, 5502.02,
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5517.011, 5517.02, 5525.20, 5531.10, 5543.19, 5575.01, 5577.042,
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5728.06, 5735.142, 5735.23, 5735.27, 5735.29, and 5735.291 be
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amended and sections 117.16, 117.161, 4501.21, 4921.30, 5501.53,
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5502.39, 5535.16, 5543.22, and 5735.292 of the Revised Code be
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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+1 205

(2) The person has a concentration of ~~ten-hundredths~~ 206
eight-hundredths of one per cent or more by weight of alcohol in 207
the person's blood~~+~~. 208

(3) The person has a concentration of ~~fourteen-hundredths~~ 209
eleven-hundredths of one gram or more by weight of alcohol per one 210
hundred milliliters of the person's urine~~+~~. 211

(4) The person has a concentration of ~~ten-hundredths~~ 212
eight-hundredths of one gram or more by weight of alcohol per two 213
hundred ten liters of the person's breath. 214

(B) No person under twenty-one years of age shall operate or 215
be in physical control of any vessel underway or shall manipulate 216
any water skis, aquaplane, or similar device on the waters in this 217
state if any of the following applies: 218

(1) The person has a concentration of at least two-hundredths 219
of one per cent, but less than ~~ten-hundredths~~ eight-hundredths of 220
one per cent by weight of alcohol in the person's blood~~+~~. 221

(2) The person has a concentration of at least twenty-eight 222
one-thousandths of one gram, but less than ~~fourteen-hundredths~~ 223
eleven-hundredths of one gram by weight of alcohol per one hundred 224
milliliters of the person's urine~~+~~. 225

(3) The person has a concentration of at least two-hundredths 226
of one gram, but less than ~~ten-hundredths~~ eight-hundredths of one 227
gram by weight of alcohol per two hundred ten liters of the 228
person's breath. 229

(C) In any proceeding arising out of one incident, a person 230
may be charged with a violation of division (A)(1) and a violation 231
of division (B)(1), (2), or (3) of this section, but the person 232
shall not be convicted of more than one violation of those 233
divisions. 234

(D)(1) In any criminal prosecution or juvenile court 235

proceeding for a violation of division (A) or (B) of this section, 236
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 sign that reinspection stations licensed under division (C) of this section shall display in a conspicuous manner;

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

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

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

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

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

(a) In urban metropolitan statistical areas and consolidated

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 amendment~~ 552
September 27, 1993, other than Cuyahoga county. The commencement 553
date of the enhanced program in a county so classified as moderate 554
nonattainment for carbon monoxide or ozone on ~~the effective date~~ 555
~~of this amendment~~ September 27, 1993, for which the implementation 556
and supervision of the enhanced program was requested under 557
section 3704.142 of the Revised Code shall be January 1, 1995. The 558
commencement date of the program in any other affected counties, 559
other than Cuyahoga county, shall be the date established by the 560
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 583
station for which an application is filed that complies with this 584
section and rules adopted under it. Each application shall include 585
both of the following: 586

(a) A nonrefundable fee of one hundred dollars for each 587
initial license or a nonrefundable fee of fifty dollars for 588
renewal of any license; 589

(b) A demonstration that the reinspection station will comply 590
with this section and the director's rules adopted under it. 591

(2) Each licensee shall conduct reinspections as required by 592
the director's rules. The licensee shall provide an inspection 593
certificate for vehicles that pass a reinspection under this 594
section. 595

(3) A licensee shall charge the fee under the basic program 596
that is established under division (D)(7) of this section for any 597
reinspection performed by the licensee under this section. 598

(4) A licensee may charge each person for services. However, 599
fees for reinspection shall be separately stated from any other 600
charge to the person. 601

(5) No licensee shall require as a condition of performing a 602
reinspection that any needed repairs or adjustments to a vehicle 603
be done by the licensee. 604

(6) A licensee shall maintain and make available for 605
inspection by the director or the director's authorized 606
representative accurate records as required by rules adopted under 607
this section. 608

(7) The director shall credit the moneys the director 609
receives under division (C) of this section to the motor vehicle 610
inspection and maintenance fund created in division (I) of this 611

section. 612

(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	698 699 700 701 702 703 704

information included in the proposal also shall be in writing. The 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 993
contractor or licensee. 994

If the vehicle passes the reinspection, the contractor or 995
licensee shall give the owner an inspection certificate for the 996
vehicle. If the vehicle fails the reinspection, and the cost of 997
the repairs already performed on the vehicle is less than the 998
applicable waiver limit, the owner shall have additional repairs 999
performed on the vehicle in order to enable it to pass another 1000
reinspection. If, after repairs costing at least the applicable 1001
waiver limit have been performed on the vehicle under division 1002
(F)(1)(d) of this section, the vehicle fails the reinspection, but 1003
the reinspection indicates an improvement in tailpipe emissions of 1004
the pollutant concerning which the vehicle initially failed the 1005
inspection as specified in rules adopted under division (B)(3) of 1006
this section and if, following the repairs, no emission levels 1007
increase above the standard established by rules adopted under 1008
that division for any pollutant concerning which the vehicle did 1009
not initially fail, the contractor shall give the owner an 1010
inspection certificate for the vehicle that includes a waiver 1011
indicating that the vehicle did not pass the required inspection, 1012
but that the owner had repairs costing at least the applicable 1013
waiver limit performed on the vehicle. 1014

For the purposes of divisions (F)(1)(d) to (f) of this 1015
section, only a contractor may do either of the following: 1016

(i) Issue inspection certificates that include waivers; 1017

(ii) Notwithstanding any provision of those divisions, 1018
conduct reinspections of vehicles the district of registration of 1019
which is or is located in a county that is subject to the enhanced 1020
program under this section. 1021

(e) Except as otherwise provided in division (F)(1)(f) of 1022
this section, if the cost of the repairs that are necessary for 1023
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 limit have been performed on the vehicle under division (F)(1)(f) of this section, the vehicle fails the tailpipe reinspection, but the reinspection indicates an improvement in the 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 performed or had performed on the vehicle repairs costing at least the applicable waiver limit.

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

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

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

(a) Vehicles over twenty-five years old, as determined by model year, on the date on which proof of an annual inspection

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

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

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

(6) Notwithstanding division (F)(4) of this section and any contract entered into under this section prior to the effective date of this amendment, 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 five years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under Chapter 4503. of the Revised Code. A motor vehicle that is exempt from the motor vehicle inspection and maintenance program for a period of five years under this division remains exempt during that five-year period regardless of whether legal title to the

motor vehicle is transferred during that period. Division (F)(6) 1179
of this section applies to motor vehicles that are subject to a 1180
motor vehicle inspection and maintenance program conducted in 1181
accordance with a contract entered into under this section prior 1182
to the effective date of this amendment. Division (F)(4) of this 1183
section shall have no legal effect on and after the effective date 1184
of this amendment. 1185

(G) The owner of a fleet of twenty-five or more vehicles 1186
required to be inspected under this section, instead of having the 1187
owner's motor vehicles inspected by a contractor or reinspected by 1188
a contractor or a licensee, may conduct self-inspection of those 1189
vehicles in accordance with rules adopted by the director of 1190
environmental protection under this section. The rules shall 1191
establish, without limitation, requirements governing inspections 1192
and reinspections conducted by any such owner, any inspection 1193
stations owned and operated by any such owner for that purpose, 1194
and inspection equipment used for that purpose; an annual 1195
reporting requirement to assist the director in determining 1196
compliance with this division; and the method of and procedures 1197
for payment of a fee that shall not exceed three dollars for each 1198
vehicle that is included in the self-inspection program. 1199

(H) The federal government, the state, any political 1200
subdivision, and any agency or instrumentality of those entities, 1201
in accordance with rules adopted by the director of environmental 1202
protection under this section, shall have inspected by a 1203
contractor or reinspected by a contractor or a licensee or shall 1204
self-inspect any motor vehicles that they own and operate in any 1205
county that is subject to this section. The director shall adopt 1206
rules under this section for the purposes of this division. The 1207
rules shall establish, without limitation, an annual reporting 1208
requirement to assist the director in determining compliance with 1209
this division. The director may issue a notice of violation to a 1210

governmental entity that the director finds has violated any 1211
specific prohibition or has failed to comply with any affirmative 1212
requirement of this section or any rule adopted under it. The 1213
notice of violation shall set forth the specific violation or 1214
failure to comply allegedly committed by the governmental entity 1215
and shall be accompanied by an order requiring the governmental 1216
entity to pay to the director the appropriate civil penalty 1217
prescribed in this division. A governmental entity that receives a 1218
notice of violation and order under this division for a violation 1219
or failure to comply is liable for a civil penalty of two hundred 1220
fifty dollars. The director may request the attorney general to 1221
take appropriate action to effect compliance. Notwithstanding 1222
division (A) of this section, as used in this division, "motor 1223
vehicle" has the same meaning as in section 4511.01 of the Revised 1224
Code. 1225

(I) There is hereby created in the state treasury the motor 1226
vehicle inspection and maintenance fund, which shall consist of 1227
moneys received by the director under this section and section 1228
3704.17 of the Revised Code. The director shall use moneys in the 1229
fund solely for administration, supervision, and enforcement of 1230
the program established under this section and rules adopted under 1231
it and public education concerning the program. 1232

(J) The director periodically shall review the information 1233
submitted to the director by licensed reinspection stations 1234
pursuant to rules adopted under division (C)(6) of this section, 1235
information submitted to the director by any contractor under 1236
division (D)(10) of this section, annual reports submitted by 1237
motor vehicle fleet owners under division (G) of this section and 1238
rules adopted under that division, and the list of motor vehicles 1239
for which multi-year registrations are in effect provided to the 1240
director under division (I)(2)(b) of section 4503.10 of the 1241
Revised Code, as necessary to determine whether owners of motor 1242

vehicles who have obtained multi-year registrations under section 1243
4503.103 of the Revised Code or rules adopted under it have 1244
complied with the requirement of division (F)(1)(a) of this 1245
section to have their vehicles inspected and obtain inspection 1246
certificates for them annually or biennially, whichever is 1247
applicable. If the director finds from that information that, in a 1248
year intervening between the years of issuance and expiration of a 1249
multi-year registration in which an owner is required to have a 1250
vehicle inspected and obtain an inspection certificate for it 1251
under that division, the owner has not done so within the 1252
applicable three hundred sixty-five day period, the director 1253
immediately shall send written notice of that fact to the 1254
registrar of motor vehicles. Upon receipt of information submitted 1255
pursuant to rules adopted under division (C)(6) of this section, 1256
information submitted under division (D)(10) of this section, or 1257
the annual report of a fleet owner submitted pursuant to rules 1258
adopted under division (G) of this section indicating that an 1259
owner who was the subject of an earlier notice to the registrar 1260
under this division has had the vehicle named in the notice 1261
inspected and has obtained an inspection certificate for it in 1262
compliance with division (F)(1)(a) of this section, the director 1263
immediately shall send written notice of that fact to the 1264
registrar. 1265

(K)(1)(a) If a redesignation request demonstrating compliance 1266
with the national ambient air quality standard for carbon monoxide 1267
or ozone in a county designated as nonattainment for carbon 1268
monoxide or ozone and demonstrating that operation of a motor 1269
vehicle inspection and maintenance program is not necessary for 1270
attainment and maintenance of those standards in that county has 1271
been submitted to and is pending before the United States 1272
environmental protection agency under the "Clean Air Act 1273
Amendments," and if no release and permit has been issued to the 1274
environmental protection agency under division (D)~~(14)~~(15) of this 1275

section and section 125.06 of the Revised Code, the director of 1276
environmental protection may submit a written request to the 1277
director of administrative services to indefinitely delay the 1278
issuance of a request for proposals or the award of a contract 1279
under division (D) of this section for the operation of a motor 1280
vehicle inspection and maintenance program in that county or, if 1281
such a request for proposals has been issued under that division, 1282
to withdraw it. Upon receipt of such a written request from the 1283
director of environmental protection, the director of 1284
administrative services shall take the requested actions. 1285

(b) If a release and permit has been issued to the 1286
environmental protection agency under division (D)~~(14)~~(15) of this 1287
section and section 125.06 of the Revised Code, the director of 1288
environmental protection may indefinitely delay the issuance of a 1289
request for proposals and award of a contract under division (D) 1290
of this section for the operation of a motor vehicle inspection 1291
and maintenance program or may withdraw any such request that has 1292
been issued under that division in connection with a county for 1293
which a redesignation request making the demonstrations described 1294
in division (K)(1)(a) of this section has been submitted to and is 1295
pending before the United States environmental protection agency 1296
under the "Clean Air Act Amendments." 1297

(c) If no release and permit has been issued to the 1298
environmental protection agency under division (D)~~(14)~~(15) of this 1299
section and section 125.06 of the Revised Code, the director of 1300
environmental protection may submit a written request to the 1301
director of administrative services to proceed with the issuance 1302
of a request for proposals and the award of a contract for the 1303
operation of a motor vehicle inspection and maintenance program 1304
under division (D) of this section in a county for which a 1305
redesignation request described in division (K)(1)(a) of this 1306
section was submitted to the United States environmental 1307

protection agency or, if such a release and permit has been issued 1308
to the environmental protection agency, the director of 1309
environmental protection may proceed with the issuance of such a 1310
request under either of the following circumstances: 1311

(i) Upon disapproval of the redesignation request by the 1312
United States environmental protection agency; 1313

(ii) Upon approval of the redesignation request by the United 1314
States environmental protection agency if the director of 1315
environmental protection determines that operation of a motor 1316
vehicle inspection and maintenance program in the county is 1317
necessary to protect and maintain compliance with the national 1318
ambient air quality standard for carbon monoxide or ozone in the 1319
county. 1320

If no such release and permit has been issued to the 1321
environmental protection agency, the director of administrative 1322
services, upon receipt of a written request from the director of 1323
environmental protection under division (K)(1)(c) of this section, 1324
shall take the requested actions. 1325

(2) If at any time air quality monitoring data in any county 1326
where a motor vehicle inspection and maintenance program is 1327
required under this section and rules adopted under it demonstrate 1328
that that county has attained and maintained compliance for three 1329
consecutive years with the national ambient air quality standard 1330
for carbon monoxide or ozone under the "Clean Air Act Amendments," 1331
the director, at the earliest possible date, shall prepare and 1332
submit to the administrator of the United States environmental 1333
protection agency a demonstration that such attainment has been so 1334
achieved and maintained in that county. If the administrator 1335
approves the director's submittal as demonstrating that compliance 1336
with the national ambient air quality standard for carbon monoxide 1337
or ozone under that act has been achieved and maintained in the 1338
county and if the director determines that continued operation of 1339

a motor vehicle inspection and maintenance program in the county 1340
is not necessary to protect and maintain compliance with the 1341
national ambient air quality standard for carbon monoxide or 1342
ozone, the director may rescind the rules adopted under division 1343
(B) of this section requiring implementation and operation of the 1344
program in that county. A rescission shall take effect in such a 1345
county on the date of the expiration of the contract or renewal 1346
thereof provided for in division (D) of this section that next 1347
succeeds the administrator's approval of the demonstration in that 1348
county. 1349

(L) There is hereby created the motor vehicle inspection and 1350
maintenance program legislative oversight committee, which shall 1351
be comprised of six members. The speaker of the house of 1352
representatives shall appoint three members of the house of 1353
representatives to the committee, not more than two of whom shall 1354
be from any one political party, and the president of the senate 1355
shall appoint three members of the senate to the committee, not 1356
more than two of whom shall be from any one political party. Each 1357
member shall serve at the pleasure of the member's appointing 1358
authority. During the first year of any legislative session, the 1359
~~chairman~~ chairperson of the committee shall be a member from the 1360
house of representatives and the ~~vice-chairman~~ vice-chairperson 1361
shall be a member from the senate, as designated by their 1362
appointing authorities. During the second year of any legislative 1363
session, the ~~chairman~~ chairperson shall be a member from the 1364
senate and the ~~vice-chairman~~ vice-chairperson shall be a member 1365
from the house of representatives, as designated by their 1366
appointing authorities. 1367

The committee shall monitor the motor vehicle inspection and 1368
maintenance program established under this section and, in doing 1369
so, shall work in complete cooperation with the Ohio environmental 1370
protection agency and the United States environmental protection 1371

agency. The former agency shall provide to the committee any data, 1372
reports, and other information and materials requested by the 1373
committee. 1374

The director shall notify the committee whenever the program 1375
established under this section is required to be implemented in a 1376
county because of a change in that county's nonattainment 1377
classification under the "Clean Air Act Amendments" or if an 1378
enhanced program is required to be implemented in a county under 1379
section 3704.142 of the Revised Code. 1380

If at any time the program established under this section is 1381
terminated, the committee shall cease to exist on the date of 1382
termination. 1383

(M) Implementation of the motor vehicle inspection and 1384
maintenance program established under this section is an essential 1385
state function mandated by the "Clean Air Act Amendments." The 1386
director or the director's authorized representative may perform 1387
essential governmental duties that are necessary to implement the 1388
program properly within any county that is subject to this 1389
section, including at least the placement of directional traffic 1390
signs to assist citizens in finding inspection stations. The 1391
director or the director's authorized representative need not 1392
comply with any applicable ordinances or resolutions of any 1393
political subdivisions if that compliance would prevent the 1394
director or the director's authorized representative from 1395
performing any such essential governmental duties. 1396

Sec. 3704.143. (A) As used in this section, "contract" means 1397
a contract entered into by the state under section 3704.14 of the 1398
Revised Code with a private contractor for the purpose of 1399
conducting emissions inspections under a motor vehicle inspection 1400
and maintenance program. 1401

(B) Notwithstanding division (D)(5) of section 3704.14 of the 1402

Revised Code, the director of administrative services or the 1403
director of environmental protection, as applicable, shall not 1404
renew any contract that is in existence on ~~the effective date of~~ 1405
~~this section~~ September 5, 2001. Further, the director of 1406
administrative services or the director of environmental 1407
protection, as applicable, shall not enter into a new contract 1408
upon the expiration or termination of any contract that is in 1409
existence on ~~the effective date of this section~~ September 5, 2001, 1410
or enter into any new contract for the implementation of a motor 1411
vehicle inspection and maintenance program in a county in which 1412
such a program is not operating on that date. 1413

(C) Notwithstanding section 3704.14 of the Revised Code or 1414
any other section of the Revised Code that requires emissions 1415
inspections to be conducted or proof of such inspections to be 1416
provided, upon the expiration or termination of all contracts that 1417
are in existence on ~~the effective date of this section~~ September 1418
5, 2001, the director of environmental protection shall terminate 1419
all motor vehicle inspection and maintenance programs in this 1420
state and shall not implement a new motor vehicle inspection and 1421
maintenance program unless this section is repealed and such a 1422
program is authorized by the general assembly. 1423

(D) Notwithstanding section 3704.14 of the Revised Code or 1424
any other section of the Revised Code that requires emissions 1425
inspections to be conducted or proof of such inspections to be 1426
provided, if the general assembly authorizes any program for the 1427
inspection of motor vehicle emissions under division (C) of this 1428
section after all contracts for a motor vehicle inspection and 1429
maintenance program that are in existence on September 5, 2001, 1430
terminate or expire, a motor vehicle, the legal title to which has 1431
never been transferred by a manufacturer, distributor, or dealer 1432
to an ultimate purchaser as defined in section 4517.01 of the 1433
Revised Code, shall be exempt from any emissions inspections that 1434

are required under such a program for a period of five years 1435
commencing on the date when the first certificate of title to the 1436
vehicle was issued on behalf of the ultimate purchaser under 1437
Chapter 4503. of the Revised Code. A motor vehicle that is exempt 1438
from any emissions inspections for a period of five years under 1439
this division shall remain exempt during that five-year period 1440
regardless of whether legal title to the motor vehicle is 1441
transferred during that period. 1442

Sec. 4501.10. (A) Except as provided in ~~division~~ divisions 1443
(B) and (C) of this section, money received by the department of 1444
public safety from the sale of motor vehicles and related 1445
equipment pursuant to section 125.13 of the Revised Code shall be 1446
transferred to the highway safety salvage and exchange 1447
administration fund or highway safety salvage and exchange highway 1448
patrol fund, as appropriate. Such funds are hereby created in the 1449
state treasury. The money shall be used only to purchase 1450
replacement motor vehicles and related equipment. All investment 1451
earnings of these funds shall be credited to the funds, 1452
respectively. 1453

(B) Money received by the department of public safety from 1454
the sale of motor vehicles and related equipment of the bureau of 1455
motor vehicles pursuant to section 125.13 of the Revised Code 1456
shall be transferred to the state bureau of motor vehicles fund 1457
created by section 4501.25 of the Revised Code. 1458

(C) Money received by the department of public safety 1459
investigative unit established under section 5502.13 of the 1460
Revised Code from the sale of motor vehicles and other equipment 1461
pursuant to section 125.13 of the Revised Code shall be deposited 1462
into the public safety investigative unit salvage and exchange 1463
fund, which is hereby created in the state treasury. The money in 1464
the fund shall be used only to purchase replacement motor vehicles 1465

and other equipment for that unit. 1466

Sec. 4501.21. (A) There is hereby created in the state 1467
treasury the license plate contribution fund. The fund shall 1468
consist of all contributions paid by motor vehicle registrants and 1469
collected by the registrar of motor vehicles pursuant to sections 1470
4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 1471
4503.69, 4503.71, 4503.711, 4503.72, 4503.73, and 4503.75 of the 1472
Revised Code. 1473

(B) The registrar shall disburse the contributions the 1474
registrar collects in the fund as follows: 1475

(1) The registrar shall pay the contributions the registrar 1476
receives pursuant to section 4503.50 of the Revised Code to the 1477
future farmers of America foundation, which shall deposit the 1478
contributions into its general account to be used for educational 1479
and scholarship purposes of the future farmers of America 1480
foundation. 1481

(2) The registrar shall pay each contribution the registrar 1482
receives pursuant to section 4503.51 of the Revised Code to the 1483
university or college whose name or marking or design appears on 1484
collegiate license plates that are issued to a person under that 1485
section. A university or college that receives contributions from 1486
the fund shall deposit the contributions into its general 1487
scholarship fund. 1488

(3) The registrar shall pay the contributions the registrar 1489
receives pursuant to section 4503.55 of the Revised Code to the 1490
pro football hall of fame, which shall deposit the contributions 1491
into a special bank account that it establishes and which shall be 1492
separate and distinct from any other account the pro football hall 1493
of fame maintains, to be used exclusively for the purpose of 1494
promoting the pro football hall of fame as a travel destination. 1495

(4) The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which payments are to be made under division (B)(4) of this section. 1496
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(5) The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that bear the logo of a professional sports team located in the county of that sports commission and that is participating in the license plate program established by section 4503.591 of the Revised Code, irrespective of the county of residence of an applicant. 1508
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(6) The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts. 1516
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(7) The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the great river council of the girl scouts of the United States of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts. 1521
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(8) The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts. 1527
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(9) The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated. 1532
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(10) The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order. 1537
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(11) The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on the effective date of this section as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program. 1544
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(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, 1554
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incorporated. 1558

(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. 1559
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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. 1565
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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 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 1573
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or driven upon the public roads or highways shall cause to be 1589
filed each year, by mail or otherwise, in the office of the 1590
registrar of motor vehicles or a deputy registrar, a written or 1591
electronic application or a preprinted registration renewal notice 1592
issued under section 4503.102 of the Revised Code, the form of 1593
which shall be prescribed by the registrar, for registration for 1594
the following registration year, which shall begin on the first 1595
day of January of every calendar year and end on the thirty-first 1596
day of December in the same year. Applications for registration 1597
and registration renewal notices shall be filed at the times 1598
established by the registrar pursuant to section 4503.101 of the 1599
Revised Code. A motor vehicle owner also may elect to apply for or 1600
renew a motor vehicle registration by electronic means using 1601
electronic signature in accordance with rules adopted by the 1602
registrar. Except as provided in division (J) of this section, 1603
applications for registration shall be made on blanks furnished by 1604
the registrar for that purpose, containing the following 1605
information: 1606

(1) A brief description of the motor vehicle to be 1607
registered, including the name of the manufacturer, the factory 1608
number of the vehicle, the year's model, and, in the case of 1609
commercial cars, the gross weight of the vehicle fully equipped 1610
computed in the manner prescribed in section 4503.08 of the 1611
Revised Code; 1612

(2) The name and residence address of the owner, and the 1613
township and municipal corporation in which the owner resides; 1614

(3) The district of registration, which shall be determined 1615
as follows: 1616

(a) In case the motor vehicle to be registered is used for 1617
hire or principally in connection with any established business or 1618
branch business, conducted at a particular place, the district of 1619
registration is the municipal corporation in which that place is 1620

located or, if not located in any municipal corporation, the 1621
county and township in which that place is located. 1622

(b) In case the vehicle is not so used, the district of 1623
registration is the municipal corporation or county in which the 1624
owner resides at the time of making the application. 1625

(4) Whether the motor vehicle is a new or used motor vehicle; 1626

(5) The date of purchase of the motor vehicle; 1627

(6) Whether the fees required to be paid for the registration 1628
or transfer of the motor vehicle, during the preceding 1629
registration year and during the preceding period of the current 1630
registration year, have been paid. Each application for 1631
registration shall be signed by the owner, either manually or by 1632
electronic signature, or pursuant to obtaining a limited power of 1633
attorney authorized by the registrar for registration, or other 1634
document authorizing such signature. If the owner elects to apply 1635
for or renew the motor vehicle registration with the registrar by 1636
electronic means, the owner's manual signature is not required. 1637

(7) The owner's social security number, if assigned, or, 1638
where a motor vehicle to be registered is used for hire or 1639
principally in connection with any established business, the 1640
owner's federal taxpayer identification number. The bureau of 1641
motor vehicles shall retain in its records all social security 1642
numbers provided under this section, but the bureau shall not 1643
place social security numbers on motor vehicle certificates of 1644
registration. 1645

(B) Each time an applicant first registers a motor vehicle in 1646
the applicant's name, the applicant shall present for inspection a 1647
physical certificate of title or a memorandum certificate showing 1648
title to the motor vehicle to be registered in the name of the 1649
applicant if a physical certificate of title or memorandum 1650
certificate has been issued by a clerk of a court of common pleas. 1651

If, under sections 4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk instead has issued an electronic certificate of title for the applicant's motor vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies:

(1) The application is not in proper form.

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

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

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

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

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not

taxable for that preceding year or period under sections 4503.02, 1683
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 1684
Revised Code. When a certificate of registration is issued upon 1685
the first registration of a motor vehicle by or on behalf of the 1686
owner, the official issuing the certificate shall indicate the 1687
issuance with a stamp on the certificate of title or memorandum 1688
certificate or, in the case of an electronic certificate of title, 1689
an electronic stamp or other notation as specified in rules 1690
adopted by the registrar, and with a stamp on the inspection 1691
certificate for the motor vehicle, if any. The official also shall 1692
indicate, by a stamp or by other means the registrar prescribes, 1693
on the registration certificate issued upon the first registration 1694
of a motor vehicle by or on behalf of the owner the odometer 1695
reading of the motor vehicle as shown in the odometer statement 1696
included in or attached to the certificate of title. Upon each 1697
subsequent registration of the motor vehicle by or on behalf of 1698
the same owner, the official also shall so indicate the odometer 1699
reading of the motor vehicle as shown on the immediately preceding 1700
certificate of registration. 1701

The registrar shall include in the permanent registration 1702
record of any vehicle required to be inspected under section 1703
3704.14 of the Revised Code the inspection certificate number from 1704
the inspection certificate that is presented at the time of 1705
registration of the vehicle as required under this division. 1706

(C)(1) Commencing with each registration renewal with an 1707
expiration date on or after October 1, 2003, and for each initial 1708
application for registration received on and after that date, the 1709
registrar and each deputy registrar shall collect an additional 1710
fee of eleven dollars for each application for registration and 1711
registration renewal received. The additional fee is for the 1712
purpose of defraying the department of public safety's costs 1713
associated with the administration and enforcement of the motor 1714

vehicle and traffic laws of Ohio. Each deputy registrar shall 1715
transmit the fees collected under division (C)(1) of this section 1716
in the time and manner provided in this section. The registrar 1717
shall deposit all moneys received under division (C)(1) of this 1718
section into the state highway safety fund established in section 1719
4501.06 of the Revised Code. 1720

(2) In addition, a charge of twenty-five cents shall be made 1721
for each reflectorized safety license plate issued, and a single 1722
charge of twenty-five cents shall be made for each county 1723
identification sticker or each set of county identification 1724
stickers issued, as the case may be, to cover the cost of 1725
producing the license plates and stickers, including material, 1726
manufacturing, and administrative costs. Those fees shall be in 1727
addition to the license tax. If the total cost of producing the 1728
plates is less than twenty-five cents per plate, or if the total 1729
cost of producing the stickers is less than twenty-five cents per 1730
sticker or per set issued, any excess moneys accruing from the 1731
fees shall be distributed in the same manner as provided by 1732
section 4501.04 of the Revised Code for the distribution of 1733
license tax moneys. If the total cost of producing the plates 1734
exceeds twenty-five cents per plate, or if the total cost of 1735
producing the stickers exceeds twenty-five cents per sticker or 1736
per set issued, the difference shall be paid from the license tax 1737
moneys collected pursuant to section 4503.02 of the Revised Code. 1738

(D) Each deputy registrar shall be allowed a fee of two 1739
dollars and seventy-five cents commencing on July 1, 2001, three 1740
dollars and twenty-five cents commencing on January 1, 2003, and 1741
three dollars and fifty cents commencing on January 1, 2004, for 1742
each application for registration and registration renewal notice 1743
the deputy registrar receives, which shall be for the purpose of 1744
compensating the deputy registrar for the deputy registrar's 1745
services, and such office and rental expenses, as may be necessary 1746

for the proper discharge of the deputy registrar's duties in the 1747
receiving of applications and renewal notices and the issuing of 1748
registrations. 1749

(E) Upon the certification of the registrar, the county 1750
sheriff or local police officials shall recover license plates 1751
erroneously or fraudulently issued. 1752

(F) Each deputy registrar, upon receipt of any application 1753
for registration or registration renewal notice, together with the 1754
license fee and any local motor vehicle license tax levied 1755
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1756
fee and tax, if any, in the manner provided in this section, 1757
together with the original and duplicate copy of the application, 1758
to the registrar. The registrar, subject to the approval of the 1759
director of public safety, may deposit the funds collected by 1760
those deputies in a local bank or depository to the credit of the 1761
"state of Ohio, bureau of motor vehicles." Where a local bank or 1762
depository has been designated by the registrar, each deputy 1763
registrar shall deposit all moneys collected by the deputy 1764
registrar into that bank or depository not more than one business 1765
day after their collection and shall make reports to the registrar 1766
of the amounts so deposited, together with any other information, 1767
some of which may be prescribed by the treasurer of state, as the 1768
registrar may require and as prescribed by the registrar by rule. 1769
The registrar, within three days after receipt of notification of 1770
the deposit of funds by a deputy registrar in a local bank or 1771
depository, shall draw on that account in favor of the treasurer 1772
of state. The registrar, subject to the approval of the director 1773
and the treasurer of state, may make reasonable rules necessary 1774
for the prompt transmittal of fees and for safeguarding the 1775
interests of the state and of counties, townships, municipal 1776
corporations, and transportation improvement districts levying 1777
local motor vehicle license taxes. The registrar may pay service 1778

charges usually collected by banks and depositories for such 1779
service. If deputy registrars are located in communities where 1780
banking facilities are not available, they shall transmit the fees 1781
forthwith, by money order or otherwise, as the registrar, by rule 1782
approved by the director and the treasurer of state, may 1783
prescribe. The registrar may pay the usual and customary fees for 1784
such service. 1785

(G) This section does not prevent any person from making an 1786
application for a motor vehicle license directly to the registrar 1787
by mail, by electronic means, or in person at any of the 1788
registrar's offices, upon payment of a service fee of two dollars 1789
and seventy-five cents commencing on July 1, 2001, three dollars 1790
and twenty-five cents commencing on January 1, 2003, and three 1791
dollars and fifty cents commencing on January 1, 2004, for each 1792
application. 1793

(H) No person shall make a false statement as to the district 1794
of registration in an application required by division (A) of this 1795
section. Violation of this division is falsification under section 1796
2921.13 of the Revised Code and punishable as specified in that 1797
section. 1798

(I)(1) Where applicable, the requirements of division (B) of 1799
this section relating to the presentation of an inspection 1800
certificate issued under section 3704.14 of the Revised Code and 1801
rules adopted under it for a motor vehicle, the refusal of a 1802
license for failure to present an inspection certificate, and the 1803
stamping of the inspection certificate by the official issuing the 1804
certificate of registration apply to the registration of and 1805
issuance of license plates for a motor vehicle under sections 1806
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 1807
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 1808
4503.47, and 4503.51 of the Revised Code. 1809

(2)(a) The registrar shall adopt rules ensuring that each 1810

owner registering a motor vehicle in a county where a motor 1811
vehicle inspection and maintenance program is in effect under 1812
section 3704.14 of the Revised Code and rules adopted under it 1813
receives information about the requirements established in that 1814
section and those rules and about the need in those counties to 1815
present an inspection certificate with an application for 1816
registration or preregistration. 1817

(b) Upon request, the registrar shall provide the director of 1818
environmental protection, or any person that has been awarded a 1819
contract under division (D) of section 3704.14 of the Revised 1820
Code, an on-line computer data link to registration information 1821
for all passenger cars, noncommercial motor vehicles, and 1822
commercial cars that are subject to that section. The registrar 1823
also shall provide to the director of environmental protection a 1824
magnetic data tape containing registration information regarding 1825
passenger cars, noncommercial motor vehicles, and commercial cars 1826
for which a multi-year registration is in effect under section 1827
4503.103 of the Revised Code or rules adopted under it, including, 1828
without limitation, the date of issuance of the multi-year 1829
registration, the registration deadline established under rules 1830
adopted under section 4503.101 of the Revised Code that was 1831
applicable in the year in which the multi-year registration was 1832
issued, and the registration deadline for renewal of the 1833
multi-year registration. 1834

(J) Application for registration under the international 1835
registration plan, as set forth in sections 4503.60 to 4503.66 of 1836
the Revised Code, shall be made to the registrar on forms 1837
furnished by the registrar. In accordance with international 1838
registration plan guidelines and pursuant to rules adopted by the 1839
registrar, the forms shall include the following: 1840

(1) A uniform mileage schedule; 1841

(2) The gross vehicle weight of the vehicle or combined gross 1842

vehicle weight of the combination vehicle as declared by the 1843
registrant; 1844

(3) Any other information the registrar requires by rule. 1845

Sec. 4503.101. (A) The registrar of motor vehicles shall 1846
adopt rules to establish a system of motor vehicle registration 1847
based upon the type of vehicle to be registered, the type of 1848
ownership of the vehicle, the class of license plate to be issued, 1849
and any other factor the registrar determines to be relevant. 1850
Except for commercial cars, buses, trailers, and semitrailers 1851
taxed under section 4503.042 of the Revised Code; except for 1852
rental vehicles owned by motor vehicle renting dealers; and except 1853
as otherwise provided by rule, motor vehicles owned by an 1854
individual shall be registered based upon the motor vehicle 1855
owner's date of birth. Beginning with the ~~1989~~ 2004 registration 1856
year, the registrar shall assign motor vehicles to the 1857
registration periods established by rules adopted under this 1858
section. 1859

(B) The registrar shall adopt rules to permit motor vehicle 1860
owners residing together at one address to select the date of 1861
birth of any one of the owners as the date to register any or all 1862
of the vehicles at that residence address, as shown in the records 1863
of the bureau of motor vehicles. 1864

(C) The registrar shall adopt rules to assign and reassign 1865
all commercial cars, buses, trailers, and semitrailers taxed under 1866
section 4503.042 of the Revised Code and all rental vehicles owned 1867
by motor vehicle renting dealers to a system of registration so 1868
that the registrations of approximately one-twelfth of all such 1869
vehicles expire on the last day of each month of a calendar year. 1870
To effect a reassignment from the registration period in effect on 1871
the effective date of this amendment to the new registration 1872
periods established by the rules adopted under this section as 1873

amended, the rules may require the motor vehicle to be registered 1874
for more or less than a twelve-month period at the time the motor 1875
vehicle's registration is subject to its initial renewal following 1876
the effective date of such rules. If necessary to effect an 1877
efficient transition, the rules may provide that the registration 1878
reassignments take place over two consecutive registration 1879
periods. The registration taxes to be charged shall be determined 1880
by the registrar on the basis of the annual tax otherwise due on 1881
the motor vehicle, prorated in accordance with the number of 1882
months for which the motor vehicle is registered, except that the 1883
fee established by division (C)(1) of section 4503.10 of the 1884
Revised Code shall be collected in full for each renewal that 1885
occurs during the transition period and shall not be prorated. 1886

(D) The registrar shall adopt rules to permit any ~~person~~ 1887
commercial motor vehicle owner or motor vehicle renting dealer who 1888
owns ~~twenty two~~ or more motor vehicles to ~~select any single date~~ 1889
~~as the date~~ request the registrar to permit the owner to separate 1890
the owner's fleet into up to four divisions for assignment to 1891
separate dates upon which to register the vehicles, provided that 1892
the registrar may disapprove any ~~selected date~~ such request 1893
whenever ~~he~~ the registrar has reason to believe that an uneven 1894
distribution of registrations throughout the calendar year has 1895
developed or is likely to develop. ~~If the registrar disapproves a~~ 1896
~~date, the motor vehicle owner shall select an alternate date for~~ 1897
~~registration. Upon agreement of the motor vehicle owner, the~~ 1898
~~registrar may require the motor vehicle owner to register the~~ 1899
~~vehicles on a specific date designated by the registrar.~~ 1900

~~(D)~~(E) Every owner or lessee of a motor vehicle ~~and every~~ 1901
~~chauffeur~~ holding a certificate of registration shall notify the 1902
registrar ~~in writing~~ of any change of ~~his residence~~ the owner's or 1903
lessee's correct address within ten days after the change occurs. 1904
The notification shall be in writing on a form provided by the 1905

registrar or by electronic means approved by the registrar and 1906
shall include the full name, date of birth if applicable, license 1907
number, county of residence or place of business, social security 1908
account number of an individual or federal tax identification 1909
number of a business, and new address ~~of the person~~. 1910

(F) As used in this section, "motor vehicle renting dealer" 1911
has the same meaning as in section 4549.65 of the Revised Code. 1912

Sec. 4503.103. (A)(1)(a) The registrar of motor vehicles may 1913
adopt rules to permit any person or lessee, other than a person 1914
receiving an apportioned license plate under the international 1915
registration plan, who owns or leases ~~ten~~ one or more motor 1916
vehicles ~~used principally in connection with any established~~ 1917
~~business~~ to file a written application for registration for no 1918
more than five succeeding registration years. The rules adopted by 1919
the registrar may designate the classes of motor vehicles that are 1920
eligible for such registration. At the time of application, all 1921
annual taxes and fees shall be paid for each year for which the 1922
person is registering. ~~No person applying for a multi-year~~ 1923
~~registration is entitled to a refund of any taxes or fees paid.~~ 1924

(b) The registrar ~~may~~ shall adopt rules to permit any person, 1925
other than a person receiving an apportioned license plate under 1926
the international registration plan and other than the owner of a 1927
commercial car used solely in intrastate commerce, who owns a 1928
motor vehicle to file an application for registration for the next 1929
two succeeding registration years. At the time of application, the 1930
person shall pay the annual taxes and fees for each registration 1931
year, calculated in accordance with division (C) of section 1932
4503.11 of the Revised Code. A person who is registering a vehicle 1933
under division (A)(1)(b) of this section shall pay for each year 1934
of registration the additional fee established under division 1935
(C)(1) of section 4503.10 of the Revised Code. The person shall 1936

also pay one and one-half times the amount of the deputy registrar 1937
service fee specified in division (D) of section 4503.10 of the 1938
Revised Code or the bureau of motor vehicles service fee specified 1939
in division (G) of that section, as applicable. 1940

(2) No person applying for a multi-year registration under 1941
division (A)(1) of this section is entitled to a refund of any 1942
taxes or fees paid. 1943

(3) The registrar shall not issue to any applicant who has 1944
been issued a final, nonappealable order under division (B) of 1945
this section a multi-year registration or renewal thereof under 1946
this division or rules adopted under it for any motor vehicle that 1947
is required to be inspected under section 3704.14 of the Revised 1948
Code the district of registration of which, as determined under 1949
section 4503.10 of the Revised Code, is or is located in the 1950
county named in the order. 1951

(B) Upon receipt from the director of environmental 1952
protection of a notice issued under division (J) of section 1953
3704.14 of the Revised Code indicating that an owner of a motor 1954
vehicle that is required to be inspected under that section who 1955
obtained a multi-year registration for the vehicle under division 1956
(A) of this section or rules adopted under that division has not 1957
obtained an inspection certificate for the vehicle in accordance 1958
with that section in a year intervening between the years of 1959
issuance and expiration of the multi-year registration in which 1960
the owner is required to have the vehicle inspected and obtain an 1961
inspection certificate for it under division (F)(1)(a) of that 1962
section, the registrar in accordance with Chapter 119. of the 1963
Revised Code shall issue an order to the owner impounding the 1964
certificate of registration and identification license plates for 1965
the vehicle. The order also shall prohibit the owner from 1966
obtaining or renewing a multi-year registration for any vehicle 1967
that is required to be inspected under that section, the district 1968

of registration of which is or is located in the same county as 1969
the county named in the order during the number of years after 1970
expiration of the current multi-year registration that equals the 1971
number of years for which the current multi-year registration was 1972
issued. 1973

An order issued under this division shall require the owner 1974
to surrender to the registrar the certificate of registration and 1975
license plates for the vehicle named in the order within five days 1976
after its issuance. If the owner fails to do so within that time, 1977
the registrar shall certify that fact to the county sheriff or 1978
local police officials who shall recover the certificate of 1979
registration and license plates for the vehicle. 1980

(C) Upon the occurrence of either of the following 1981
circumstances, the registrar in accordance with Chapter 119. of 1982
the Revised Code shall issue to the owner a modified order 1983
rescinding the provisions of the order issued under division (B) 1984
of this section impounding the certificate of registration and 1985
license plates for the vehicle named in that original order: 1986

(1) Receipt from the director of environmental protection of 1987
a subsequent notice under division (J) of section 3704.14 of the 1988
Revised Code that the owner has obtained the inspection 1989
certificate for the vehicle as required under division (F)(1)(a) 1990
of that section; 1991

(2) Presentation to the registrar by the owner of the 1992
required inspection certificate for the vehicle. 1993

(D) The owner of a motor vehicle for which the certificate of 1994
registration and license plates have been impounded pursuant to an 1995
order issued under division (B) of this section, upon issuance of 1996
a modified order under division (C) of this section, may apply to 1997
the registrar for their return. A fee of two dollars and fifty 1998
cents shall be charged for the return of the certificate of 1999

registration and license plates for each vehicle named in the 2000
application. 2001

Sec. 4503.11. (A) Except as provided by sections 4503.103, 2002
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 2003
person who is the owner or chauffeur of a motor vehicle operated 2004
or driven upon the public roads or highways shall fail to file 2005
annually the application for registration or to pay the tax 2006
therefor. 2007

(B) Except as provided by sections 4503.12 and 4503.16 of the 2008
Revised Code, the taxes payable on all applications made under 2009
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 2010
of the tax due under division (B)(1)(a) or (b) of this section 2011
plus the tax due under division (B)(2)(a) or (b) of this section: 2012

(1)(a) If the application is made before the second month of 2013
the current registration period to which the motor vehicle is 2014
assigned as provided in section 4503.101 of the Revised Code, the 2015
tax due is the full amount of the tax provided in section 4503.04 2016
of the Revised Code; 2017

(b) If the application is made during or after the second 2018
month of the current registration period to which the motor 2019
vehicle is assigned as provided in section 4503.101 of the Revised 2020
Code, and prior to the beginning of the next such registration 2021
period, the amount of the tax provided in section 4503.04 of the 2022
Revised Code shall be reduced by one-twelfth of the amount of such 2023
tax, rounded upward to the nearest cent, multiplied by the number 2024
of full months that have elapsed in the current registration 2025
period. The resulting amount shall be rounded upward to the next 2026
highest dollar and shall be the amount of tax due. 2027

(2)(a) If the application is made before the sixth month of 2028
the current registration period to which the motor vehicle is 2029
assigned as provided in section 4503.101 of the Revised Code, the 2030

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;

(d) A canoe or rowboat.

(3) "Disabled veteran" means a person who falls into any of 2060
the following categories: 2061

(a) Has been determined by the United States veterans 2062
administration to be permanently and totally disabled, receives a 2063
pension or compensation from the veterans administration, and 2064
received an honorable discharge from the armed forces of the 2065
United States; 2066

(b) Because of a service-connected disability, has been or is 2067
awarded funds for the purchase of a motor vehicle under the 2068
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 2069
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 2070

(c) Has a service-connected disability rated at one hundred 2071
per cent by the veterans' administration. 2072

(4) "Prisoner of war" means any regularly appointed, 2073
enrolled, enlisted, or inducted member of the military forces of 2074
the United States who was captured, separated, and incarcerated by 2075
an enemy of the United States at any time, and any regularly 2076
appointed, enrolled, or enlisted member of the military forces of 2077
Great Britain, France, the Union of Soviet Socialist Republics, 2078
Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the 2079
Netherlands, New Zealand, Norway, Poland, South Africa, or 2080
Yugoslavia who was a citizen of the United States at the time of 2081
the appointment, enrollment, or enlistment, and was captured, 2082
separated, and incarcerated by an enemy of this country during 2083
World War II. 2084

(B) Any owner of a boat trailer who is a disabled veteran, 2085
congressional medal of honor awardee, or prisoner of war may apply 2086
to the registrar of motor vehicles for the registration of the 2087
boat trailer without the payment of any registration tax and 2088
service fee as required by sections 4503.02, 4503.10, 4503.102, 2089
and 4503.12 of the Revised Code and without the payment of any 2090

applicable county, township, or municipal motor vehicle license 2091
tax levied under Chapter 4504. of the Revised Code. The 2092
application shall be accompanied by such evidence of disability or 2093
by such documentary evidence in support of a congressional medal 2094
of honor as the registrar requires by rule. The application for a 2095
registration by any person who has been a prisoner of war shall be 2096
accompanied by written evidence in the form of a record of 2097
separation, a letter from one of the armed forces of the United 2098
States or other country as listed in division (A)(4) of this 2099
section, or other evidence as the registrar may require by rule, 2100
that the person was a prisoner of war and was honorably discharged 2101
or is presently residing in this state on active duty with one of 2102
the branches of the armed forces of the United States, or was a 2103
prisoner of war and was honorably discharged or received an 2104
equivalent discharge or release from one of the armed forces of a 2105
country listed in division (A)(4) of this section. 2106

~~(C) Annually by the fifteenth day of January, the registrar 2107
of motor vehicles shall determine the amount of taxes and fees 2108
exempted from payment under division (B) of this section and 2109
certify the amount to the director of budget and management for 2110
reimbursement. The director shall thereupon transfer the amount 2111
certified from the general revenue fund to the auto registration 2112
distribution fund and the state highway safety fund in the same 2113
proportions as would be the case if the boat trailer registrations 2114
were not exempted from the payment of taxes and fees under 2115
division (B) of this section. Amounts transferred to the auto 2116
registration distribution fund under this division shall be 2117
distributed in the manner provided by section 4501.03 of the 2118
Revised Code. 2119~~

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 2120
application and proof of purchase of the vehicle, may be issued a 2121
temporary license placard or windshield sticker for the motor 2122

vehicle. 2123

The purchaser of a vehicle applying for a temporary license 2124
placard or windshield sticker under this section shall execute an 2125
affidavit stating that the purchaser has not been issued 2126
previously during the current registration year a license plate 2127
that could legally be transferred to the vehicle. 2128

Placards or windshield stickers shall be issued only for the 2129
applicant's use of the vehicle to enable the applicant to legally 2130
operate the motor vehicle while proper title, license plates, and 2131
a certificate of registration are being obtained, and shall be 2132
displayed on no other motor vehicle. 2133

Placards or windshield stickers issued under this section are 2134
valid for a period of thirty days from date of issuance and are 2135
not transferable or renewable. 2136

The fee for the placards or windshield stickers is two 2137
dollars plus a deputy registrar service fee of two dollars and 2138
seventy-five cents commencing on July 1, 2001, three dollars and 2139
twenty-five cents commencing on January 1, 2003, and three dollars 2140
and fifty cents commencing on January 1, 2004, for each placard 2141
issued by a deputy registrar. 2142

(B) The registrar of motor vehicles may issue to a motorized 2143
bicycle dealer or a licensed motor vehicle dealer temporary 2144
license placards to be issued to purchasers for use on vehicles 2145
sold by the dealer, in accordance with rules prescribed by the 2146
registrar. The dealer shall notify the registrar, within 2147
forty-eight hours, of the issuance of a placard by electronic 2148
means via computer equipment purchased and maintained by the 2149
dealer or in any other manner prescribed by the registrar. 2150

The fee for each placard issued by the registrar to a 2151
licensed motor vehicle dealer is two dollars plus a fee of two 2152
dollars and seventy-five cents commencing on July 1, 2001, three 2153

dollars and twenty-five cents commencing on January 1, 2003, and 2154
three dollars and fifty cents commencing on January 1, 2004. 2155

(C) The registrar of motor vehicles, at the registrar's 2156
discretion, may issue a temporary license placard. Such a placard 2157
may be issued in the case of extreme hardship encountered by a 2158
citizen from this state or another state who has attempted to 2159
comply with all registration laws, but for extreme circumstances 2160
is unable to properly register the citizen's vehicle. 2161

(D) In addition to the fees charged under divisions (A) and 2162
(B) of this section, commencing on October 1, 2003, the registrar 2163
and each deputy registrar shall collect a fee of five dollars for 2164
each temporary license placard issued. The additional fee is for 2165
the purpose of defraying the department of public safety's costs 2166
associated with the administration and enforcement of the motor 2167
vehicle and traffic laws of Ohio. Each deputy registrar shall 2168
transmit the fees collected under this division in the same manner 2169
as provided for transmission of fees collected under division (A) 2170
of this section. The registrar shall deposit all moneys received 2171
under this division into the state highway safety fund established 2172
in section 4501.06 of the Revised Code. 2173

(E) The registrar shall adopt rules, in accordance with 2174
division (B) of section 111.15 of the Revised Code, to specify the 2175
procedures for reporting the information from applications for 2176
temporary license placards and windshield stickers and for 2177
providing the information from these applications to law 2178
enforcement agencies. 2179

~~(E)~~(F) Temporary license placards issued under this section 2180
shall bear a distinctive combination of seven letters, numerals, 2181
or letters and numerals, and shall incorporate a security feature 2182
that, to the greatest degree possible, prevents tampering with any 2183
of the information that is entered upon a placard when it is 2184
issued. 2185

~~(F)~~(G) As used in this section, "motorized bicycle dealer" 2186
means any person engaged in the business of selling at retail, 2187
displaying, offering for sale, or dealing in motorized bicycles 2188
who is not subject to section 4503.09 of the Revised Code. 2189

Sec. 4503.50. (A) The owner or lessee of any passenger car, 2190
noncommercial motor vehicle, motor home, or other vehicle of a 2191
class approved by the registrar of motor vehicles may apply to the 2192
registrar for the registration of the vehicle and issuance of 2193
future farmers of America license plates. The application for 2194
future farmers of America license plates may be combined with a 2195
request for a special reserved license plate under section 4503.40 2196
or 4503.42 of the Revised Code. Upon receipt of the completed 2197
application and compliance with division (B) of this section, the 2198
registrar shall issue to the applicant the appropriate vehicle 2199
registration and a set of future farmers of America license plates 2200
with a validation sticker or a validation sticker alone when 2201
required by section 4503.191 of the Revised Code. 2202

In addition to the letters and numbers ordinarily inscribed 2203
on the license plates, future farmers of America license plates 2204
shall be inscribed with identifying words or markings representing 2205
the future farmers of America and approved by the registrar. 2206
Future farmers of America license plates shall bear county 2207
identification stickers that identify the county of registration 2208
by name or number. 2209

(B) The future farmers of America license plates and 2210
validation sticker shall be issued upon receipt of a contribution 2211
as provided in division (C) of this section and upon payment of 2212
the regular license tax as prescribed under section 4503.04 of the 2213
Revised Code, a fee of ten dollars for the purpose of compensating 2214
the bureau of motor vehicles for additional services required in 2215
the issuing of the future farmers of America license plates, any 2216

applicable motor vehicle tax levied under Chapter 4504. of the 2217
Revised Code, and compliance with all other applicable laws 2218
relating to the registration of motor vehicles. If the application 2219
for future farmers of America license plates is combined with a 2220
request for a special reserved license plate under section 4503.40 2221
or 4503.42 of the Revised Code, the license plate and validation 2222
sticker shall be issued upon payment of the contribution, fees, 2223
and taxes referred to or established in this division and the 2224
additional fee prescribed under section 4503.40 or 4503.42 of the 2225
Revised Code. 2226

(C) For each application for registration and registration 2227
renewal the registrar receives under this section, the registrar 2228
shall collect a contribution of fifteen dollars. The registrar 2229
shall transmit this contribution to the treasurer of state for 2230
deposit in the ~~future farmers of America~~ license plate 2231
contribution fund created in section ~~4501.40~~ 4501.21 of the 2232
Revised Code. 2233

The registrar shall deposit the additional fee of ten dollars 2234
specified in division (B) of this section that the applicant for 2235
registration pays for the purpose of compensating the bureau for 2236
the additional services required in the issuing of the applicant's 2237
future farmers of America license plates in the state bureau of 2238
motor vehicles fund created in section 4501.25 of the Revised 2239
Code. 2240

Sec. 4503.51. (A) The owner or lessee of any passenger car, 2241
noncommercial motor vehicle, recreational vehicle, or vehicle of a 2242
class approved by the registrar of motor vehicles may voluntarily 2243
choose to submit an application to the registrar for registration 2244
of such motor vehicle and for issuance of collegiate license 2245
plates. The request for a collegiate license plate may be combined 2246
with a request for a special reserved license plate under section 2247

4503.40 or 4503.42 of the Revised Code. 2248

Upon receipt of the completed application for registration of 2249
a vehicle in accordance with any rules adopted under this section 2250
and upon compliance with division (B) of this section, the 2251
registrar shall issue to the applicant appropriate vehicle 2252
registration and a set of collegiate license plates with a 2253
validation sticker, or a validation sticker alone when required by 2254
section 4503.191 of the Revised Code. 2255

In addition to the letters and numbers ordinarily inscribed 2256
thereon, collegiate license plates shall be inscribed with the 2257
name of a university or college that is participating with the 2258
registrar in the issuance of collegiate license plates, or any 2259
other identifying marking or design selected by such a university 2260
or college and approved by the registrar. Collegiate license 2261
plates shall bear county identification stickers that identify the 2262
county of registration by name or number. 2263

(B) The collegiate license plates and validation sticker 2264
shall be issued upon receipt of a contribution as provided in 2265
division (C) of this section and payment of the regular license 2266
fees as prescribed under section 4503.04 of the Revised Code, any 2267
applicable motor vehicle tax levied under Chapter 4504. of the 2268
Revised Code, a fee not to exceed ten dollars for the purpose of 2269
compensating the bureau of motor vehicles for additional services 2270
required in the issuing of collegiate license plates, and 2271
compliance with all other applicable laws relating to the 2272
registration of motor vehicles, including presentation of any 2273
inspection certificate required to be obtained for the motor 2274
vehicle under section 3704.14 of the Revised Code. If the 2275
application for a collegiate license plate is combined with a 2276
request for a special reserved license plate under section 4503.40 2277
or 4503.42 of the Revised Code, the license plate and validation 2278
sticker shall be issued upon payment of the contribution, fees, 2279

and taxes referred to in this division, the additional fee 2280
prescribed under section 4503.40 or 4503.42 of the Revised Code, 2281
and compliance with all other laws relating to the registration of 2282
motor vehicles, including presentation of any inspection 2283
certificate required to be obtained for the motor vehicle under 2284
section 3704.14 of the Revised Code. 2285

(C) The registrar shall collect a contribution of twenty-five 2286
dollars for each application for registration and registration 2287
renewal notice under this section. 2288

The registrar shall transmit this contribution to the 2289
treasurer of state for deposit into the ~~collegiate~~ license plate 2290
contribution fund created by section ~~4501.20~~ 4501.21 of the 2291
Revised Code. The additional fee not to exceed ten dollars that 2292
the applicant for registration voluntarily pays for the purpose of 2293
compensating the bureau for the additional services required in 2294
the issuing of the applicant's collegiate license plates shall be 2295
transmitted into the state treasury to the credit of the state 2296
bureau of motor vehicles fund created in section 4501.25 of the 2297
Revised Code. 2298

(D) The registrar, in accordance with Chapter 119. of the 2299
Revised Code, shall adopt rules necessary for the efficient 2300
administration of the collegiate license plate program. 2301

(E) As used in this section, "university or college" means a 2302
state university or college or a private university or college 2303
located in this state that possesses a certificate of 2304
authorization issued by the Ohio board of regents pursuant to 2305
Chapter 1713. of the Revised Code. "University or college" also 2306
includes community colleges created pursuant to Chapter 3354. of 2307
the Revised Code, university branches created pursuant to Chapter 2308
3355. of the Revised Code, technical colleges created pursuant to 2309
Chapter 3357. of the Revised Code, and state community colleges 2310
created pursuant to Chapter 3358. of the Revised Code. 2311

Sec. 4503.55. (A) The owner or lessee of any passenger car, 2312
noncommercial motor vehicle, recreational vehicle, or other 2313
vehicle of a class approved by the registrar of motor vehicles may 2314
apply to the registrar for the registration of the vehicle and 2315
issuance of pro football hall of fame license plates. The 2316
application for pro football hall of fame license plates may be 2317
combined with a request for a special reserved license plate under 2318
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2319
the completed application and compliance with division (B) of this 2320
section, the registrar shall issue to the applicant the 2321
appropriate vehicle registration and a set of pro football hall of 2322
fame license plates with a validation sticker or a validation 2323
sticker alone when required by section 4503.191 of the Revised 2324
Code. 2325

In addition to the letters and numbers ordinarily inscribed 2326
thereon, pro football hall of fame license plates shall be 2327
inscribed with identifying words or markings designed by the pro 2328
football hall of fame and approved by the registrar. Pro football 2329
hall of fame plates shall bear county identification stickers that 2330
identify the county of registration by name or number. 2331

(B) The pro football hall of fame license plates and 2332
validation sticker shall be issued upon receipt of a contribution 2333
as provided in division (C) of this section and upon payment of 2334
the regular license fees as prescribed under section 4503.04 of 2335
the Revised Code, a fee not to exceed ten dollars for the purpose 2336
of compensating the bureau of motor vehicles for additional 2337
services required in the issuing of the pro football hall of fame 2338
license plates, any applicable motor vehicle tax levied under 2339
Chapter 4504. of the Revised Code, and compliance with all other 2340
applicable laws relating to the registration of motor vehicles. If 2341
the application for pro football hall of fame license plates is 2342

combined with a request for a special reserved license plate under 2343
section 4503.40 or 4503.42 of the Revised Code, the license plate 2344
and validation sticker shall be issued upon payment of the 2345
contribution, fees, and taxes contained in this division and the 2346
additional fee prescribed under section 4503.40 or 4503.42 of the 2347
Revised Code. 2348

(C) For each application for registration and registration 2349
renewal under this section, the registrar shall collect a 2350
contribution of fifteen dollars. The registrar shall transmit this 2351
contribution to the treasurer of state for deposit in the ~~pro~~ 2352
~~football hall of fame~~ license plate contribution fund created in 2353
section ~~4501.22~~ 4501.21 of the Revised Code. 2354

The registrar shall deposit the additional fee not to exceed 2355
ten dollars specified in division (B) of this section that the 2356
applicant for registration voluntarily pays for the purpose of 2357
compensating the bureau for the additional services required in 2358
the issuing of the applicant's pro football hall of fame license 2359
plates in the state bureau of motor vehicles fund created in 2360
section 4501.25 of the Revised Code. 2361

Sec. 4503.561. (A) The owner or lessee of any passenger car, 2362
noncommercial motor vehicle, recreational vehicle, or other 2363
vehicle of a class approved by the registrar of motor vehicles may 2364
apply to the registrar for the registration of the vehicle and 2365
issuance of ducks unlimited license plates. The application for 2366
ducks unlimited license plates may be combined with a request for 2367
a special reserved license plate under section 4503.40 or 4503.42 2368
of the Revised Code. Upon receipt of the completed application and 2369
compliance with division (B) of this section, the registrar shall 2370
issue to the applicant the appropriate vehicle registration and a 2371
set of ducks unlimited license plates with a validation sticker or 2372
a validation sticker alone when required by section 4503.191 of 2373

the Revised Code. 2374

In addition to the letters and numbers ordinarily inscribed 2375
on the license plates, ducks unlimited license plates shall be 2376
inscribed with identifying words or markings representing ducks 2377
unlimited, inc., and approved by the registrar. Ducks unlimited 2378
license plates shall bear county identification stickers that 2379
identify the county of registration by name or number. 2380

(B) The ducks unlimited license plates and validation sticker 2381
shall be issued upon receipt of a contribution as provided in 2382
division (C) of this section and upon payment of the regular 2383
license tax as prescribed under section 4503.04 of the Revised 2384
Code, a fee of ten dollars for the purpose of compensating the 2385
bureau of motor vehicles for additional services required in the 2386
issuing of the ducks unlimited license plates, any applicable 2387
motor vehicle tax levied under Chapter 4504. of the Revised Code, 2388
and compliance with all other applicable laws relating to the 2389
registration of motor vehicles. If the application for ducks 2390
unlimited license plates is combined with a request for a special 2391
reserved license plate under section 4503.40 or 4503.42 of the 2392
Revised Code, the license plate and validation sticker shall be 2393
issued upon payment of the contribution, fees, and taxes referred 2394
to or established in this division and the additional fee 2395
prescribed under section 4503.40 or 4503.42 of the Revised Code. 2396

(C) For each application for registration and registration 2397
renewal the registrar receives under this section, the registrar 2398
shall collect a contribution of fifteen dollars. The registrar 2399
shall transmit this contribution to the treasurer of state for 2400
deposit in the ~~ducks unlimited~~ license plate contribution fund 2401
created in section ~~4501.33~~ 4501.21 of the Revised Code. 2402

The registrar shall deposit the additional fee of ten dollars 2403
specified in division (B) of this section that the applicant for 2404
registration pays for the purpose of compensating the bureau for 2405

the additional services required in the issuing of the applicant's 2406
ducks unlimited license plates in the state bureau of motor 2407
vehicles fund created in section 4501.25 of the Revised Code. 2408

Sec. 4503.591. (A) If a professional sports team located in 2409
this state desires to have its logo appear on license plates 2410
issued by this state, it shall enter into a contract with the 2411
sports commission to permit such display, as permitted in 2412
divisions (D), (E), and (F) of this section 4501.32 of the Revised 2413
Code. The owner or lessee of any passenger car, noncommercial 2414
motor vehicle, recreational vehicle, or other vehicle of a class 2415
approved by the registrar of motor vehicles may apply to the 2416
registrar for the registration of the vehicle and issuance of 2417
license plates bearing the logo of a professional sports team that 2418
has entered into such a contract. The application shall designate 2419
the sports team whose logo the owner or lessee desires to appear 2420
on the license plates. Failure to designate a participating 2421
professional sports team shall result in rejection by the 2422
registrar of the registration application. An application made 2423
under this section may be combined with a request for a special 2424
reserved license plate under section 4503.40 or 4503.42 of the 2425
Revised Code. Upon receipt of the completed application and 2426
compliance by the applicant with divisions (B) and (C) of this 2427
section, the registrar shall issue to the applicant the 2428
appropriate vehicle registration and a set of license plates 2429
bearing the logo of the professional sports team the owner 2430
designated in the application and a validation sticker, or a 2431
validation sticker alone when required by section 4503.191 of the 2432
Revised Code. 2433

In addition to the letters and numbers ordinarily inscribed 2434
thereon, professional sports team license plates shall bear the 2435
logo of a participating professional sports team, and shall 2436
display county identification stickers that identify the county of 2437

registration by name or number. 2438

(B) The professional sports team license plates and 2439
validation sticker, or validation sticker alone, as the case may 2440
be, shall be issued upon payment of the regular license tax as 2441
prescribed under section 4503.04 of the Revised Code, any 2442
applicable motor vehicle license tax levied under Chapter 4504. of 2443
the Revised Code, a fee of ten dollars for the purpose of 2444
compensating the bureau of motor vehicles for additional services 2445
required in the issuing of professional sports team license 2446
plates, and compliance with all other applicable laws relating to 2447
the registration of motor vehicles. If the application for a 2448
professional sports team license plate is combined with a request 2449
for a special reserved license plate under section 4503.40 or 2450
4503.42 of the Revised Code, the license plates and validation 2451
sticker, or validation sticker alone, shall be issued upon payment 2452
of the regular license tax as prescribed under section 4503.04 of 2453
the Revised Code, any applicable motor vehicle tax levied under 2454
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2455
purpose of compensating the bureau of motor vehicles for 2456
additional services required in the issuing of professional sports 2457
team license plates, the additional fee prescribed under section 2458
4503.40 or 4503.42 of the Revised Code, and compliance with all 2459
other applicable laws relating to the registration of motor 2460
vehicles. 2461

(C) For each application for registration and registration 2462
renewal notice the registrar receives under this section, the 2463
registrar shall collect a contribution of twenty-five dollars. The 2464
registrar shall transmit this contribution to the treasurer of 2465
state for deposit into the ~~state treasury for distribution as~~ 2466
~~described in~~ license plate contribution fund created by section 2467
4501.32 4501.21 of the Revised Code. 2468

The registrar shall transmit the additional fee of ten 2469

dollars paid to compensate the bureau for the additional services 2470
required in the issuing of professional sports team license plates 2471
to the treasurer of state for deposit into the state treasury to 2472
the credit of the state bureau of motor vehicles fund created by 2473
section 4501.25 of the Revised Code. 2474

(D) If a professional sports team located in this state 2475
desires to have its logo appear on license plates issued by this 2476
state, it shall inform the largest convention and visitors' bureau 2477
of the county in which the professional sports team is located of 2478
that desire. That convention and visitors' bureau shall create a 2479
sports commission to operate in that county to receive the 2480
contributions that are paid by applicants who choose to be issued 2481
license plates bearing the logo of that professional sports team 2482
for display on their motor vehicles. The sports commission shall 2483
negotiate with the professional sports team to permit the display 2484
of the team's logo on license plates issued by this state, enter 2485
into the contract with the team to permit such display, and pay to 2486
the team any licensing or rights fee that must be paid in 2487
connection with the issuance of the license plates. Upon execution 2488
of the contract, the sports commission shall provide a copy of it 2489
to the registrar of motor vehicles, along with any other 2490
documentation the registrar may require. Upon receipt of the 2491
contract and any required additional documentation, and when the 2492
numerical requirement contained in division (A) of section 4503.78 2493
of the Revised Code has been met relative to that particular 2494
professional sports team, the registrar shall take the measures 2495
necessary to issue license plates bearing the logo of that team. 2496

(E) A sports commission shall expend the money it receives 2497
pursuant to section 4501.21 of the Revised Code to attract amateur 2498
regional, national, and international sporting events to the 2499
municipal corporation, county, or township in which it is located, 2500
and it may sponsor such events. Prior to attracting or sponsoring 2501

such events, the sports commission shall perform an economic 2502
analysis to determine whether the proposed event will have a 2503
positive economic effect on the greater area in which the event 2504
will be held. A sports commission shall not expend any money it 2505
receives under that section to attract or sponsor an amateur 2506
regional, national, or international sporting event if its 2507
economic analysis does not result in a finding that the proposed 2508
event will have a positive economic effect on the greater area in 2509
which the event will be held. 2510

A sports commission that receives money pursuant to that 2511
section, in addition to any other duties imposed on it by law and 2512
notwithstanding the scope of those duties, also shall encourage 2513
the economic development of this state through the promotion of 2514
tourism within all areas of this state. A sports commission that 2515
receives ten thousand dollars or more during any calendar year 2516
shall submit a written report to the director of development, on 2517
or before the first day of October of the next succeeding year, 2518
detailing its efforts and expenditures in the promotion of tourism 2519
during the calendar year in which it received the ten thousand 2520
dollars or more. 2521

As used in this division, "promotion of tourism" means the 2522
encouragement through advertising, educational and informational 2523
means, and public relations, both within the state and outside of 2524
it, of travel by persons away from their homes for pleasure, 2525
personal reasons, or other purposes, except to work, to this state 2526
or to the region in which the sports commission is located. 2527

(F) For purposes of this section: 2528

(1) The "largest" convention and visitors' bureau of a county 2529
is the bureau that receives the largest amount of money generated 2530
in that county from excise taxes levied on lodging transactions 2531
under sections 351.021, 5739.08, and 5739.09 of the Revised Code. 2532

(2) "Sports commission" means a nonprofit corporation 2533
organized under the laws of this state that is entitled to tax 2534
exempt status under section 501(c)(3) of the "Internal Revenue 2535
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and 2536
whose function is to attract, promote, or sponsor sports and 2537
athletic events within a municipal corporation, county, or 2538
township. 2539

Such a commission shall consist of twenty-one members. Seven 2540
members shall be appointed by the mayor of the largest city to be 2541
served by the commission. Seven members shall be appointed by the 2542
board of county commissioners of the county to be served by the 2543
commission. Seven members shall be appointed by the largest 2544
convention and visitors' bureau in the area to be served by the 2545
commission. A sports commission may provide all services related 2546
to attracting, promoting, or sponsoring such events, including, 2547
but not limited to, the booking of athletes and teams, scheduling, 2548
and hiring or contracting for staff, ushers, managers, and other 2549
persons whose functions are directly related to the sports and 2550
athletic events the commission attracts, promotes, or sponsors. 2551

Sec. 4503.67. (A) If the national organization of the boy 2552
scouts of America desires to have its logo appear on license 2553
plates issued by this state, a representative of the Dan Beard 2554
council shall enter into a contract with the registrar of motor 2555
vehicles as provided in division (D) of this section 4501.41 ~~of~~ 2556
~~the Revised Code.~~ The owner or lessee of any passenger car, 2557
noncommercial motor vehicle, recreational vehicle, or other 2558
vehicle of a class approved by the registrar may apply to the 2559
registrar for the registration of the vehicle and issuance of 2560
license plates bearing the logo of the boy scouts of America if 2561
the council representative has entered into such a contract. An 2562
application made under this section may be combined with a request 2563

for a special reserved license plate under section 4503.40 or 2564
4503.42 of the Revised Code. Upon receipt of the completed 2565
application and compliance by the applicant with divisions (B) and 2566
(C) of this section, the registrar shall issue to the applicant 2567
the appropriate vehicle registration and a set of license plates 2568
bearing the logo of the boy scouts of America and a validation 2569
sticker, or a validation sticker alone when required by section 2570
4503.191 of the Revised Code. 2571

In addition to the letters and numbers ordinarily inscribed 2572
thereon, the plates shall display county identification stickers 2573
that identify the county of registration by name or number. 2574

(B) The boy scouts logo license plates and validation 2575
sticker, or validation sticker alone, as the case may be, shall be 2576
issued upon payment of the regular license tax as prescribed under 2577
section 4503.04 of the Revised Code, any applicable motor vehicle 2578
license tax levied under Chapter 4504. of the Revised Code, a fee 2579
of ten dollars for the purpose of compensating the bureau of motor 2580
vehicles for additional services required in the issuing of boy 2581
scouts license plates, and compliance with all other applicable 2582
laws relating to the registration of motor vehicles. If the 2583
application for a boy scouts license plate is combined with a 2584
request for a special reserved license plate under section 4503.40 2585
or 4503.42 of the Revised Code, the license plates and validation 2586
sticker, or validation sticker alone, shall be issued upon payment 2587
of the regular license tax as prescribed under section 4503.04 of 2588
the Revised Code, any applicable motor vehicle tax levied under 2589
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2590
purpose of compensating the bureau of motor vehicles for 2591
additional services required in the issuing of the plates, the 2592
additional fee prescribed under section 4503.40 or 4503.42 of the 2593
Revised Code, and compliance with all other applicable laws 2594
relating to the registration of motor vehicles. 2595

(C) For each application for registration and registration 2596
renewal notice the registrar receives under this section, the 2597
registrar shall collect a contribution of fifteen dollars. The 2598
registrar shall transmit this contribution to the treasurer of 2599
state for deposit into the ~~state treasury for distribution as~~ 2600
~~described in~~ license plate contribution fund created by section 2601
4501.41 4501.21 of the Revised Code. 2602

The registrar shall transmit the additional fee of ten 2603
dollars paid to compensate the bureau for the additional services 2604
required in the issuing of boy scouts license plates to the 2605
treasurer of state for deposit into the state treasury to the 2606
credit of the state bureau of motor vehicles fund created by 2607
section 4501.25 of the Revised Code. 2608

(D) If the national organization of the boy scouts of America 2609
desires to have its logo appear on license plates issued by this 2610
state, a representative of the Dan Beard council shall contract 2611
with the registrar to permit the display of the logo on license 2612
plates issued by this state. Upon execution of the contract, the 2613
council shall provide a copy of it to the registrar, along with 2614
any other documentation the registrar may require. Upon receiving 2615
the contract and any required additional documentation, and when 2616
the numerical requirement contained in division (A) of section 2617
4503.78 of the Revised Code has been met relative to the boy 2618
scouts of America, the registrar shall take the measures necessary 2619
to issue license plates bearing the logo of the boy scouts of 2620
America. 2621

Sec. 4503.68. (A) If the national organization of the girl 2622
scouts of the United States of America desires to have its logo 2623
appear on license plates issued by this state, a representative of 2624
the Great River council shall enter into a contract with the 2625
registrar of motor vehicles as provided in division (D) of this 2626

section ~~4501.61~~ of the Revised Code. The owner or lessee of any 2627
passenger car, noncommercial motor vehicle, recreational vehicle, 2628
or other vehicle of a class approved by the registrar may apply to 2629
the registrar for the registration of the vehicle and issuance of 2630
license plates bearing the logo of the girl scouts of United 2631
States of America if the council representative has entered into 2632
such a contract. An application made under this section may be 2633
combined with a request for a special reserved license plate under 2634
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2635
the completed application and compliance by the applicant with 2636
divisions (B) and (C) of this section, the registrar shall issue 2637
to the applicant the appropriate vehicle registration and a set of 2638
license plates bearing the logo of the girl scouts of the United 2639
States of America and a validation sticker, or a validation 2640
sticker alone when required by section 4503.191 of the Revised 2641
Code. 2642

In addition to the letters and numbers ordinarily inscribed 2643
thereon, the plates shall display county identification stickers 2644
that identify the county of registration by name or number. 2645

(B) The girl scouts logo license plates and validation 2646
sticker, or validation sticker alone, as the case may be, shall be 2647
issued upon payment of the regular license tax as prescribed under 2648
section 4503.04 of the Revised Code, any applicable motor vehicle 2649
license tax levied under Chapter 4504. of the Revised Code, a fee 2650
of ten dollars for the purpose of compensating the bureau of motor 2651
vehicles for additional services required in the issuing of girl 2652
scouts license plates, and compliance with all other applicable 2653
laws relating to the registration of motor vehicles. If the 2654
application for a girl scouts license plate is combined with a 2655
request for a special reserved license plate under section 4503.40 2656
or 4503.42 of the Revised Code, the license plates and validation 2657
sticker, or validation sticker alone, shall be issued upon payment 2658

of the regular license tax as prescribed under section 4503.04 of 2659
the Revised Code, any applicable motor vehicle tax levied under 2660
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2661
purpose of compensating the bureau of motor vehicles for 2662
additional services required in the issuing of the plates, the 2663
additional fee prescribed under section 4503.40 or 4503.42 of the 2664
Revised Code, and compliance with all other applicable laws 2665
relating to the registration of motor vehicles. 2666

(C) For each application for registration and registration 2667
renewal notice the registrar receives under this section, the 2668
registrar shall collect a contribution of fifteen dollars. The 2669
registrar shall transmit this contribution to the treasurer of 2670
state for deposit into the ~~state treasury for distribution as~~ 2671
~~described in~~ license plate contribution fund created by section 2672
4501.61 4501.21 of the Revised Code. 2673

The registrar shall transmit the additional fee of ten 2674
dollars paid to compensate the bureau for the additional services 2675
required in the issuing of girl scouts license plates to the 2676
treasurer of state for deposit into the state treasury to the 2677
credit of the state bureau of motor vehicles fund created by 2678
section 4501.25 of the Revised Code. 2679

(D) If the national organization of the girl scouts of the 2680
United States of America desires to have its logo appear on 2681
license plates issued by this state, a representative from the 2682
Great River council shall contract with the registrar to permit 2683
the display of the logo on license plates issued by this state. 2684
Upon execution of the contract, the council shall provide a copy 2685
of it to the registrar, along with any other documentation the 2686
registrar may require. Upon receiving the contract and any 2687
required additional documentation, and when the numerical 2688
requirement contained in division (A) of section 4503.78 of the 2689
Revised Code has been met relative to the girl scouts of the 2690

United States of America, the registrar shall take the measures 2691
necessary to issue license plates bearing the logo of the girl 2692
scouts of the United States of America. 2693

Sec. 4503.69. (A) If the national organization of the eagle 2694
scouts desires to have its logo appear on license plates issued by 2695
this state, a representative of the Dan Beard council shall enter 2696
into a contract with the registrar of motor vehicles as provided 2697
in division (D) of this section 4501.71 of the Revised Code. The 2698
owner or lessee of any passenger car, noncommercial motor vehicle, 2699
recreational vehicle, or other vehicle of a class approved by the 2700
registrar may apply to the registrar for the registration of the 2701
vehicle and issuance of license plates bearing the logo of the 2702
eagle scouts if the council representative has entered into such a 2703
contract on behalf of the eagle scouts. An application made under 2704
this section may be combined with a request for a special reserved 2705
license plate under section 4503.40 or 4503.42 of the Revised 2706
Code. Upon receipt of the completed application and compliance by 2707
the applicant with divisions (B) and (C) of this section, the 2708
registrar shall issue to the applicant the appropriate vehicle 2709
registration and a set of license plates bearing the logo of the 2710
eagle scouts and a validation sticker, or a validation sticker 2711
alone when required by section 4503.191 of the Revised Code. 2712

In addition to the letters and numbers ordinarily inscribed 2713
thereon, the plates shall display county identification stickers 2714
that identify the county of registration by name or number. 2715

(B) The eagle scouts logo license plates and validation 2716
sticker, or validation sticker alone, as the case may be, shall be 2717
issued upon payment of the regular license tax as prescribed under 2718
section 4503.04 of the Revised Code, any applicable motor vehicle 2719
license tax levied under Chapter 4504. of the Revised Code, a fee 2720
of ten dollars for the purpose of compensating the bureau of motor 2721

vehicles for additional services required in the issuing of eagle 2722
scouts license plates, and compliance with all other applicable 2723
laws relating to the registration of motor vehicles. If the 2724
application for an eagle scouts license plate is combined with a 2725
request for a special reserved license plate under section 4503.40 2726
or 4503.42 of the Revised Code, the license plates and validation 2727
sticker, or validation sticker alone, shall be issued upon payment 2728
of the regular license tax as prescribed under section 4503.04 of 2729
the Revised Code, any applicable motor vehicle tax levied under 2730
Chapter 4504. of the Revised Code, a fee of ten dollars for the 2731
purpose of compensating the bureau of motor vehicles for 2732
additional services required in the issuing of the plates, the 2733
additional fee prescribed under section 4503.40 or 4503.42 of the 2734
Revised Code, and compliance with all other applicable laws 2735
relating to the registration of motor vehicles. 2736

(C) For each application for registration and registration 2737
renewal notice the registrar receives under this section, the 2738
registrar shall collect a contribution of fifteen dollars. The 2739
registrar shall transmit this contribution to the treasurer of 2740
state for deposit into the ~~state treasury for distribution as~~ 2741
~~described in~~ license plate contribution fund created by section 2742
~~4501.71~~ 4501.21 of the Revised Code. 2743

The registrar shall transmit the additional fee of ten 2744
dollars paid to compensate the bureau for the additional services 2745
required in the issuing of eagle scouts license plates to the 2746
treasurer of state for deposit into the state treasury to the 2747
credit of the state bureau of motor vehicles fund created by 2748
section 4501.25 of the Revised Code. 2749

(D) If the national organization of the eagle scouts desires 2750
to have its logo appear on license plates issued by this state, a 2751
representative from the Dan Beard council shall contract with the 2752
registrar to permit the display of the logo on license plates 2753

issued by this state. Upon execution of the contract, the council 2754
shall provide a copy of it to the registrar, along with any other 2755
documentation the registrar may require. Upon receiving the 2756
contract and any required additional documentation, and when the 2757
numerical requirement contained in division (A) of section 4503.78 2758
of the Revised Code has been met relative to the eagle scouts, the 2759
registrar shall take the measures necessary to issue license 2760
plates bearing the logo of the eagle scouts. 2761

Sec. 4503.71. (A) The owner or lessee of any passenger car, 2762
noncommercial motor vehicle, recreational vehicle, or other 2763
vehicle of a class approved by the registrar of motor vehicles who 2764
also is a member in good standing of the fraternal order of police 2765
may apply to the registrar for the registration of the vehicle and 2766
issuance of fraternal order of police license plates. The 2767
application for fraternal order of police license plates may be 2768
combined with a request for a special reserved license plate under 2769
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 2770
the completed application, presentation by the applicant of the 2771
required evidence that the applicant is a member in good standing 2772
of the fraternal order of police, and compliance by the applicant 2773
with this section, the registrar shall issue to the applicant the 2774
appropriate vehicle registration and a set of fraternal order of 2775
police license plates with a validation sticker or a validation 2776
sticker alone when required by section 4503.191 of the Revised 2777
Code. 2778

In addition to the letters and numbers ordinarily inscribed 2779
thereon, fraternal order of police license plates shall be 2780
inscribed with identifying words and a symbol or logo designed by 2781
the fraternal order of police of Ohio, incorporated, and approved 2782
by the registrar. Fraternal order of police license plates shall 2783
bear county identification stickers that identify the county of 2784
registration by name or number. 2785

Fraternal order of police license plates and validation 2786
stickers shall be issued upon payment of the regular license fee 2787
required by section 4503.04 of the Revised Code, payment of any 2788
local motor vehicle license tax levied under Chapter 4504. of the 2789
Revised Code, payment of a fee of ten dollars, and compliance with 2790
all other applicable laws relating to the registration of motor 2791
vehicles. If the application for fraternal order of police license 2792
plates is combined with a request for a special reserved license 2793
plate under section 4503.40 or 4503.42 of the Revised Code, the 2794
license plates and validation sticker shall be issued upon payment 2795
of the fees and taxes contained in this section and the additional 2796
fee prescribed under section 4503.40 or 4503.42 of the Revised 2797
Code. The fee of ten dollars shall be for the purpose of 2798
compensating the bureau of motor vehicles for additional services 2799
required in the issuing of fraternal order of police license 2800
plates, and shall be transmitted by the registrar to the treasurer 2801
of state for deposit into the state treasury to the credit of the 2802
state bureau of motor vehicles fund created by section 4501.25 of 2803
the Revised Code. 2804

(B) For each application for registration and registration 2805
renewal the registrar receives under this section, the registrar 2806
shall collect an additional fee of two dollars. The registrar 2807
shall transmit this additional fee to the treasurer of state for 2808
deposit in the ~~fraternal order of police~~ license plate 2809
contribution fund created in section ~~4501.311~~ 4501.21 of the 2810
Revised Code. 2811

Sec. 4503.711. (A) The owner or lessee of any passenger car, 2812
noncommercial motor vehicle, recreational vehicle, or other 2813
vehicle of a class approved by the registrar of motor vehicles who 2814
is a member in good standing of the fraternal order of police 2815
associates of Ohio, inc., may apply to the registrar for the 2816

registration of the vehicle and issuance of fraternal order of 2817
police associate license plates. The application for fraternal 2818
order of police associate license plates may be combined with a 2819
request for a special reserved license plate under section 4503.40 2820
or 4503.42 of the Revised Code. Upon receipt of the completed 2821
application, presentation by the applicant of the required 2822
evidence that the applicant is a member in good standing of the 2823
fraternal order of police associates of Ohio, inc., and compliance 2824
with division (B) of this section, the registrar shall issue to 2825
the applicant the appropriate vehicle registration and a set of 2826
fraternal order of police associate license plates with a 2827
validation sticker or a validation sticker alone when required by 2828
section 4503.191 of the Revised Code. 2829

In addition to the letters and numbers ordinarily inscribed 2830
thereon, fraternal order of police associate license plates shall 2831
be inscribed with identifying words or markings designed by the 2832
fraternal order of police of Ohio, inc., and approved by the 2833
registrar. Fraternal order of police associate plates shall bear 2834
county identification stickers that identify the county of 2835
registration by name and number. 2836

(B) The registrar shall issue a set of fraternal order of 2837
police associate license plates with a validation sticker or a 2838
validation sticker alone upon receipt of a contribution as 2839
provided in division (C) of this section and upon payment of the 2840
regular license fees prescribed under section 4503.04 of the 2841
Revised Code, an additional fee of ten dollars for the purpose of 2842
compensating the bureau of motor vehicles for additional services 2843
required in the issuing of the fraternal order of police associate 2844
license plates, any applicable motor vehicle tax levied under 2845
Chapter 4504. of the Revised Code, and compliance with all other 2846
applicable laws relating to the registration of motor vehicles. If 2847
the application for fraternal order of police associate license 2848

plates is combined with a request for a special reserved license 2849
plate under section 4503.40 or 4503.42 of the Revised Code, the 2850
license plate and validation sticker shall be issued upon payment 2851
of the contribution, fees, and taxes contained in this division 2852
and the additional fee prescribed under section 4503.40 or 4503.42 2853
of the Revised Code. 2854

(C) For each application for registration and registration 2855
renewal the registrar receives under this section, the registrar 2856
shall collect a contribution of fifteen dollars. The registrar 2857
shall transmit this contribution to the treasurer of state for 2858
deposit in the ~~fraternal order of police associate~~ license plate 2859
contribution fund created in section ~~4501.25~~ 4501.21 of the 2860
Revised Code. 2861

The registrar shall transmit the additional fee of ten 2862
dollars specified in division (B) of this section to the treasurer 2863
of state for deposit into the state treasury to the credit of the 2864
state bureau of motor vehicles fund created by section 4501.25 of 2865
the Revised Code. 2866

Sec. 4503.72. (A) The owner or lessee of any passenger car, 2867
noncommercial motor vehicle, recreational vehicle, or other 2868
vehicle of a class approved by the registrar of motor vehicles may 2869
apply to the registrar for the registration of the vehicle and 2870
issuance of Ohio court-appointed special advocate/guardian ad 2871
litem license plates. The application for Ohio court-appointed 2872
special advocate/guardian ad litem license plates may be combined 2873
with a request for a special reserved license plate under section 2874
4503.40 or 4503.42 of the Revised Code. Upon receipt of the 2875
completed application and compliance with division (B) of this 2876
section, the registrar shall issue to the applicant the 2877
appropriate vehicle registration and a set of Ohio court-appointed 2878
special advocate/guardian ad litem license plates with a 2879

validation sticker or a validation sticker alone when required by 2880
section 4503.191 of the Revised Code. 2881

In addition to the letters and numbers ordinarily inscribed 2882
thereon, Ohio court-appointed special advocate/guardian ad litem 2883
license plates shall be inscribed with identifying words or 2884
markings designed by the board of directors of the Ohio CASA/GAL 2885
association and approved by the registrar. Ohio court-appointed 2886
special advocate/guardian ad litem license plates shall bear 2887
county identification stickers that identify the county of 2888
registration by name or number. 2889

(B) The Ohio court-appointed special advocate/guardian ad 2890
litem license plates and validation sticker shall be issued upon 2891
receipt of a contribution as provided in division (C) of this 2892
section and upon payment of the regular license tax as prescribed 2893
under section 4503.04 of the Revised Code, a fee of ten dollars 2894
for the purpose of compensating the bureau of motor vehicles for 2895
additional services required in the issuing of the Ohio 2896
court-appointed special advocate/guardian ad litem license plates, 2897
any applicable motor vehicle tax levied under Chapter 4504. of the 2898
Revised Code, and compliance with all other applicable laws 2899
relating to the registration of motor vehicles. If the application 2900
for Ohio court-appointed special advocate/guardian ad litem 2901
license plates is combined with a request for a special reserved 2902
license plate under section 4503.40 or 4503.42 of the Revised 2903
Code, the license plate and validation sticker shall be issued 2904
upon payment of the contribution, fees, and taxes contained in 2905
this division and the additional fee prescribed under section 2906
4503.40 or 4503.42 of the Revised Code. 2907

(C) For each application for registration and registration 2908
renewal the registrar receives under this section, the registrar 2909
shall collect a contribution in an amount not to exceed forty 2910
dollars as determined by the board of directors of the Ohio 2911

CASA/GAL association. The registrar shall transmit this 2912
contribution to the treasurer of state for deposit in the Ohio 2913
~~court-appointed special advocate/guardian ad litem~~ license plate 2914
contribution fund created in section ~~4501.20~~ 4501.21 of the 2915
Revised Code. 2916

The registrar shall deposit the additional fee of ten dollars 2917
specified in division (B) of this section that the applicant for 2918
registration voluntarily pays for the purpose of compensating the 2919
bureau for the additional services required in the issuing of the 2920
applicant's Ohio court-appointed special advocate/guardian ad 2921
litem license plates in the state bureau of motor vehicles fund 2922
created in section 4501.25 of the Revised Code. 2923

Sec. 4503.73. (A) The owner or lessee of any passenger car, 2924
noncommercial motor vehicle, motor home, or other vehicle of a 2925
class approved by the registrar of motor vehicles may apply to the 2926
registrar for the registration of the vehicle and issuance of "the 2927
leader in flight" license plates. The application for "the leader 2928
in flight" license plates may be combined with a request for a 2929
special reserved license plate under section 4503.40 or 4503.42 of 2930
the Revised Code. Upon receipt of the completed application and 2931
compliance with division (B) of this section, the registrar shall 2932
issue to the applicant the appropriate vehicle registration and a 2933
set of "the leader in flight" license plates with a validation 2934
sticker or a validation sticker alone when required by section 2935
4503.191 of the Revised Code. 2936

In addition to the letters and numbers ordinarily inscribed 2937
thereon, "the leader in flight" license plates shall be inscribed 2938
with the words "the leader in flight" and illustrations of a space 2939
shuttle in a vertical position and the Wright "B" airplane. "The 2940
leader in flight" license plates shall bear county identification 2941
stickers that identify the county of registration by name or 2942

number. 2943

(B) "The leader in flight" license plates and validation 2944
sticker shall be issued upon receipt of a contribution as provided 2945
in division (C) of this section and payment of the regular license 2946
tax as prescribed under section 4503.04 of the Revised Code, a fee 2947
of ten dollars for the purpose of compensating the bureau of motor 2948
vehicles for additional services required in the issuing of "the 2949
leader in flight" license plates, any applicable motor vehicle tax 2950
levied under Chapter 4504. of the Revised Code, and compliance 2951
with all other applicable laws relating to the registration of 2952
motor vehicles. If the application for "the leader in flight" 2953
license plates is combined with a request for a special reserved 2954
license plate under section 4503.40 or 4503.42 of the Revised 2955
Code, the license plate and validation sticker shall be issued 2956
upon payment of the fees and taxes referred to or established in 2957
this division and the additional fee prescribed under section 2958
4503.40 or 4503.42 of the Revised Code. 2959

(C) For each application for registration and registration 2960
renewal received under this section, the registrar shall collect a 2961
contribution of fifteen dollars. The registrar shall transmit this 2962
contribution to the treasurer of state for deposit in the ~~leader~~ 2963
~~in flight~~ license plate contribution fund created in section 2964
~~4501.39~~ 4501.21 of the Revised Code. 2965

The registrar shall deposit the additional fee of ten dollars 2966
specified in division (B) of this section that the applicant for 2967
registration voluntarily pays for the purpose of compensating the 2968
bureau for the additional services required in the issuing of the 2969
applicant's "the leader in flight" license plates in the state 2970
bureau of motor vehicles fund created in section 4501.25 of the 2971
Revised Code. 2972

Sec. 4503.75. (A) The owner or lessee of any passenger car, 2973

noncommercial motor vehicle, recreational vehicle, or other 2974
vehicle of a class approved by the registrar of motor vehicles who 2975
also is a member of the rotary international may apply to the 2976
registrar for the registration of the vehicle and issuance of 2977
rotary international license plates. The application for rotary 2978
international license plates may be combined with a request for a 2979
special reserved license plate under section 4503.40 or 4503.42 of 2980
the Revised Code. Upon receipt of the completed application, proof 2981
of membership in rotary international as required by the 2982
registrar, and compliance with division (B) of this section, the 2983
registrar shall issue to the applicant the appropriate vehicle 2984
registration and a set of rotary international license plates with 2985
a validation sticker or a validation sticker alone when required 2986
by section 4503.191 of the Revised Code. 2987

In addition to the letters and numbers ordinarily inscribed 2988
thereon, rotary international license plates shall be inscribed 2989
with identifying words or markings representing the international 2990
rotary and approved by the registrar. Rotary international license 2991
plates shall bear county identification stickers that identify the 2992
county of registration by name or number. 2993

(B) The rotary international license plates and validation 2994
sticker shall be issued upon receipt of a contribution as provided 2995
in division (C) of this section and upon payment of the regular 2996
license tax as prescribed under section 4503.04 of the Revised 2997
Code, a fee of ten dollars for the purpose of compensating the 2998
bureau of motor vehicles for additional services required in the 2999
issuing of the rotary international license plates, any applicable 3000
motor vehicle tax levied under Chapter 4504. of the Revised Code, 3001
and compliance with all other applicable laws relating to the 3002
registration of motor vehicles. If the application for rotary 3003
international license plates is combined with a request for a 3004
special reserved license plate under section 4503.40 or 4503.42 of 3005

the Revised Code, the license plate and validation sticker shall 3006
be issued upon payment of the contribution, fees, and taxes 3007
contained in this division and the additional fee prescribed under 3008
section 4503.40 or 4503.42 of the Revised Code. 3009

(C) For each application for registration and registration 3010
renewal the registrar receives under this section, the registrar 3011
shall collect a contribution of fifteen dollars. The registrar 3012
shall transmit this contribution to the treasurer of state for 3013
deposit in the ~~rotary international~~ license plate contribution 3014
fund created in section ~~4501.29~~ 4501.21 of the Revised Code. 3015

The registrar shall deposit the additional fee of ten dollars 3016
specified in division (B) of this section that the applicant for 3017
registration voluntarily pays for the purpose of compensating the 3018
bureau for the additional services required in the issuing of the 3019
applicant's rotary international license plates in the state 3020
bureau of motor vehicles fund created in section 4501.25 of the 3021
Revised Code. 3022

Sec. 4506.08. (A) Each application for a commercial driver's 3023
license temporary instruction permit shall be accompanied by a fee 3024
of ten dollars; except as provided in division (B) of this 3025
section, each application for a commercial driver's license, 3026
restricted commercial driver's license, or renewal of such a 3027
license shall be accompanied by a fee of twenty-five dollars; and 3028
each application for a duplicate commercial driver's license shall 3029
be accompanied by a fee of ten dollars. In addition, the registrar 3030
of motor vehicles or deputy registrar may collect and retain an 3031
additional fee of no more than two dollars and seventy-five cents 3032
commencing on July 1, 2001, three dollars and twenty-five cents 3033
commencing on January 1, 2003, and three dollars and fifty cents 3034
commencing on January 1, 2004, for each application for a 3035
commercial driver's license temporary instruction permit, 3036

commercial driver's license, renewal of a commercial driver's 3037
license, or duplicate commercial driver's license received by the 3038
registrar or deputy. No fee shall be charged for the annual 3039
issuance of a waiver for farm-related service industries pursuant 3040
to section 4506.24 of the Revised Code. 3041

Each deputy registrar shall transmit the fees collected to 3042
the registrar at the time and in the manner prescribed by the 3043
registrar by rule. The registrar shall pay the fees into the state 3044
highway safety fund established in section 4501.06 of the Revised 3045
Code. 3046

(B) In addition to the fees imposed under division (A) of 3047
this section, the registrar of motor vehicles or deputy registrar 3048
shall collect a fee of twelve dollars commencing on October 1, 3049
2003, for each application for a commercial driver's license 3050
temporary instruction permit, commercial driver's license, or 3051
duplicate commercial driver's license and for each application for 3052
renewal of a commercial driver's license with an expiration date 3053
on or after that date received by the registrar or deputy 3054
registrar. The additional fee is for the purpose of defraying the 3055
department of public safety's costs associated with the 3056
administration and enforcement of the motor vehicle and traffic 3057
laws of Ohio. Each deputy registrar shall transmit the fees 3058
collected under division (B) of this section in the time and 3059
manner prescribed by the registrar. The registrar shall deposit 3060
all moneys received under division (B) of this section into the 3061
state highway safety fund established in section 4501.06 of the 3062
Revised Code. 3063

(C) Information regarding the driving record of any person 3064
holding a commercial driver's license issued by this state shall 3065
be furnished by the registrar, upon request and payment of a fee 3066
of three dollars, to the employer or prospective employer of such 3067
a person and to any insurer. 3068

Sec. 4507.23. (A) Except as provided in division ~~(H)~~(I) of 3069
this section, each application for a temporary instruction permit 3070
and examination shall be accompanied by a fee of four dollars. 3071

(B) Except as provided in division ~~(H)~~(I) of this section, 3072
each application for a driver's license made by a person who 3073
previously held such a license and whose license has expired not 3074
more than two years prior to the date of application, and who is 3075
required under this chapter to give an actual demonstration of the 3076
person's ability to drive, shall be accompanied by a fee of three 3077
dollars in addition to any other fees. 3078

(C) Except as provided in divisions (E) and ~~(H)~~(I) of this 3079
section, each application for a driver's license, or motorcycle 3080
operator's endorsement, or renewal of a driver's license shall be 3081
accompanied by a fee of six dollars. Except as provided in 3082
division ~~(H)~~(I) of this section, each application for a duplicate 3083
driver's license shall be accompanied by a fee of two dollars and 3084
fifty cents. The duplicate driver's licenses issued under this 3085
section shall be distributed by the deputy registrar in accordance 3086
with rules adopted by the registrar of motor vehicles. 3087

(D) Except as provided in division ~~(H)~~(I) of this section, 3088
each application for a motorized bicycle license or duplicate 3089
thereof shall be accompanied by a fee of two dollars and fifty 3090
cents. 3091

(E) Except as provided in division ~~(H)~~(I) of this section, 3092
each application for a driver's license or renewal of a driver's 3093
license that will be issued to a person who is less than 3094
twenty-one years of age shall be accompanied by whichever of the 3095
following fees is applicable: 3096

(1) If the person is sixteen years of age or older, but less 3097
than seventeen years of age, a fee of seven dollars and 3098

twenty-five cents; 3099

(2) If the person is seventeen years of age or older, but 3100
less than eighteen years of age, a fee of six dollars; 3101

(3) If the person is eighteen years of age or older, but less 3102
than nineteen years of age, a fee of four dollars and seventy-five 3103
cents; 3104

(4) If the person is nineteen years of age or older, but less 3105
than twenty years of age, a fee of three dollars and fifty cents; 3106

(5) If the person is twenty years of age or older, but less 3107
than twenty-one years of age, a fee of two dollars and twenty-five 3108
cents. 3109

(F) Neither the registrar nor any deputy registrar shall 3110
charge a fee in excess of one dollar and fifty cents for 3111
laminating a driver's license, motorized bicycle license, or 3112
temporary instruction permit identification cards as required by 3113
sections 4507.13 and 4511.521 of the Revised Code. A deputy 3114
registrar laminating a driver's license, motorized bicycle 3115
license, or temporary instruction permit identification cards 3116
shall retain the entire amount of the fee charged for lamination, 3117
less the actual cost to the registrar of the laminating materials 3118
used for that lamination, as specified in the contract executed by 3119
the bureau for the laminating materials and laminating equipment. 3120
The deputy registrar shall forward the amount of the cost of the 3121
laminating materials to the registrar for deposit as provided in 3122
this section. 3123

(G) Except as provided in division (I) of this section and 3124
except for the renewal of a driver's license, commencing on 3125
October 1, 2003, each transaction described in divisions (A), (B), 3126
(C), (D), and (E) of this section shall be accompanied by an 3127
additional fee of twelve dollars. A transaction involving the 3128
renewal of a driver's license with an expiration date on or after 3129

that date shall be accompanied by an additional fee of twelve 3130
dollars. The additional fee is for the purpose of defraying the 3131
department of public safety's costs associated with the 3132
administration and enforcement of the motor vehicle and traffic 3133
laws of Ohio. 3134

(H) At the time and in the manner provided by section 4503.10 3135
of the Revised Code, the deputy registrar shall transmit the fees 3136
collected under divisions (A), (B), (C), (D), and (E), ~~and~~ those 3137
portions of the fees specified in and collected under division 3138
(F), and the additional fee under division (G) of this section to 3139
the registrar. The registrar shall pay two dollars and fifty cents 3140
of each fee collected under divisions (A), (B), (C), (D), and 3141
(E)(1) to (4) of this section, and the entire fee collected under 3142
division (E)(5) of this section, into the state highway safety 3143
fund established in section 4501.06 of the Revised Code, and such 3144
fees shall be used for the sole purpose of supporting driver 3145
licensing activities. The registrar also shall pay the entire fee 3146
collected under division (G) of this section into the state 3147
highway safety fund created in section 4501.06 of the Revised 3148
Code. The remaining fees collected by the registrar under this 3149
section shall be paid into the state bureau of motor vehicles fund 3150
established in section 4501.25 of the Revised Code. 3151

~~(H)~~(I) A disabled veteran who has a service-connected 3152
disability rated at one hundred per cent by the veterans' 3153
administration may apply to the registrar or a deputy registrar 3154
for the issuance to that veteran, without the payment of any fee 3155
prescribed in this section, of any of the following items: 3156

(1) A temporary instruction permit and examination; 3157

(2) A new, renewal, or duplicate driver's or commercial 3158
driver's license; 3159

(3) A motorcycle operator's endorsement; 3160

(4) A motorized bicycle license or duplicate thereof; 3161

(5) Lamination of a driver's license, motorized bicycle 3162
license, or temporary instruction permit identification card as 3163
provided in division (F) of this section, if the circumstances 3164
specified in division ~~(H)~~(I)(5) of this section are met. 3165

If the driver's license, motorized bicycle license, or 3166
temporary instruction permit identification card of a disabled 3167
veteran described in division ~~(H)~~(I) of this section is laminated 3168
by a deputy registrar who is acting as a deputy registrar pursuant 3169
to a contract with the registrar that is in effect on October 14, 3170
1997, the disabled veteran shall be required to pay the deputy 3171
registrar the lamination fee provided in division (F) of this 3172
section. If the driver's license, motorized bicycle license, or 3173
temporary instruction permit identification card of such a 3174
disabled veteran is laminated by a deputy registrar who is acting 3175
as a deputy registrar pursuant to a contract with the registrar 3176
that is executed after October 14, 1997, the disabled veteran is 3177
not required to pay the deputy registrar the lamination fee 3178
provided in division (F) of this section. 3179

A disabled veteran whose driver's license, motorized bicycle 3180
license, or temporary instruction permit identification card is 3181
laminated by the registrar is not required to pay the registrar 3182
any lamination fee. 3183

An application made under division ~~(H)~~(I) of this section 3184
shall be accompanied by such documentary evidence of disability as 3185
the registrar may require by rule. 3186

Sec. 4511.04. (A) Sections 4511.01 to ~~4511.18, 4511.20 to~~ 3187
4511.78, ~~inclusive, section~~ 4511.99, and ~~sections~~ 4513.01 to 3188
4513.37, ~~inclusive,~~ of the Revised Code do not apply to persons, 3189
teams, motor vehicles, and other equipment while actually engaged 3190

in work upon the surface of a highway within an area designated by 3191
traffic control devices, but apply to such persons and vehicles 3192
when traveling to or from such work. 3193

(B) The ~~drivers~~ driver of snow plows, traffic line strippers, 3194
road sweepers, mowing machines, tar distributing vehicles, and 3195
other vehicles utilized in snow and ice removal or road surface a 3196
highway maintenance vehicle owned by this state or any political 3197
subdivision of this state, while the driver is engaged in work the 3198
performance of official duties upon a street or highway, provided 3199
such vehicles are the highway maintenance vehicle is equipped with 3200
flashing lights and such other markings as are required by law, 3201
and such lights are in operation when the ~~vehicles~~ driver and 3202
vehicle are so engaged, shall be exempt from criminal prosecution 3203
for violations of sections 4511.22, 4511.25, 4511.26, 4511.27, 3204
4511.28, 4511.30, 4511.31, 4511.33, 4511.35, ~~and~~ 4511.66, 4513.02, 3205
and 5577.01 to 5577.09 of the Revised Code. ~~Such exemption shall~~ 3206
~~not apply to such drivers when their vehicles are not so engaged.~~ 3207
~~This~~ 3208

(C)(1) This section shall does not exempt a driver of such 3209
equipment a highway maintenance vehicle from civil liability 3210
arising from ~~the a~~ violation of ~~sections~~ section 4511.22, 4511.25, 3211
4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, ~~and~~ 3212
4511.66, or 4513.02 or sections 5577.01 to 5577.09 of the Revised 3213
Code. 3214

(2) This section does not exempt the driver of a vehicle that 3215
is engaged in the transport of highway maintenance equipment from 3216
criminal liability for a violation of sections 5577.01 to 5577.09 3217
of the Revised Code. 3218

(D) As used in this section, "highway maintenance vehicle" 3219
means a vehicle used in snow and ice removal or road surface 3220
maintenance, including a snow plow, traffic line striper, road 3221
sweeper, mowing machine, asphalt distributing vehicle, or other 3222

such vehicle designed for use in specific highway maintenance 3223
activities. 3224

Sec. 4511.19. (A) No person shall operate any vehicle, 3225
streetcar, or trackless trolley within this state, if any of the 3226
following apply: 3227

(1) The person is under the influence of alcohol, a drug of 3228
abuse, or alcohol and a drug of abuse~~+~~. 3229

(2) The person has a concentration of ~~ten-hundredths~~ 3230
eight-hundredths of one per cent or more but less than 3231
seventeen-hundredths of one per cent by weight of alcohol in the 3232
person's blood~~+~~. 3233

(3) The person has a concentration of ~~ten-hundredths~~ 3234
eight-hundredths of one gram or more but less than 3235
seventeen-hundredths of one gram by weight of alcohol per two 3236
hundred ten liters of the person's breath~~+~~. 3237

(4) The person has a concentration of ~~fourteen-hundredths~~ 3238
eleven-hundredths of one gram or more but less than two hundred 3239
thirty-eight-thousandths of one gram by weight of alcohol per one 3240
hundred milliliters of the person's urine~~+~~. 3241

(5) The person has a concentration of seventeen-hundredths of 3242
one per cent or more by weight of alcohol in the person's blood~~+~~. 3243

(6) The person has a concentration of seventeen-hundredths of 3244
one gram or more by weight of alcohol per two hundred ten liters 3245
of the person's breath~~+~~. 3246

(7) The person has a concentration of two hundred 3247
thirty-eight-thousandths of one gram or more by weight of alcohol 3248
per one hundred milliliters of the person's urine. 3249

(B) No person under twenty-one years of age shall operate any 3250
vehicle, streetcar, or trackless trolley within this state, if any 3251

of the following apply: 3252

(1) The person has a concentration of at least two-hundredths 3253
of one per cent but less than ~~ten-hundredths~~ eight-hundredths of 3254
one per cent by weight of alcohol in the person's blood~~+~~. 3255

(2) The person has a concentration of at least two-hundredths 3256
of one gram but less than ~~ten-hundredths~~ eight-hundredths of one 3257
gram by weight of alcohol per two hundred ten liters of the 3258
person's breath~~+~~. 3259

(3) The person has a concentration of at least twenty-eight 3260
one-thousandths of one gram but less than ~~fourteen-hundredths~~ 3261
eleven-hundredths of one gram by weight of alcohol per one hundred 3262
milliliters of the person's urine. 3263

(C) In any proceeding arising out of one incident, a person 3264
may be charged with a violation of division (A)(1) and a violation 3265
of division (B)(1), (2), or (3) of this section, but the person 3266
may not be convicted of more than one violation of these 3267
divisions. 3268

(D)(1) In any criminal prosecution or juvenile court 3269
proceeding for a violation of division (A) or (B) of this section, 3270
of a municipal ordinance relating to operating a vehicle while 3271
under the influence of alcohol, a drug of abuse, or alcohol and a 3272
drug of abuse, or of a municipal ordinance relating to operating a 3273
vehicle with a prohibited concentration of alcohol in the blood, 3274
breath, or urine, the court may admit evidence on the 3275
concentration of alcohol, drugs of abuse, or alcohol and drugs of 3276
abuse in the defendant's blood, breath, urine, or other bodily 3277
substance at the time of the alleged violation as shown by 3278
chemical analysis of the defendant's blood, urine, breath, or 3279
other bodily substance withdrawn within two hours of the time of 3280
the alleged violation. 3281

When a person submits to a blood test at the request of a 3282

police officer under section 4511.191 of the Revised Code, only a 3283
physician, a registered nurse, or a qualified technician or 3284
chemist shall withdraw blood for the purpose of determining its 3285
alcohol, drug, or alcohol and drug content. This limitation does 3286
not apply to the taking of breath or urine specimens. A physician, 3287
a registered nurse, or a qualified technician or chemist may 3288
refuse to withdraw blood for the purpose of determining the 3289
alcohol, drug, or alcohol and drug content of the blood, if in the 3290
opinion of the physician, nurse, technician, or chemist the 3291
physical welfare of the person would be endangered by the 3292
withdrawing of blood. 3293

Such bodily substance shall be analyzed in accordance with 3294
methods approved by the director of health by an individual 3295
possessing a valid permit issued by the director of health 3296
pursuant to section 3701.143 of the Revised Code. 3297

(2) In a criminal prosecution or juvenile court proceeding 3298
for a violation of division (A) of this section, of a municipal 3299
ordinance relating to operating a vehicle while under the 3300
influence of alcohol, a drug of abuse, or alcohol and a drug of 3301
abuse, or of a municipal ordinance substantially equivalent to 3302
division (A) of this section relating to operating a vehicle with 3303
a prohibited concentration of alcohol in the blood, breath, or 3304
urine, if there was at the time the bodily substance was withdrawn 3305
a concentration of less than ~~ten-hundredths~~ eight-hundredths of 3306
one per cent by weight of alcohol in the defendant's blood, less 3307
than ~~ten-hundredths~~ eight-hundredths of one gram by weight of 3308
alcohol per two hundred ten liters of the defendant's breath, or 3309
less than ~~fourteen-hundredths~~ eleven-hundredths of one gram by 3310
weight of alcohol per one hundred milliliters of the defendant's 3311
urine, ~~such that~~ that fact may be considered with other competent 3312
evidence in determining the guilt or innocence of the defendant. 3313
This division does not limit or affect a criminal prosecution or 3314

juvenile court proceeding for a violation of division (B) of this 3315
section or of a municipal ordinance substantially equivalent to 3316
division (B) of this section relating to operating a vehicle with 3317
a prohibited concentration of alcohol in the blood, breath, or 3318
urine. 3319

(3) Upon the request of the person who was tested, the 3320
results of the chemical test shall be made available to the person 3321
or the person's attorney or agent immediately upon the completion 3322
of the chemical test analysis. 3323

The person tested may have a physician, a registered nurse, 3324
or a qualified technician or chemist of the person's own choosing 3325
administer a chemical test or tests in addition to any 3326
administered at the request of a police officer, and shall be so 3327
advised. The failure or inability to obtain an additional chemical 3328
test by a person shall not preclude the admission of evidence 3329
relating to the chemical test or tests taken at the request of a 3330
police officer. 3331

(4)(a) As used in divisions (D)(4)(b) and (c) of this 3332
section, "national highway traffic safety administration" means 3333
the national highway traffic safety administration established as 3334
an administration of the United States department of 3335
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3336

(b) In any criminal prosecution or juvenile court proceeding 3337
for a violation of division (A) or (B) of this section, of a 3338
municipal ordinance relating to operating a vehicle while under 3339
the influence of alcohol, a drug of abuse, or alcohol and a drug 3340
of abuse, or of a municipal ordinance relating to operating a 3341
vehicle with a prohibited concentration of alcohol in the blood, 3342
breath, or urine, if a law enforcement officer has administered a 3343
field sobriety test to the operator of the vehicle involved in the 3344
violation and if it is shown by clear and convincing evidence that 3345
the officer administered the test in substantial compliance with 3346

the testing standards for any reliable, credible, and generally 3347
accepted field sobriety tests that were in effect at the time the 3348
tests were administered, including, but not limited to, any 3349
testing standards then in effect that were set by the national 3350
highway traffic safety administration, all of the following apply: 3351

(i) The officer may testify concerning the results of the 3352
field sobriety test so administered. 3353

(ii) The prosecution may introduce the results of the field 3354
sobriety test so administered as evidence in any proceedings in 3355
the criminal prosecution or juvenile court proceeding. 3356

(iii) If testimony is presented or evidence is introduced 3357
under division (D)(4)(b)(i) or (ii) of this section and if the 3358
testimony or evidence is admissible under the Rules of Evidence, 3359
the court shall admit the testimony or evidence and the trier of 3360
fact shall give it whatever weight the trier of fact considers to 3361
be appropriate. 3362

(c) Division (D)(4)(b) of this section does not limit or 3363
preclude a court, in its determination of whether the arrest of a 3364
person was supported by probable cause or its determination of any 3365
other matter in a criminal prosecution or juvenile court 3366
proceeding of a type described in that division, from considering 3367
evidence or testimony that is not otherwise disallowed by division 3368
(D)(4)(b) of this section. 3369

(5) Any physician, registered nurse, or qualified technician 3370
or chemist who withdraws blood from a person pursuant to this 3371
section, and any hospital, first-aid station, or clinic at which 3372
blood is withdrawn from a person pursuant to this section, is 3373
immune from criminal liability, and from civil liability that is 3374
based upon a claim of assault and battery or based upon any other 3375
claim that is not in the nature of a claim of malpractice, for any 3376
act performed in withdrawing blood from the person. 3377

Sec. 4511.191. (A) Any person who operates a vehicle upon a 3378
highway or any public or private property used by the public for 3379
vehicular travel or parking within this state shall be deemed to 3380
have given consent to a chemical test or tests of the person's 3381
blood, breath, or urine for the purpose of determining the 3382
alcohol, drug, or alcohol and drug content of the person's blood, 3383
breath, or urine if arrested for operating a vehicle while under 3384
the influence of alcohol, a drug of abuse, or alcohol and a drug 3385
of abuse or for operating a vehicle with a prohibited 3386
concentration of alcohol in the blood, breath, or urine. The 3387
chemical test or tests shall be administered at the request of a 3388
police officer having reasonable grounds to believe the person to 3389
have been operating a vehicle upon a highway or any public or 3390
private property used by the public for vehicular travel or 3391
parking in this state while under the influence of alcohol, a drug 3392
of abuse, or alcohol and a drug of abuse or with a prohibited 3393
concentration of alcohol in the blood, breath, or urine. The law 3394
enforcement agency by which the officer is employed shall 3395
designate which of the tests shall be administered. 3396

(B) Any person who is dead or unconscious, or who is 3397
otherwise in a condition rendering the person incapable of 3398
refusal, shall be deemed not to have withdrawn consent as provided 3399
by division (A) of this section and the test or tests may be 3400
administered, subject to sections 313.12 to 313.16 of the Revised 3401
Code. 3402

(C)(1) Any person under arrest for operating a vehicle while 3403
under the influence of alcohol, a drug of abuse, or alcohol and a 3404
drug of abuse or for operating a vehicle with a prohibited 3405
concentration of alcohol in the blood, breath, or urine shall be 3406
advised at a police station, or at a hospital, first-aid station, 3407
or clinic to which the person has been taken for first-aid or 3408

medical treatment, of both of the following: 3409

(a) The consequences, as specified in division (E) of this 3410
section, of the person's refusal to submit upon request to a 3411
chemical test designated by the law enforcement agency as provided 3412
in division (A) of this section; 3413

(b) The consequences, as specified in division (F) of this 3414
section, of the person's submission to the designated chemical 3415
test if the person is found to have a prohibited concentration of 3416
alcohol in the blood, breath, or urine. 3417

(2)(a) The advice given pursuant to division (C)(1) of this 3418
section shall be in a written form containing the information 3419
described in division (C)(2)(b) of this section and shall be read 3420
to the person. The form shall contain a statement that the form 3421
was shown to the person under arrest and read to the person in the 3422
presence of the arresting officer and either another police 3423
officer, a civilian police employee, or an employee of a hospital, 3424
first-aid station, or clinic, if any, to which the person has been 3425
taken for first-aid or medical treatment. The witnesses shall 3426
certify to this fact by signing the form. 3427

(b) The form required by division (C)(2)(a) of this section 3428
shall read as follows: 3429

"You now are under arrest for operating a vehicle while under 3430
the influence of alcohol, a drug of abuse, or both alcohol and a 3431
drug of abuse and will be requested by a police officer to submit 3432
to a chemical test to determine the concentration of alcohol, 3433
drugs of abuse, or alcohol and drugs of abuse in your blood, 3434
breath, or urine. 3435

If you refuse to submit to the requested test or if you 3436
submit to the requested test and are found to have a prohibited 3437
concentration of alcohol in your blood, breath, or urine, your 3438
driver's or commercial driver's license or permit or nonresident 3439

operating privilege immediately will be suspended for the period 3440
of time specified by law by the officer, on behalf of the 3441
registrar of motor vehicles. You may appeal this suspension at 3442
your initial appearance before the court that hears the charges 3443
against you resulting from the arrest, and your initial appearance 3444
will be conducted no later than five days after the arrest. This 3445
suspension is independent of the penalties for the offense, and 3446
you may be subject to other penalties upon conviction." 3447

(D)(1) If a person under arrest as described in division 3448
(C)(1) of this section is not asked by a police officer to submit 3449
to a chemical test designated as provided in division (A) of this 3450
section, the arresting officer shall seize the Ohio or 3451
out-of-state driver's or commercial driver's license or permit of 3452
the person and immediately forward the seized license or permit to 3453
the court in which the arrested person is to appear on the charge 3454
for which the person was arrested. If the arrested person does not 3455
have the person's driver's or commercial driver's license or 3456
permit on the person's self or in the person's vehicle, the 3457
arresting officer shall order the arrested person to surrender it 3458
to the law enforcement agency that employs the officer within 3459
twenty-four hours after the arrest, and, upon the surrender, the 3460
officer's employing agency immediately shall forward the license 3461
or permit to the court in which the arrested person is to appear 3462
on the charge for which the person was arrested. Upon receipt of 3463
the license or permit, the court shall retain it pending the 3464
initial appearance of the arrested person and any action taken 3465
under section 4511.196 of the Revised Code. 3466

If a person under arrest as described in division (C)(1) of 3467
this section is asked by a police officer to submit to a chemical 3468
test designated as provided in division (A) of this section and is 3469
advised of the consequences of the person's refusal or submission 3470
as provided in division (C) of this section and if the person 3471

either refuses to submit to the designated chemical test or the 3472
person submits to the designated chemical test and the test 3473
results indicate that the person's blood contained a concentration 3474
of ~~ten-hundredths~~ eight-hundredths of one per cent or more by 3475
weight of alcohol, the person's breath contained a concentration 3476
of ~~ten-hundredths~~ eight-hundredths of one gram or more by weight 3477
of alcohol per two hundred ten liters of the person's breath, or 3478
the person's urine contained a concentration of 3479
~~fourteen-hundredths~~ eleven-hundredths of one gram or more by 3480
weight of alcohol per one hundred milliliters of the person's 3481
urine at the time of the alleged offense, the arresting officer 3482
shall do all of the following: 3483

(a) On behalf of the registrar, serve a notice of suspension 3484
upon the person that advises the person that, independent of any 3485
penalties or sanctions imposed upon the person pursuant to any 3486
other section of the Revised Code or any other municipal 3487
ordinance, the person's driver's or commercial driver's license or 3488
permit or nonresident operating privilege is suspended, that the 3489
suspension takes effect immediately, that the suspension will last 3490
at least until the person's initial appearance on the charge that 3491
will be held within five days after the date of the person's 3492
arrest or the issuance of a citation to the person, and that the 3493
person may appeal the suspension at the initial appearance; seize 3494
the Ohio or out-of-state driver's or commercial driver's license 3495
or permit of the person; and immediately forward the seized 3496
license or permit to the registrar. If the arrested person does 3497
not have the person's driver's or commercial driver's license or 3498
permit on the person's self or in the person's vehicle, the 3499
arresting officer shall order the person to surrender it to the 3500
law enforcement agency that employs the officer within twenty-four 3501
hours after the service of the notice of suspension, and, upon the 3502
surrender, the officer's employing agency immediately shall 3503
forward the license or permit to the registrar. 3504

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

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

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

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

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

(iv) That the person refused to submit to the chemical test
or that the person submitted to the chemical test and the test
results indicate that the person's blood contained a concentration
of ~~ten-hundredths~~ eight-hundredths of one per cent or more by
weight of alcohol, the person's breath contained 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, or 3536
the person's urine contained a concentration of 3537
~~fourteen-hundredths~~ eleven-hundredths of one gram or more by 3538
weight of alcohol per one hundred milliliters of the person's 3539
urine at the time of the alleged offense; 3540

(v) That the officer served a notice of suspension upon the 3541
person as described in division (D)(1)(a) of this section. 3542

(2) The sworn report of an arresting officer completed under 3543
division (D)(1)(c) of this section shall be given by the officer 3544
to the arrested person at the time of the arrest or sent to the 3545
person by regular first class mail by the registrar as soon 3546
thereafter as possible, but no later than fourteen days after 3547
receipt of the report. An arresting officer may give an unsworn 3548
report to the arrested person at the time of the arrest provided 3549
the report is complete when given to the arrested person and 3550
subsequently is sworn to by the arresting officer. As soon as 3551
possible, but no later than forty-eight hours after the arrest of 3552
the person, the arresting officer shall send a copy of the sworn 3553
report to the court in which the arrested person is to appear on 3554
the charge for which the person was arrested. 3555

(3) The sworn report of an arresting officer completed and 3556
sent to the registrar and the court under divisions (D)(1)(c) and 3557
(D)(2) of this section is prima-facie proof of the information and 3558
statements that it contains and shall be admitted and considered 3559
as prima-facie proof of the information and statements that it 3560
contains in any appeal under division (H) of this section relative 3561
to any suspension of a person's driver's or commercial driver's 3562
license or permit or nonresident operating privilege that results 3563
from the arrest covered by the report. 3564

(E)(1) Upon receipt of the sworn report of an arresting 3565
officer completed and sent to the registrar and a court pursuant 3566
to divisions (D)(1)(c) and (D)(2) of this section in regard to a 3567

person who refused to take the designated chemical test, the 3568
registrar shall enter into the registrar's records the fact that 3569
the person's driver's or commercial driver's license or permit or 3570
nonresident operating privilege was suspended by the arresting 3571
officer under division (D)(1)(a) of this section and the period of 3572
the suspension, as determined under divisions (E)(1)(a) to (d) of 3573
this section. The suspension shall be subject to appeal as 3574
provided in this section and shall be for whichever of the 3575
following periods applies: 3576

(a) If the arrested person, within five years of the date on 3577
which the person refused the request to consent to the chemical 3578
test, had not refused a previous request to consent to a chemical 3579
test of the person's blood, breath, or urine to determine its 3580
alcohol content, the period of suspension shall be one year. If 3581
the person is a resident without a license or permit to operate a 3582
vehicle within this state, the registrar shall deny to the person 3583
the issuance of a driver's or commercial driver's license or 3584
permit for a period of one year after the date of the alleged 3585
violation. 3586

(b) If the arrested person, within five years of the date on 3587
which the person refused the request to consent to the chemical 3588
test, had refused one previous request to consent to a chemical 3589
test of the person's blood, breath, or urine to determine its 3590
alcohol content, the period of suspension or denial shall be two 3591
years. 3592

(c) If the arrested person, within five years of the date on 3593
which the person refused the request to consent to the chemical 3594
test, had refused two previous requests to consent to a chemical 3595
test of the person's blood, breath, or urine to determine its 3596
alcohol content, the period of suspension or denial shall be three 3597
years. 3598

(d) If the arrested person, within five years of the date on 3599

which the person refused the request to consent to the chemical 3600
test, had refused three or more previous requests to consent to a 3601
chemical test of the person's blood, breath, or urine to determine 3602
its alcohol content, the period of suspension or denial shall be 3603
five years. 3604

(2) The suspension or denial imposed under division (E)(1) of 3605
this section shall continue for the entire one-year, two-year, 3606
three-year, or five-year period, subject to appeal as provided in 3607
this section and subject to termination as provided in division 3608
(K) of this section. 3609

(F) Upon receipt of the sworn report of an arresting officer 3610
completed and sent to the registrar and a court pursuant to 3611
divisions (D)(1)(c) and (D)(2) of this section in regard to a 3612
person whose test results indicate that the person's blood 3613
contained a concentration of ~~ten-hundredths~~ eight-hundredths of 3614
one per cent or more by weight of alcohol, the person's breath 3615
contained a concentration of ~~ten-hundredths~~ eight-hundredths of 3616
one gram or more by weight of alcohol per two hundred ten liters 3617
of the person's breath, or the person's urine contained a 3618
concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram 3619
or more by weight of alcohol per one hundred milliliters of the 3620
person's urine at the time of the alleged offense, the registrar 3621
shall enter into the registrar's records the fact that the 3622
person's driver's or commercial driver's license or permit or 3623
nonresident operating privilege was suspended by the arresting 3624
officer under division (D)(1)(a) of this section and the period of 3625
the suspension, as determined under divisions (F)(1) to (4) of 3626
this section. The suspension shall be subject to appeal as 3627
provided in this section and shall be for whichever of the 3628
following periods that applies: 3629

(1) Except when division (F)(2), (3), or (4) of this section 3630
applies and specifies a different period of suspension or denial, 3631

the period of the suspension or denial shall be ninety days. 3632

(2) The period of suspension or denial shall be one year if 3633
the person has been convicted, within six years of the date the 3634
test was conducted, of a violation of one of the following: 3635

(a) Division (A) or (B) of section 4511.19 of the Revised 3636
Code; 3637

(b) A municipal ordinance relating to operating a vehicle 3638
while under the influence of alcohol, a drug of abuse, or alcohol 3639
and a drug of abuse; 3640

(c) A municipal ordinance relating to operating a vehicle 3641
with a prohibited concentration of alcohol in the blood, breath, 3642
or urine; 3643

(d) Section 2903.04 of the Revised Code in a case in which 3644
the offender was subject to the sanctions described in division 3645
(D) of that section; 3646

(e) Division (A)(1) of section 2903.06 or division (A)(1) of 3647
section 2903.08 of the Revised Code or a municipal ordinance that 3648
is substantially similar to either of those divisions; 3649

(f) Division (A)(2), (3), or (4) of section 2903.06, division 3650
(A)(2) of section 2903.08, or former section 2903.07 of the 3651
Revised Code, or a municipal ordinance that is substantially 3652
similar to any of those divisions or that former section, in a 3653
case in which the jury or judge found that at the time of the 3654
commission of the offense the offender was under the influence of 3655
alcohol, a drug of abuse, or alcohol and a drug of abuse; 3656

(g) A statute of the United States or of any other state or a 3657
municipal ordinance of a municipal corporation located in any 3658
other state that is substantially similar to division (A) or (B) 3659
of section 4511.19 of the Revised Code. 3660

(3) If the person has been convicted, within six years of the 3661

date the test was conducted, of two violations of a statute or 3662
ordinance described in division (F)(2) of this section, the period 3663
of the suspension or denial shall be two years. 3664

(4) If the person has been convicted, within six years of the 3665
date the test was conducted, of more than two violations of a 3666
statute or ordinance described in division (F)(2) of this section, 3667
the period of the suspension or denial shall be three years. 3668

(G)(1) A suspension of a person's driver's or commercial 3669
driver's license or permit or nonresident operating privilege 3670
under division (D)(1)(a) of this section for the period of time 3671
described in division (E) or (F) of this section is effective 3672
immediately from the time at which the arresting officer serves 3673
the notice of suspension upon the arrested person. Any subsequent 3674
finding that the person is not guilty of the charge that resulted 3675
in the person being requested to take, or in the person taking, 3676
the chemical test or tests under division (A) of this section 3677
affects the suspension only as described in division (H)(2) of 3678
this section. 3679

(2) If a person is arrested for operating a vehicle while 3680
under the influence of alcohol, a drug of abuse, or alcohol and a 3681
drug of abuse or for operating a vehicle with a prohibited 3682
concentration of alcohol in the blood, breath, or urine and 3683
regardless of whether the person's driver's or commercial driver's 3684
license or permit or nonresident operating privilege is or is not 3685
suspended under division (E) or (F) of this section, the person's 3686
initial appearance on the charge resulting from the arrest shall 3687
be held within five days of the person's arrest or the issuance of 3688
the citation to the person, subject to any continuance granted by 3689
the court pursuant to division (H)(1) of this section regarding 3690
the issues specified in that division. 3691

(H)(1) If a person is arrested for operating a vehicle while 3692
under the influence of alcohol, a drug of abuse, or alcohol and a 3693

drug of abuse or for operating a vehicle with a prohibited 3694
concentration of alcohol in the blood, breath, or urine and if the 3695
person's driver's or commercial driver's license or permit or 3696
nonresident operating privilege is suspended under division (E) or 3697
(F) of this section, the person may appeal the suspension at the 3698
person's initial appearance on the charge resulting from the 3699
arrest in the court in which the person will appear on that 3700
charge. If the person appeals the suspension at the person's 3701
initial appearance, the appeal does not stay the operation of the 3702
suspension. Subject to division (H)(2) of this section, no court 3703
has jurisdiction to grant a stay of a suspension imposed under 3704
division (E) or (F) of this section, and any order issued by any 3705
court that purports to grant a stay of any suspension imposed 3706
under either of those divisions shall not be given administrative 3707
effect. 3708

If the person appeals the suspension at the person's initial 3709
appearance, either the person or the registrar may request a 3710
continuance of the appeal. Either the person or the registrar 3711
shall make the request for a continuance of the appeal at the same 3712
time as the making of the appeal. If either the person or the 3713
registrar requests a continuance of the appeal, the court may 3714
grant the continuance. The court also may continue the appeal on 3715
its own motion. The granting of a continuance applies only to the 3716
conduct of the appeal of the suspension and does not extend the 3717
time within which the initial appearance must be conducted, and 3718
the court shall proceed with all other aspects of the initial 3719
appearance in accordance with its normal procedures. Neither the 3720
request for nor the granting of a continuance stays the operation 3721
of the suspension that is the subject of the appeal. 3722

If the person appeals the suspension at the person's initial 3723
appearance, the scope of the appeal is limited to determining 3724
whether one or more of the following conditions have not been met: 3725

(a) Whether the law enforcement officer had reasonable ground 3726
to believe the arrested person was operating a vehicle upon a 3727
highway or public or private property used by the public for 3728
vehicular travel or parking within this state while under the 3729
influence of alcohol, a drug of abuse, or alcohol and a drug of 3730
abuse or with a prohibited concentration of alcohol in the blood, 3731
breath, or urine and whether the arrested person was in fact 3732
placed under arrest; 3733

(b) Whether the law enforcement officer requested the 3734
arrested person to submit to the chemical test designated pursuant 3735
to division (A) of this section; 3736

(c) Whether the arresting officer informed the arrested 3737
person of the consequences of refusing to be tested or of 3738
submitting to the test; 3739

(d) Whichever of the following is applicable: 3740

(i) Whether the arrested person refused to submit to the 3741
chemical test requested by the officer; 3742

(ii) Whether the chemical test results indicate that the 3743
arrested person's blood contained a concentration of 3744
~~ten-hundredths~~ eight-hundredths of one per cent or more by weight 3745
of alcohol, the person's breath contained a concentration of 3746
~~ten-hundredths~~ eight-hundredths of one gram or more by weight of 3747
alcohol per two hundred ten liters of the person's breath, or the 3748
person's urine contained a concentration of ~~fourteen-hundredths~~ 3749
eleven-hundredths of one gram or more by weight of alcohol per one 3750
hundred milliliters of the person's urine at the time of the 3751
alleged offense. 3752

(2) If the person appeals the suspension at the initial 3753
appearance, the judge or referee of the court or the mayor of the 3754
mayor's court shall determine whether one or more of the 3755
conditions specified in divisions (H)(1)(a) to (d) of this section 3756

have not been met. The person who appeals the suspension has the 3757
burden of proving, by a preponderance of the evidence, that one or 3758
more of the specified conditions has not been met. If during the 3759
appeal at the initial appearance the judge or referee of the court 3760
or the mayor of the mayor's court determines that all of those 3761
conditions have been met, the judge, referee, or mayor shall 3762
uphold the suspension, shall continue the suspension, and shall 3763
notify the registrar of the decision on a form approved by the 3764
registrar. Except as otherwise provided in division (H)(2) of this 3765
section, if the suspension is upheld or if the person does not 3766
appeal the suspension at the person's initial appearance under 3767
division (H)(1) of this section, the suspension shall continue 3768
until the complaint alleging the violation for which the person 3769
was arrested and in relation to which the suspension was imposed 3770
is adjudicated on the merits by the judge or referee of the trial 3771
court or by the mayor of the mayor's court. If the suspension was 3772
imposed under division (E) of this section and it is continued 3773
under this division, any subsequent finding that the person is not 3774
guilty of the charge that resulted in the person being requested 3775
to take the chemical test or tests under division (A) of this 3776
section does not terminate or otherwise affect the suspension. If 3777
the suspension was imposed under division (F) of this section and 3778
it is continued under this division, the suspension shall 3779
terminate if, for any reason, the person subsequently is found not 3780
guilty of the charge that resulted in the person taking the 3781
chemical test or tests under division (A) of this section. 3782

If, during the appeal at the initial appearance, the judge or 3783
referee of the trial court or the mayor of the mayor's court 3784
determines that one or more of the conditions specified in 3785
divisions (H)(1)(a) to (d) of this section have not been met, the 3786
judge, referee, or mayor shall terminate the suspension, subject 3787
to the imposition of a new suspension under division (B) of 3788
section 4511.196 of the Revised Code; shall notify the registrar 3789

of the decision on a form approved by the registrar; and, except 3790
as provided in division (B) of section 4511.196 of the Revised 3791
Code, shall order the registrar to return the driver's or 3792
commercial driver's license or permit to the person or to take 3793
such measures as may be necessary, if the license or permit was 3794
destroyed under section 4507.55 of the Revised Code, to permit the 3795
person to obtain a replacement driver's or commercial driver's 3796
license or permit from the registrar or a deputy registrar in 3797
accordance with that section. The court also shall issue to the 3798
person a court order, valid for not more than ten days from the 3799
date of issuance, granting the person operating privileges for 3800
that period of time. 3801

If the person appeals the suspension at the initial 3802
appearance, the registrar shall be represented by the prosecuting 3803
attorney of the county in which the arrest occurred if the initial 3804
appearance is conducted in a juvenile court or county court, 3805
except that if the arrest occurred within a city or village within 3806
the jurisdiction of the county court in which the appeal is 3807
conducted, the city director of law or village solicitor of that 3808
city or village shall represent the registrar. If the appeal is 3809
conducted in a municipal court, the registrar shall be represented 3810
as provided in section 1901.34 of the Revised Code. If the appeal 3811
is conducted in a mayor's court, the registrar shall be 3812
represented by the city director of law, village solicitor, or 3813
other chief legal officer of the municipal corporation that 3814
operates that mayor's court. 3815

(I)(1)(a) A person is not entitled to request, and a court 3816
shall not grant to the person, occupational driving privileges 3817
under division (I)(1) of this section if a person's driver's or 3818
commercial driver's license or permit or nonresident operating 3819
privilege has been suspended pursuant to division (E) of this 3820
section, and the person, within the preceding seven years, has 3821

refused three previous requests to consent to a chemical test of 3822
the person's blood, breath, or urine to determine its alcohol 3823
content or has been convicted of or pleaded guilty to three or 3824
more violations of one or more of the following: 3825

(i) Division (A) or (B) of section 4511.19 of the Revised 3826
Code; 3827

(ii) A municipal ordinance relating to operating a vehicle 3828
while under the influence of alcohol, a drug of abuse, or alcohol 3829
and a drug of abuse; 3830

(iii) A municipal ordinance relating to operating a vehicle 3831
with a prohibited concentration of alcohol in the blood, breath, 3832
or urine; 3833

(iv) Section 2903.04 of the Revised Code in a case in which 3834
the person was subject to the sanctions described in division (D) 3835
of that section; 3836

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 3837
section 2903.08 of the Revised Code or a municipal ordinance that 3838
is substantially similar to either of those divisions; 3839

(vi) Division (A)(2), (3), or (4) of section 2903.06, 3840
division (A)(2) of section 2903.08, or former section 2903.07 of 3841
the Revised Code, or a municipal ordinance that is substantially 3842
similar to any of those divisions or that former section, in a 3843
case in which the jury or judge found that the person was under 3844
the influence of alcohol, a drug of abuse, or alcohol and a drug 3845
of abuse; 3846

(vii) A statute of the United States or of any other state or 3847
a municipal ordinance of a municipal corporation located in any 3848
other state that is substantially similar to division (A) or (B) 3849
of section 4511.19 of the Revised Code. 3850

(b) Any other person who is not described in division 3851

(I)(1)(a) of this section and whose driver's or commercial 3852
driver's license or nonresident operating privilege has been 3853
suspended pursuant to division (E) of this section may file a 3854
petition requesting occupational driving privileges in the common 3855
pleas court, municipal court, county court, mayor's court, or, if 3856
the person is a minor, juvenile court with jurisdiction over the 3857
related criminal or delinquency case. The petition may be filed at 3858
any time subsequent to the date on which the notice of suspension 3859
is served upon the arrested person. The person shall pay the costs 3860
of the proceeding, notify the registrar of the filing of the 3861
petition, and send the registrar a copy of the petition. 3862

In the proceedings, the registrar shall be represented by the 3863
prosecuting attorney of the county in which the arrest occurred if 3864
the petition is filed in the juvenile court, county court, or 3865
common pleas court, except that, if the arrest occurred within a 3866
city or village within the jurisdiction of the county court in 3867
which the petition is filed, the city director of law or village 3868
solicitor of that city or village shall represent the registrar. 3869
If the petition is filed in the municipal court, the registrar 3870
shall be represented as provided in section 1901.34 of the Revised 3871
Code. If the petition is filed in a mayor's court, the registrar 3872
shall be represented by the city director of law, village 3873
solicitor, or other chief legal officer of the municipal 3874
corporation that operates the mayor's court. 3875

The court, if it finds reasonable cause to believe that 3876
suspension would seriously affect the person's ability to continue 3877
in the person's employment, may grant the person occupational 3878
driving privileges during the period of suspension imposed 3879
pursuant to division (E) of this section, subject to the 3880
limitations contained in this division and division (I)(2) of this 3881
section. The court may grant the occupational driving privileges, 3882
subject to the limitations contained in this division and division 3883

(I)(2) of this section, regardless of whether the person appeals 3884
the suspension at the person's initial appearance under division 3885
(H)(1) of this section or appeals the decision of the court made 3886
pursuant to the appeal conducted at the initial appearance, and, 3887
if the person has appealed the suspension or decision, regardless 3888
of whether the matter at issue has been heard or decided by the 3889
court. The court shall not grant occupational driving privileges 3890
for employment as a driver of commercial motor vehicles to any 3891
person who is disqualified from operating a commercial motor 3892
vehicle under section 3123.611 or 4506.16 of the Revised Code or 3893
whose commercial driver's license or commercial driver's temporary 3894
instruction permit has been suspended under section 3123.58 of the 3895
Revised Code. 3896

(2)(a) In granting occupational driving privileges under 3897
division (I)(1) of this section, the court may impose any 3898
condition it considers reasonable and necessary to limit the use 3899
of a vehicle by the person. The court shall deliver to the person 3900
a permit card, in a form to be prescribed by the court, setting 3901
forth the time, place, and other conditions limiting the 3902
defendant's use of a vehicle. The grant of occupational driving 3903
privileges shall be conditioned upon the person's having the 3904
permit in the person's possession at all times during which the 3905
person is operating a vehicle. 3906

A person granted occupational driving privileges who operates 3907
a vehicle for other than occupational purposes, in violation of 3908
any condition imposed by the court, or without having the permit 3909
in the person's possession, is guilty of a violation of section 3910
4507.02 of the Revised Code. 3911

(b) The court may not grant a person occupational driving 3912
privileges under division (I)(1) of this section when prohibited 3913
by a limitation contained in that division or during any of the 3914
following periods of time: 3915

(i) The first thirty days of suspension imposed upon a person 3916
who, within five years of the date on which the person refused the 3917
request to consent to a chemical test of the person's blood, 3918
breath, or urine to determine its alcohol content and for which 3919
refusal the suspension was imposed, had not refused a previous 3920
request to consent to a chemical test of the person's blood, 3921
breath, or urine to determine its alcohol content; 3922

(ii) The first ninety days of suspension imposed upon a 3923
person who, within five years of the date on which the person 3924
refused the request to consent to a chemical test of the person's 3925
blood, breath, or urine to determine its alcohol content and for 3926
which refusal the suspension was imposed, had refused one previous 3927
request to consent to a chemical test of the person's blood, 3928
breath, or urine to determine its alcohol content; 3929

(iii) The first year of suspension imposed upon a person who, 3930
within five years of the date on which the person refused the 3931
request to consent to a chemical test of the person's blood, 3932
breath, or urine to determine its alcohol content and for which 3933
refusal the suspension was imposed, had refused two previous 3934
requests to consent to a chemical test of the person's blood, 3935
breath, or urine to determine its alcohol content; 3936

(iv) The first three years of suspension imposed upon a 3937
person who, within five years of the date on which the person 3938
refused the request to consent to a chemical test of the person's 3939
blood, breath, or urine to determine its alcohol content and for 3940
which refusal the suspension was imposed, had refused three or 3941
more previous requests to consent to a chemical test of the 3942
person's blood, breath, or urine to determine its alcohol content. 3943

(3) The court shall give information in writing of any action 3944
taken under this section to the registrar. 3945

(4) If a person's driver's or commercial driver's license or 3946

permit or nonresident operating privilege has been suspended 3947
pursuant to division (F) of this section, and the person, within 3948
the preceding seven years, has been convicted of or pleaded guilty 3949
to three or more violations of division (A) or (B) of section 3950
4511.19 of the Revised Code, a municipal ordinance relating to 3951
operating a vehicle while under the influence of alcohol, a drug 3952
of abuse, or alcohol and a drug of abuse, a municipal ordinance 3953
relating to operating a vehicle with a prohibited concentration of 3954
alcohol in the blood, breath, or urine, section 2903.04 of the 3955
Revised Code in a case in which the person was subject to the 3956
sanctions described in division (D) of that section, or section 3957
2903.06, ~~2903.07~~, or 2903.08 or former section 2903.07 of the 3958
Revised Code or a municipal ordinance that is substantially 3959
similar to former section 2903.07 of the Revised Code in a case in 3960
which the jury or judge found that the person was under the 3961
influence of alcohol, a drug of abuse, or alcohol and a drug of 3962
abuse, or a statute of the United States or of any other state or 3963
a municipal ordinance of a municipal corporation located in any 3964
other state that is substantially similar to division (A) or (B) 3965
of section 4511.19 of the Revised Code, the person is not entitled 3966
to request, and the court shall not grant to the person, 3967
occupational driving privileges under this division. Any other 3968
person whose driver's or commercial driver's license or 3969
nonresident operating privilege has been suspended pursuant to 3970
division (F) of this section may file in the court specified in 3971
division (I)(1)(b) of this section a petition requesting 3972
occupational driving privileges in accordance with section 4507.16 3973
of the Revised Code. The petition may be filed at any time 3974
subsequent to the date on which the arresting officer serves the 3975
notice of suspension upon the arrested person. Upon the making of 3976
the request, occupational driving privileges may be granted in 3977
accordance with section 4507.16 of the Revised Code. The court may 3978
grant the occupational driving privileges, subject to the 3979

limitations contained in section 4507.16 of the Revised Code, 3980
regardless of whether the person appeals the suspension at the 3981
person's initial appearance under division (H)(1) of this section 3982
or appeals the decision of the court made pursuant to the appeal 3983
conducted at the initial appearance, and, if the person has 3984
appealed the suspension or decision, regardless of whether the 3985
matter at issue has been heard or decided by the court. 3986

(J) When it finally has been determined under the procedures 3987
of this section that a nonresident's privilege to operate a 3988
vehicle within this state has been suspended, the registrar shall 3989
give information in writing of the action taken to the motor 3990
vehicle administrator of the state of the person's residence and 3991
of any state in which the person has a license. 3992

(K) A suspension of the driver's or commercial driver's 3993
license or permit of a resident, a suspension of the operating 3994
privilege of a nonresident, or a denial of a driver's or 3995
commercial driver's license or permit pursuant to division (E) or 3996
(F) of this section shall be terminated by the registrar upon 3997
receipt of notice of the person's entering a plea of guilty to, or 3998
of the person's conviction of, operating a vehicle while under the 3999
influence of alcohol, a drug of abuse, or alcohol and a drug of 4000
abuse or with a prohibited concentration of alcohol in the blood, 4001
breath, or urine, if the offense for which the plea is entered or 4002
that resulted in the conviction arose from the same incident that 4003
led to the suspension or denial. 4004

The registrar shall credit against any judicial suspension of 4005
a person's driver's or commercial driver's license or permit or 4006
nonresident operating privilege imposed pursuant to division (B) 4007
or (E) of section 4507.16 of the Revised Code any time during 4008
which the person serves a related suspension imposed pursuant to 4009
division (E) or (F) of this section. 4010

(L) At the end of a suspension period under this section, 4011

section 4511.196, or division (B) of section 4507.16 of the 4012
Revised Code and upon the request of the person whose driver's or 4013
commercial driver's license or permit was suspended and who is not 4014
otherwise subject to suspension, revocation, or disqualification, 4015
the registrar shall return the driver's or commercial driver's 4016
license or permit to the person upon the person's compliance with 4017
all of the conditions specified in divisions (L)(1) and (2) of 4018
this section: 4019

(1) A showing by the person that the person has proof of 4020
financial responsibility, a policy of liability insurance in 4021
effect that meets the minimum standards set forth in section 4022
4509.51 of the Revised Code, or proof, to the satisfaction of the 4023
registrar, that the person is able to respond in damages in an 4024
amount at least equal to the minimum amounts specified in section 4025
4509.51 of the Revised Code. 4026

(2) Subject to the limitation contained in division (L)(3) of 4027
this section, payment by the person of a license reinstatement fee 4028
of four hundred twenty-five dollars to the bureau of motor 4029
vehicles, which fee shall be deposited in the state treasury and 4030
credited as follows: 4031

(a) One hundred twelve dollars and fifty cents shall be 4032
credited to the statewide treatment and prevention fund created by 4033
section 4301.30 of the Revised Code. The fund shall be used to pay 4034
the costs of driver treatment and intervention programs operated 4035
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4036
director of alcohol and drug addiction services shall determine 4037
the share of the fund that is to be allocated to alcohol and drug 4038
addiction programs authorized by section 3793.02 of the Revised 4039
Code, and the share of the fund that is to be allocated to 4040
drivers' intervention programs authorized by section 3793.10 of 4041
the Revised Code. 4042

(b) Seventy-five dollars shall be credited to the reparations 4043

fund created by section 2743.191 of the Revised Code. 4044

(c) Thirty-seven dollars and fifty cents shall be credited to 4045
the indigent drivers alcohol treatment fund, which is hereby 4046
established. Except as otherwise provided in division (L)(2)(c) of 4047
this section, moneys in the fund shall be distributed by the 4048
department of alcohol and drug addiction services to the county 4049
indigent drivers alcohol treatment funds, the county juvenile 4050
indigent drivers alcohol treatment funds, and the municipal 4051
indigent drivers alcohol treatment funds that are required to be 4052
established by counties and municipal corporations pursuant to 4053
division (N) of this section, and shall be used only to pay the 4054
cost of an alcohol and drug addiction treatment program attended 4055
by an offender or juvenile traffic offender who is ordered to 4056
attend an alcohol and drug addiction treatment program by a 4057
county, juvenile, or municipal court judge and who is determined 4058
by the county, juvenile, or municipal court judge not to have the 4059
means to pay for attendance at the program or to pay the costs 4060
specified in division (N)(4) of this section in accordance with 4061
that division. Moneys in the fund that are not distributed to a 4062
county indigent drivers alcohol treatment fund, a county juvenile 4063
indigent drivers alcohol treatment fund, or a municipal indigent 4064
drivers alcohol treatment fund under division (N) of this section 4065
because the director of alcohol and drug addiction services does 4066
not have the information necessary to identify the county or 4067
municipal corporation where the offender or juvenile offender was 4068
arrested may be transferred by the director of budget and 4069
management to the statewide treatment and prevention fund created 4070
by section 4301.30 of the Revised Code, upon certification of the 4071
amount by the director of alcohol and drug addiction services. 4072

(d) Seventy-five dollars shall be credited to the Ohio 4073
rehabilitation services commission established by section 3304.12 4074
of the Revised Code, to the services for rehabilitation fund, 4075

which is hereby established. The fund shall be used to match 4076
available federal matching funds where appropriate, and for any 4077
other purpose or program of the commission to rehabilitate people 4078
with disabilities to help them become employed and independent. 4079

(e) Seventy-five dollars shall be deposited into the state 4080
treasury and credited to the drug abuse resistance education 4081
programs fund, which is hereby established, to be used by the 4082
attorney general for the purposes specified in division (L)(4) of 4083
this section. 4084

(f) Thirty dollars shall be credited to the state bureau of 4085
motor vehicles fund created by section 4501.25 of the Revised 4086
Code. 4087

(g) Twenty dollars shall be credited to the trauma and 4088
emergency medical services grants fund created by section 4513.263 4089
of the Revised Code. 4090

(3) If a person's driver's or commercial driver's license or 4091
permit is suspended under division (E) or (F) of this section, 4092
section 4511.196, or division (B) of section 4507.16 of the 4093
Revised Code, or any combination of the suspensions described in 4094
division (L)(3) of this section, and if the suspensions arise from 4095
a single incident or a single set of facts and circumstances, the 4096
person is liable for payment of, and shall be required to pay to 4097
the bureau, only one reinstatement fee of four hundred five 4098
dollars. The reinstatement fee shall be distributed by the bureau 4099
in accordance with division (L)(2) of this section. 4100

(4) The attorney general shall use amounts in the drug abuse 4101
resistance education programs fund to award grants to law 4102
enforcement agencies to establish and implement drug abuse 4103
resistance education programs in public schools. Grants awarded to 4104
a law enforcement agency under division ~~(L)(2)(e)~~(4) of this 4105
section shall be used by the agency to pay for not more than fifty 4106

per cent of the amount of the salaries of law enforcement officers 4107
who conduct drug abuse resistance education programs in public 4108
schools. The attorney general shall not use more than six per cent 4109
of the amounts the attorney general's office receives under 4110
division (L)(2)(e) of this section to pay the costs it incurs in 4111
administering the grant program established by division 4112
(L)~~(2)(e)~~(4) of this section and in providing training and 4113
materials relating to drug abuse resistance education programs. 4114

The attorney general shall report to the governor and the 4115
general assembly each fiscal year on the progress made in 4116
establishing and implementing drug abuse resistance education 4117
programs. These reports shall include an evaluation of the 4118
effectiveness of these programs. 4119

(M) Suspension of a commercial driver's license under 4120
division (E) or (F) of this section shall be concurrent with any 4121
period of disqualification under section 3123.611 or 4506.16 of 4122
the Revised Code or any period of suspension under section 3123.58 4123
of the Revised Code. No person who is disqualified for life from 4124
holding a commercial driver's license under section 4506.16 of the 4125
Revised Code shall be issued a driver's license under Chapter 4126
4507. of the Revised Code during the period for which the 4127
commercial driver's license was suspended under division (E) or 4128
(F) of this section, and no person whose commercial driver's 4129
license is suspended under division (E) or (F) of this section 4130
shall be issued a driver's license under that chapter during the 4131
period of the suspension. 4132

(N)(1) Each county shall establish an indigent drivers 4133
alcohol treatment fund, each county shall establish a juvenile 4134
indigent drivers alcohol treatment fund, and each municipal 4135
corporation in which there is a municipal court shall establish an 4136
indigent drivers alcohol treatment fund. All revenue that the 4137
general assembly appropriates to the indigent drivers alcohol 4138

treatment fund for transfer to a county indigent drivers alcohol 4139
treatment fund, a county juvenile indigent drivers alcohol 4140
treatment fund, or a municipal indigent drivers alcohol treatment 4141
fund, all portions of fees that are paid under division (L) of 4142
this section and that are credited under that division to the 4143
indigent drivers alcohol treatment fund in the state treasury for 4144
a county indigent drivers alcohol treatment fund, a county 4145
juvenile indigent drivers alcohol treatment fund, or a municipal 4146
indigent drivers alcohol treatment fund, and all portions of fines 4147
that are specified for deposit into a county or municipal indigent 4148
drivers alcohol treatment fund by section 4511.193 of the Revised 4149
Code shall be deposited into that county indigent drivers alcohol 4150
treatment fund, county juvenile indigent drivers alcohol treatment 4151
fund, or municipal indigent drivers alcohol treatment fund in 4152
accordance with division (N)(2) of this section. Additionally, all 4153
portions of fines that are paid for a violation of section 4511.19 4154
of the Revised Code or division (B)(2) of section 4507.02 of the 4155
Revised Code, and that are required under division (A)(1), (2), 4156
(5), or (6) of section 4511.99 or division (B)(5) of section 4157
4507.99 of the Revised Code to be deposited into a county indigent 4158
drivers alcohol treatment fund or municipal indigent drivers 4159
alcohol treatment fund shall be deposited into the appropriate 4160
fund in accordance with the applicable division. 4161

(2) That portion of the license reinstatement fee that is 4162
paid under division (L) of this section and that is credited under 4163
that division to the indigent drivers alcohol treatment fund shall 4164
be deposited into a county indigent drivers alcohol treatment 4165
fund, a county juvenile indigent drivers alcohol treatment fund, 4166
or a municipal indigent drivers alcohol treatment fund as follows: 4167

(a) If the suspension in question was imposed under this 4168
section, that portion of the fee shall be deposited as follows: 4169

(i) If the fee is paid by a person who was charged in a 4170

county court with the violation that resulted in the suspension, 4171
the portion shall be deposited into the county indigent drivers 4172
alcohol treatment fund under the control of that court; 4173

(ii) If the fee is paid by a person who was charged in a 4174
juvenile court with the violation that resulted in the suspension, 4175
the portion shall be deposited into the county juvenile indigent 4176
drivers alcohol treatment fund established in the county served by 4177
the court; 4178

(iii) If the fee is paid by a person who was charged in a 4179
municipal court with the violation that resulted in the 4180
suspension, the portion shall be deposited into the municipal 4181
indigent drivers alcohol treatment fund under the control of that 4182
court. 4183

(b) If the suspension in question was imposed under division 4184
(B) of section 4507.16 of the Revised Code, that portion of the 4185
fee shall be deposited as follows: 4186

(i) If the fee is paid by a person whose license or permit 4187
was suspended by a county court, the portion shall be deposited 4188
into the county indigent drivers alcohol treatment fund under the 4189
control of that court; 4190

(ii) If the fee is paid by a person whose license or permit 4191
was suspended by a municipal court, the portion shall be deposited 4192
into the municipal indigent drivers alcohol treatment fund under 4193
the control of that court. 4194

(3) Expenditures from a county indigent drivers alcohol 4195
treatment fund, a county juvenile indigent drivers alcohol 4196
treatment fund, or a municipal indigent drivers alcohol treatment 4197
fund shall be made only upon the order of a county, juvenile, or 4198
municipal court judge and only for payment of the cost of the 4199
attendance at an alcohol and drug addiction treatment program of a 4200
person who is convicted of, or found to be a juvenile traffic 4201

offender by reason of, a violation of division (A) of section 4202
4511.19 of the Revised Code or a substantially similar municipal 4203
ordinance, who is ordered by the court to attend the alcohol and 4204
drug addiction treatment program, and who is determined by the 4205
court to be unable to pay the cost of attendance at the treatment 4206
program or for payment of the costs specified in division (N)(4) 4207
of this section in accordance with that division. The alcohol and 4208
drug addiction services board or the board of alcohol, drug 4209
addiction, and mental health services established pursuant to 4210
section 340.02 or 340.021 of the Revised Code and serving the 4211
alcohol, drug addiction, and mental health service district in 4212
which the court is located shall administer the indigent drivers 4213
alcohol treatment program of the court. When a court orders an 4214
offender or juvenile traffic offender to attend an alcohol and 4215
drug addiction treatment program, the board shall determine which 4216
program is suitable to meet the needs of the offender or juvenile 4217
traffic offender, and when a suitable program is located and space 4218
is available at the program, the offender or juvenile traffic 4219
offender shall attend the program designated by the board. A 4220
reasonable amount not to exceed five per cent of the amounts 4221
credited to and deposited into the county indigent drivers alcohol 4222
treatment fund, the county juvenile indigent drivers alcohol 4223
treatment fund, or the municipal indigent drivers alcohol 4224
treatment fund serving every court whose program is administered 4225
by that board shall be paid to the board to cover the costs it 4226
incurs in administering those indigent drivers alcohol treatment 4227
programs. 4228

(4) If a county, juvenile, or municipal court determines, in 4229
consultation with the alcohol and drug addiction services board or 4230
the board of alcohol, drug addiction, and mental health services 4231
established pursuant to section 340.02 or 340.021 of the Revised 4232
Code and serving the alcohol, drug addiction, and mental health 4233
district in which the court is located, that the funds in the 4234

county indigent drivers alcohol treatment fund, the county 4235
juvenile indigent drivers alcohol treatment fund, or the municipal 4236
indigent drivers alcohol treatment fund under the control of the 4237
court are more than sufficient to satisfy the purpose for which 4238
the fund was established, as specified in divisions (N)(1) to (3) 4239
of this section, the court may declare a surplus in the fund. If 4240
the court declares a surplus in the fund, the court may expend the 4241
amount of the surplus in the fund for alcohol and drug abuse 4242
assessment and treatment of persons who are charged in the court 4243
with committing a criminal offense or with being a delinquent 4244
child or juvenile traffic offender and in relation to whom both of 4245
the following apply: 4246

(a) The court determines that substance abuse was a 4247
contributing factor leading to the criminal or delinquent activity 4248
or the juvenile traffic offense with which the person is charged. 4249

(b) The court determines that the person is unable to pay the 4250
cost of the alcohol and drug abuse assessment and treatment for 4251
which the surplus money will be used. 4252

Sec. 4511.197. (A) If a person is arrested for operating a 4253
vehicle, streetcar, or trackless trolley in violation of division 4254
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4255
OVI ordinance or for being in physical control of a vehicle, 4256
streetcar, or trackless trolley in violation of section 4511.194 4257
of the Revised Code and if the person's driver's or commercial 4258
driver's license or permit or nonresident operating privilege is 4259
suspended under section 4511.191 of the Revised Code, the person 4260
may appeal the suspension at the person's initial appearance on 4261
the charge resulting from the arrest or within the period ending 4262
thirty days after the person's initial appearance on that charge, 4263
in the court in which the person will appear on that charge. If 4264
the person appeals the suspension, the appeal itself does not stay 4265

the operation of the suspension. If the person appeals the 4266
suspension, either the person or the registrar of motor vehicles 4267
may request a continuance of the appeal, and the court may grant 4268
the continuance. The court also may continue the appeal on its own 4269
motion. Neither the request for, nor the granting of, a 4270
continuance stays the suspension that is the subject of the 4271
appeal, unless the court specifically grants a stay. 4272

(B) A person shall file an appeal under division (A) of this 4273
section in the municipal court, county court, juvenile court, 4274
mayor's court, or court of common pleas that has jurisdiction over 4275
the charge in relation to which the person was arrested. 4276

(C) If a person appeals a suspension under division (A) of 4277
this section, the scope of the appeal is limited to determining 4278
whether one or more of the following conditions have not been met: 4279

(1) Whether the arresting law enforcement officer had 4280
reasonable ground to believe the arrested person was operating a 4281
vehicle, streetcar, or trackless trolley in violation of division 4282
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4283
OVI ordinance or was in physical control of a vehicle, streetcar, 4284
or trackless trolley in violation of section 4511.194 of the 4285
Revised Code and whether the arrested person was in fact placed 4286
under arrest; 4287

(2) Whether the law enforcement officer requested the 4288
arrested person to submit to the chemical test or tests designated 4289
pursuant to division (A) of section 4511.191 of the Revised Code; 4290

(3) Whether the arresting officer informed the arrested 4291
person of the consequences of refusing to be tested or of 4292
submitting to the test or tests; 4293

(4) Whichever of the following is applicable: 4294

(a) Whether the arrested person refused to submit to the 4295
chemical test or tests requested by the officer; 4296

(b) Whether the arrest was for a violation of division (A) or 4297
(B) of section 4511.19 of the Revised Code or a municipal OVI 4298
ordinance and, if it was, whether the chemical test results 4299
indicate that the arrested person's whole blood contained a 4300
concentration of ~~ten-hundredths~~ eight-hundredths of one per cent 4301
or more by weight of alcohol, the person's blood serum or plasma 4302
contained a concentration of ~~twelve-hundredths~~ 4303
ninety-six-thousandths of one per cent or more by weight of 4304
alcohol, the person's breath contained a concentration of 4305
~~ten-hundredths~~ eight-hundredths of one gram or more by weight of 4306
alcohol per two hundred ten liters of the person's breath, or the 4307
person's urine contained a concentration of ~~fourteen-hundredths~~ 4308
eleven-hundredths of one gram or more by weight of alcohol per one 4309
hundred milliliters of the person's urine at the time of the 4310
alleged offense. 4311

(D) A person who appeals a suspension under division (A) of 4312
this section has the burden of proving, by a preponderance of the 4313
evidence, that one or more of the conditions specified in division 4314
(C) of this section has not been met. If, during the appeal, the 4315
judge or magistrate of the court or the mayor of the mayor's court 4316
determines that all of those conditions have been met, the judge, 4317
magistrate, or mayor shall uphold the suspension, continue the 4318
suspension, and notify the registrar of motor vehicles of the 4319
decision on a form approved by the registrar. 4320

Except as otherwise provided in this section, if a suspension 4321
imposed under section 4511.191 of the Revised Code is upheld on 4322
appeal or if the subject person does not appeal the suspension 4323
under division (A) of this section, the suspension shall continue 4324
until the complaint alleging the violation for which the person 4325
was arrested and in relation to which the suspension was imposed 4326
is adjudicated on the merits or terminated pursuant to law. If the 4327
suspension was imposed under division (B)(1) of section 4511.191 4328

of the Revised Code and it is continued under this section, any 4329
subsequent finding that the person is not guilty of the charge 4330
that resulted in the person being requested to take the chemical 4331
test or tests under division (A) of section 4511.191 of the 4332
Revised Code does not terminate or otherwise affect the 4333
suspension. If the suspension was imposed under division (C) of 4334
section 4511.191 of the Revised Code in relation to an alleged 4335
misdemeanor violation of division (A) or (B) of section 4511.19 of 4336
the Revised Code or of a municipal OVI ordinance and it is 4337
continued under this section, the suspension shall terminate if, 4338
for any reason, the person subsequently is found not guilty of the 4339
charge that resulted in the person taking the chemical test or 4340
tests. 4341

If, during the appeal, the judge or magistrate of the trial 4342
court or the mayor of the mayor's court determines that one or 4343
more of the conditions specified in division (C) of this section 4344
have not been met, the judge, magistrate, or mayor shall terminate 4345
the suspension, subject to the imposition of a new suspension 4346
under division (B) of section 4511.196 of the Revised Code; shall 4347
notify the registrar of motor vehicles of the decision on a form 4348
approved by the registrar; and, except as provided in division (B) 4349
of section 4511.196 of the Revised Code, shall order the registrar 4350
to return the driver's or commercial driver's license or permit to 4351
the person or to take any other measures that may be necessary, if 4352
the license or permit was destroyed under section 4510.53 of the 4353
Revised Code, to permit the person to obtain a replacement 4354
driver's or commercial driver's license or permit from the 4355
registrar or a deputy registrar in accordance with that section. 4356
The court also shall issue to the person a court order, valid for 4357
not more than ten days from the date of issuance, granting the 4358
person operating privileges for that period. 4359

(E) Any person whose driver's or commercial driver's license 4360

or permit or nonresident operating privilege has been suspended 4361
pursuant to section 4511.191 of the Revised Code may file a 4362
petition requesting limited driving privileges in the common pleas 4363
court, municipal court, county court, mayor's court, or juvenile 4364
court with jurisdiction over the related criminal or delinquency 4365
case. The petition may be filed at any time subsequent to the date 4366
on which the arresting law enforcement officer serves the notice 4367
of suspension upon the arrested person but no later than thirty 4368
days after the arrested person's initial appearance or 4369
arraignment. Upon the making of the request, limited driving 4370
privileges may be granted under sections 4510.021 and 4510.13 of 4371
the Revised Code, regardless of whether the person appeals the 4372
suspension under this section or appeals the decision of the court 4373
on the appeal, and, if the person has so appealed the suspension 4374
or decision, regardless of whether the matter has been heard or 4375
decided by the court. The person shall pay the costs of the 4376
proceeding, notify the registrar of the filing of the petition, 4377
and send the registrar a copy of the petition. 4378

The court may not grant the person limited driving privileges 4379
when prohibited by section 4510.13 or 4511.191 of the Revised 4380
Code. 4381

(F) Any person whose driver's or commercial driver's license 4382
or permit has been suspended under section 4511.19 of the Revised 4383
Code or under section 4510.07 of the Revised Code for a conviction 4384
of a municipal OVI offense and who desires to retain the license 4385
or permit during the pendency of an appeal, at the time sentence 4386
is pronounced, shall notify the court of record or mayor's court 4387
that suspended the license or permit of the person's intention to 4388
appeal. If the person so notifies the court, the court, mayor, or 4389
clerk of the court shall retain the license or permit until the 4390
appeal is perfected, and, if execution of sentence is stayed, the 4391
license or permit shall be returned to the person to be held by 4392

the person during the pendency of the appeal. If the appeal is not 4393
perfected or is dismissed or terminated in an affirmance of the 4394
conviction, then the license or permit shall be taken up by the 4395
court, mayor, or clerk, at the time of putting the sentence into 4396
execution, and the court shall proceed in the same manner as if no 4397
appeal was taken. 4398

(G) Except as otherwise provided in this division, if a 4399
person whose driver's or commercial driver's license or permit or 4400
nonresident operating privilege was suspended under section 4401
4511.191 of the Revised Code appeals the suspension under division 4402
(A) of this section, the prosecuting attorney of the county in 4403
which the arrest occurred shall represent the registrar of motor 4404
vehicles in the appeal. If the arrest occurred within a municipal 4405
corporation within the jurisdiction of the court in which the 4406
appeal is conducted, the city director of law, village solicitor, 4407
or other chief legal officer of that municipal corporation shall 4408
represent the registrar. If the appeal is conducted in a municipal 4409
court, the registrar shall be represented as provided in section 4410
1901.34 of the Revised Code. If the appeal is conducted in a 4411
mayor's court, the city director of law, village solicitor, or 4412
other chief legal officer of the municipal corporation that 4413
operates that mayor's court shall represent the registrar. 4414

(H) The court shall give information in writing of any action 4415
taken under this section to the registrar of motor vehicles. 4416

(I) When it finally has been determined under the procedures 4417
of this section that a nonresident's privilege to operate a 4418
vehicle within this state has been suspended, the registrar of 4419
motor vehicles shall give information in writing of the action 4420
taken to the motor vehicle administrator of the state of the 4421
nonresident's residence and of any state in which the nonresident 4422
has a license. 4423

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 4424
whose model year was 2001 or earlier, when being operated or 4425
traveling on a street or highway at the times specified in section 4426
4513.03 of the Revised Code, at a minimum shall be equipped with 4427
and display reflectors and illuminated amber lamps so that the 4428
extreme left and right projections of the tractor are indicated by 4429
flashing lamps displaying amber light, visible to the front and 4430
the rear, by amber reflectors, all visible to the front, and by 4431
red reflectors, all visible to the rear. 4432

(2) The lamps displaying amber light need not flash 4433
simultaneously and need not flash in conjunction with any 4434
directional signals of the tractor. 4435

(3) The lamps and reflectors required by division (A)(1) of 4436
this section and their placement shall meet standards and 4437
specifications contained in rules adopted by the director of 4438
public safety in accordance with Chapter 119. of the Revised Code. 4439
The rules governing the amber lamps, amber reflectors, and red 4440
reflectors and their placement shall correlate with and, as far as 4441
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 4442
respectively of the American society of agricultural engineers 4443
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 4444
agricultural equipment on highways. 4445

(B) Every unit of farm machinery whose model year was 2002 or 4446
later, when being operated or traveling on a street or highway at 4447
the times specified in section 4513.03 of the Revised Code, shall 4448
be equipped with and display markings and illuminated lamps that 4449
meet or exceed the lighting, illumination, and marking standards 4450
and specifications that are applicable to that type of farm 4451
machinery for the unit's model year specified in the American 4452
society of agricultural engineers standard ANSI/ASAE ~~S279.10 OCT98~~ 4453
S279.11 APR01, lighting and marking of agricultural equipment on 4454

highways, or any subsequent revisions of that standard. 4455

(C) The lights and reflectors required by division (A) of 4456
this section are in addition to the slow-moving vehicle emblem and 4457
lights required or permitted by section 4513.11 or 4513.17 of the 4458
Revised Code to be displayed on farm machinery being operated or 4459
traveling on a street or highway. 4460

(D) No person shall operate any unit of farm machinery on a 4461
street or highway or cause any unit of farm machinery to travel on 4462
a street or highway in violation of division (A) or (B) of this 4463
section. 4464

Sec. 4513.52. (A) The department of public safety, with the 4465
advice of the public utilities commission, shall adopt and enforce 4466
rules relating to the inspection of buses to determine whether a 4467
bus is safe and lawful, including whether its equipment is in 4468
proper adjustment or repair. 4469

(B) The rules shall determine the safety features, items of 4470
equipment, and other safety-related conditions subject to 4471
inspection. The rules may authorize the state highway patrol to 4472
operate safety inspection sites, or to enter in or upon the 4473
property of any bus operator to conduct the safety inspections, or 4474
both. The rules also shall establish a fee, not to exceed ~~one~~ two 4475
hundred dollars, for each bus inspected. 4476

(C) The state highway patrol shall conduct the bus safety 4477
inspections at least on an annual basis. An inspection conducted 4478
under this section is valid for twelve months unless, prior to 4479
that time, the bus fails a subsequent inspection or ownership of 4480
the bus is transferred. 4481

(D) The state highway patrol shall collect a fee for each bus 4482
inspected. 4483

(E) Upon determining that a bus is in safe operating 4484

condition, that its equipment is in proper adjustment and repair, 4485
and that it is otherwise lawful, the inspecting officer shall do 4486
both of the following: 4487

(1) Affix an official safety inspection decal to the outside 4488
surface of each side of the bus; 4489

(2) Issue the owner or operator of the bus a safety 4490
inspection report, to be presented to the registrar or a deputy 4491
registrar upon application for registration of the bus. 4492

Sec. 4513.53. (A) The superintendent of the state highway 4493
patrol, with approval of the director of public safety, may 4494
appoint and maintain necessary staff to carry out the inspection 4495
of buses. 4496

(B) The superintendent of the state highway patrol shall 4497
adopt a distinctive annual safety inspection decal bearing the 4498
date of inspection. The state highway patrol may remove any decal 4499
from a bus that fails any inspection. 4500

(C) Fees collected by the state highway patrol shall be paid 4501
into the state treasury to the credit of the general revenue fund. 4502
Annually by the first day of June, the director of public safety 4503
shall determine the amount of fees collected under section 4513.52 4504
of the Revised Code and shall certify the amount to the director 4505
of budget and management for reimbursement. The director of budget 4506
and management then may transfer cash up to the amount certified 4507
from the general revenue fund to the state highway safety fund. 4508

Sec. 4921.02. As used in sections 4921.01 to 4921.32 of the 4509
Revised Code: 4510

(A) "Motor transportation company," or "common carrier by 4511
motor vehicle," includes every corporation, company, association, 4512
joint-stock association, person, firm, or copartnership, and their 4513
lessees, legal or personal representatives, trustees, and 4514

receivers or trustees appointed by any court, when engaged or 4515
proposing to engage in the business of transporting persons or 4516
property, or the business of providing or furnishing such 4517
transportation service, for hire, whether directly or by lease or 4518
other arrangement, for the public in general, in or by 4519
motor-propelled vehicles of any kind, including trailers, over any 4520
public highway in this state. All laws regulating the business of 4521
motor transportation, their context notwithstanding, apply to such 4522
motor transportation company or common carrier by motor vehicle. 4523
"Motor transportation company," as so used, does not include any 4524
person, firm, copartnership, voluntary association, joint-stock 4525
association, company, or corporation, wherever organized or 4526
incorporated: 4527

(1) Engaged or proposing to engage as a private motor carrier 4528
as defined by section 4923.02 of the Revised Code; 4529

(2) Insofar as they own, control, operate, or manage motor 4530
vehicles used for the transportation of property, operated 4531
exclusively within the territorial limits of a municipal 4532
corporation, or within such limits and the territorial limits of 4533
municipal corporations immediately contiguous to such municipal 4534
corporation; 4535

(3) Insofar as they are engaged in the transportation of 4536
persons in taxicabs in the usual taxicab service; 4537

(4) Engaged in the transportation of pupils in school busses 4538
operating to or from school sessions or school events; 4539

(5) Engaged in the transportation of farm supplies to the 4540
farm or farm products from farm to market or to food fabricating 4541
plants; 4542

(6) Engaged in the distribution of newspapers; 4543

(7) Engaged in the transportation of crude petroleum 4544
incidental to gathering from wells and delivery to destination by 4545

pipe line;	4546
(8) Engaged in the towing of disabled or wrecked motor vehicles;	4547 4548
(9) Engaged in the transportation of injured, ill, or deceased persons by hearse or ambulance;	4549 4550
(10) <u>(9)</u> Engaged in the transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	4551 4552 4553
(11) <u>(10)</u> Engaged in the transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose.	4554 4555 4556 4557 4558
(B) "Trailer" means any vehicle without motive power designed or used for carrying property or persons and for being drawn by a separate motor-propelled vehicle, including any vehicle of the trailer type, whether designed or used for carrying property or persons wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor-propelled vehicle.	4559 4560 4561 4562 4563 4564 4565
(C) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.	4566 4567 4568
(D) "Fixed termini" refers to the points between which any motor transportation company usually or ordinarily operates, provides, or proposes to operate or provide motor transportation service.	4569 4570 4571 4572
(E) "Regular route" refers to that portion of the public highway over which any motor transportation company usually or ordinarily operates, provides, or proposes to operate or provide	4573 4574 4575

motor transportation service. 4576

(F) "Irregular route" refers to that portion of the public 4577
highway over which is conducted or provided any other operation of 4578
any motor vehicle by a motor transportation company transporting 4579
property. 4580

(G) "Ridesharing arrangement" means the transportation of 4581
persons in a motor vehicle where such transportation is incidental 4582
to another purpose of a volunteer driver, and includes ridesharing 4583
arrangements known as carpools, vanpools, and buspools. 4584

Whether or not any motor-propelled vehicle is operated or 4585
such transportation service is provided or furnished by such motor 4586
transportation company, between fixed termini or over a regular 4587
route, or over an irregular route, or whether or not a 4588
corporation, company, association, joint-stock association, 4589
person, firm, or copartnership, or their lessees, trustees, or 4590
receivers or trustees appointed by any court, is engaged as a 4591
motor transportation company, are questions of fact. The finding 4592
of the public utilities commission on such questions is a final 4593
order which may be reviewed as provided in section 4921.17 of the 4594
Revised Code. The commission has jurisdiction to receive, hear, 4595
and determine such questions upon complaint of any party, or upon 4596
its own motion, upon not less than fifteen days' notice of the 4597
time and place of such hearing and of the matter to be heard. 4598

Sec. 4921.30. Any person, firm, copartnership, voluntary 4599
association, joint-stock association, company, or corporation, 4600
wherever organized or incorporated, that is engaged in the towing 4601
of motor vehicles is subject to regulation by the public utilities 4602
commission as a for-hire motor carrier under this chapter. Such an 4603
entity is not subject to any ordinance, rule, or resolution of a 4604
municipal corporation, county, or township that provides for the 4605
licensing, registering, or regulation of entities that tow motor 4606

vehicles. 4607

Sec. 5501.20. (A) As used in this section: 4608

(1) "Career professional service" means that part of the 4609
competitive classified service that consists of employees of the 4610
department of transportation who, regardless of job 4611
classification, meet both of the following qualifications: 4612

(a) They are supervisors, professional employees who are not 4613
in a collective bargaining unit, confidential employees, or 4614
management level employees, all as defined in section 4117.01 of 4615
the Revised Code. 4616

(b) They exercise authority that is not merely routine or 4617
clerical in nature and report only to a higher level unclassified 4618
employee or employee in the career professional service. 4619

(2) "Demoted" means that an employee is placed in a position 4620
where the employee's wage rate equals, or is not more than twenty 4621
per cent less than, the employee's wage rate immediately prior to 4622
demotion or where the employee's job responsibilities are reduced, 4623
or both. 4624

(3) "Employee in the career professional service with 4625
restoration rights" means an employee in the career professional 4626
service who has been in the classified civil service for at least 4627
two years and who has a cumulative total of at least ten years of 4628
continuous service with the department of transportation. 4629

(B) Not later than the first day of July of each odd-numbered 4630
year, the director of transportation shall adopt a rule in 4631
accordance with section 111.15 of the Revised Code that 4632
establishes a business plan for the department of transportation 4633
that states the department's mission, business objectives, and 4634
strategies and that establishes a procedure by which employees in 4635
the career professional service will be held accountable for their 4636

performance. The director shall adopt a rule that establishes a 4637
business plan for the department only once in each two years. 4638
Within sixty days after the effective date of a rule that 4639
establishes a business plan for the department, the director shall 4640
adopt a rule in accordance with section 111.15 of the Revised Code 4641
that identifies specific positions within the department of 4642
transportation that are included in the career professional 4643
service. The director may amend the rule that identifies the 4644
specific positions included in the career professional service 4645
whenever the director determines necessary. Any rule adopted under 4646
this division is subject to review and invalidation by the joint 4647
committee on agency rule review as provided in division (D) of 4648
section 111.15 of the Revised Code. The director shall provide a 4649
copy of any rule adopted under this division to the director of 4650
budget and management. 4651

Except as otherwise provided in this section, an employee in 4652
the career professional service is subject to the provisions of 4653
Chapter 124. of the Revised Code that govern employees in the 4654
classified civil service. 4655

(C) After an employee is appointed to a position in the 4656
career professional service, the employee's direct supervisor 4657
shall provide the employee appointed to that position with a 4658
written performance action plan that describes the department's 4659
expectations for that employee in fulfilling the mission, business 4660
objectives, and strategies stated in the department's business 4661
plan. No sooner than four months after being appointed to a 4662
position in the career professional service, an employee appointed 4663
to that position shall receive a written performance review based 4664
on the employee's fulfillment of the mission, business objectives, 4665
and strategies stated in the department's business plan. After the 4666
initial performance review, the employee shall receive a written 4667
performance review at least once each year or as often as the 4668

director considers necessary. The department shall give an 4669
employee whose performance is unsatisfactory an opportunity to 4670
improve performance for a period of at least six months, by means 4671
of a written corrective action plan, before the department takes 4672
any disciplinary action under this section or section 124.34 of 4673
the Revised Code. The department shall base its performance review 4674
forms on its business plan. 4675

(D) An employee in the career professional service may be 4676
suspended, demoted, or removed because of performance that hinders 4677
or restricts the fulfillment of the department's business plan or 4678
for disciplinary reasons under section 124.34 or 124.57 of the 4679
Revised Code. An employee in the career professional service may 4680
appeal only the employee's removal to the state personnel board of 4681
review. An employee in the career professional service may appeal 4682
a demotion or a suspension of more than three days pursuant to 4683
rules the director adopts in accordance with section 111.15 of the 4684
Revised Code. 4685

(E) An employee in the career professional service with 4686
restoration rights has restoration rights if demoted because of 4687
performance that hinders or restricts fulfillment of the mission, 4688
business objectives, or strategies stated in the department's 4689
business plan, but not if involuntarily demoted or removed for any 4690
of the reasons described in section 124.34 or for a violation of 4691
section 124.57 of the Revised Code. The director shall demote an 4692
employee who has restoration rights of that nature to a position 4693
in the classified service that in the director's judgment is 4694
similar in nature to the position the employee held immediately 4695
prior to being appointed to the position in the career 4696
professional service. The director shall assign to an employee who 4697
is demoted to a position in the classified service as provided in 4698
this division a wage rate that equals, or that is not more than 4699
twenty per cent less than, the wage rate assigned to the employee 4700

in the career professional service immediately prior to the 4701
employee's demotion. 4702

~~(F) This section establishes a pilot program for employees in 4703
the career professional service of the department of 4704
transportation. At the end of each fiscal biennium that this 4705
program is in effect, the director of transportation shall prepare 4706
a report describing and evaluating the operation of the program 4707
and forward a copy of the report to the governor, director of 4708
administrative services, speaker of the house of representatives, 4709
and president of the senate. 4710~~

~~(G) No person shall be appointed to a position in the career 4711
professional service of the Department of Transportation after 4712
June 30, 2003, including for the purpose of filling a vacancy 4713
within the career professional service that occurs for any reason. 4714~~

Sec. 5501.34. (A) ~~In the event that~~ If circumstances alter 4715
the highway requirements after the director of transportation has 4716
acquired property so that the real property, or part thereof, of 4717
the real property is no longer required for highway purposes, the 4718
director, in the name of the state, may sell all the right, title, 4719
and interest of the state in any of the real property. After 4720
determining that a parcel of real property is no longer required 4721
for highway purposes, the director shall have the parcel appraised 4722
by a department prequalified appraiser. 4723

(B) Except as otherwise provided in this section, the 4724
director shall advertise the sale of real property that is no 4725
longer required for highway purposes in a newspaper of general 4726
circulation in the county in which the real property is situated 4727
for at least two consecutive weeks prior to the date set for the 4728
sale. The real property may be sold at public auction to the 4729
highest bidder for not less than two-thirds of its appraised 4730
value, but the director may reject all bids that are less than the 4731

full appraised value of the real property. However, if no sale has 4732
been effected after an effort to sell under this division, the 4733
director may set aside the appraisal, order a new appraisal, and, 4734
except as otherwise provided in this section, readvertise the 4735
property for sale. 4736

(C) If real property no longer required for highway purposes 4737
is appraised or reappraised as having a current fair market value 4738
of twenty thousand dollars or less, the director may sell the real 4739
property to the sole abutting owner through a private sale at a 4740
price not less than the appraised value. If there is more than one 4741
abutting owner, the director may invite all of the abutting owners 4742
to submit sealed bids and may sell the real property to the 4743
highest bidder at not less than its appraised value. 4744

(D) If real property no longer required for highway purposes 4745
is appraised or reappraised as having a fair market value of two 4746
thousand dollars or less, and no sale has been effected after an 4747
effort to sell to the abutting owner or owners, the director may 4748
advertise the sale of ~~such~~ the real property in accordance with 4749
division (B) of this section. The director may sell the land at 4750
public auction to the highest bidder without regard to its 4751
appraised value, but the director may reject all bids that are 4752
less than the full appraised value of the real property. 4753

(E) The department shall pay all expenses incurred in the 4754
sale of a parcel of real property out of the proceeds of the sale 4755
and shall deposit the balance of the proceeds in the highway fund 4756
used to acquire that parcel of real property. 4757

(F) Upon a determination that real property previously 4758
acquired within a highway improvement project corridor no longer 4759
is needed for highway purposes, the director may offer the 4760
unneded property to another landowner located within that 4761
project's corridor as full or partial consideration for other real 4762
property to be acquired from the landowner. If the landowner 4763

accepts the offer, the director shall convey the unneeded property 4764
directly to the landowner at the full fair market value determined 4765
by the department by appraisal. The director shall credit the 4766
value of the unneeded property against the acquisition price of 4767
the property being acquired by the department, and the landowner 4768
shall pay the department the difference if the value of the 4769
unneeded property exceeds the acquisition price of the property 4770
being acquired. 4771

(G) Conveyances of real property under this section shall be 4772
by a deed executed by the governor, ~~shall bear~~ bearing the great 4773
seal of the state ~~of Ohio~~, and ~~shall be~~ in the form ~~as~~ prescribed 4774
by the attorney general. ~~Section 5301.13 of the Revised Code,~~ 4775
~~relating to the sale of public lands, shall not apply to~~ 4776
~~conveyances made pursuant to this section.~~ The director shall keep 4777
a record of all ~~such~~ conveyances of real property made under this 4778
section. This section applies to all real property acquired by the 4779
department, regardless of how or from whom the property was 4780
acquired. 4781

Sec. 5501.45. (A) The director of transportation may convey 4782
or transfer the fee simple estate or any lesser estate or interest 4783
in, or permit the use of, for such period as the director shall 4784
determine, any lands owned by the state and acquired or used for 4785
the state highway system or for highways or in connection with 4786
highways or as incidental to the acquisition of land for highways, 4787
provided that the director determines, after consulting with the 4788
director of natural resources, that the property or interest 4789
conveyed or made subject to a permit to use is not needed by the 4790
state for highway or recreation purposes. Such conveyance, 4791
transfer, or permit to use may be to the grantee or permittee or 4792
to the grantee or permittee and the grantee's or its successors 4793
and assigns and shall be of such portion of such lands as the 4794
director shall determine, which shall be described in the deed, 4795

transfer, or other instrument or conveyance and in any permit to 4796
use, and may include or be limited to areas or space on, above, or 4797
below the surface, and also may include the grant of easements or 4798
other interests in any such lands for use by the grantee for 4799
buildings or structures or for other uses and purposes, and for 4800
the support of buildings or structures constructed or to be 4801
constructed on or in the lands or areas or space conveyed or made 4802
subject to a permit to use. 4803

(B) Whenever pursuant to this section separate units of 4804
property are created in any lands, each unit shall for all 4805
purposes constitute real property and shall be deemed real estate 4806
within the meaning of all provisions of the Revised Code, shall be 4807
deemed to be a separate parcel for all purposes of taxation and 4808
assessment of real property, and no other unit or other part of 4809
such lands shall be charged with the payment of such taxes and 4810
assessments. 4811

(C) With respect to any portion of the state highway system 4812
not owned in fee simple by the state, the director may permit the 4813
use of any portion thereof in perpetuity or for such period of 4814
time as the director shall specify, including areas or space on, 4815
above, or beneath the surface, together with rights for the 4816
support of buildings or structures constructed or to be 4817
constructed thereon or therein, provided that the director 4818
determines that the portion made subject to a right to use is not 4819
needed by the state for highway purposes. 4820

(D) The director shall require, as either a condition 4821
precedent or a condition subsequent to any conveyance, transfer, 4822
or grant or permit to use, that the plans and specifications for 4823
all such buildings or structures and the contemplated use thereof, 4824
be approved by the director as not interfering with the use of the 4825
state highway system and not unduly endangering the public. The 4826
director may require such indemnity agreements in favor of the 4827

director and the public as shall be lawful and as shall be deemed 4828
necessary by the director. The director shall not unreasonably 4829
withhold approval of such plans, specifications, and contemplated 4830
use. 4831

(E)(1) All such conveyances, transfers, grants, or permits to 4832
use that are made to state institutions, agencies, commissions, 4833
instrumentalities, political subdivisions, or taxing districts of 4834
the state, ~~and to~~ to institutions receiving financial assistance from 4835
the state, or to the federal government shall be upon such 4836
consideration as shall be determined by the director to be fair 4837
and reasonable, without competitive bidding, ~~and sections.~~ 4838
Conveyances of real property under this section shall be by deed 4839
executed by the director and shall be in the form prescribed by 4840
the attorney general. Sections 5301.13 and 5515.01 of the Revised 4841
Code, relating to the sale or use of public lands, shall not apply 4842
to conveyances, grants, transfers, or permits to use made pursuant 4843
to this division. An institution receiving financial assistance 4844
from the state shall provide the director with acceptable 4845
documentary evidence of the state loan, grant, or other state 4846
financial assistance. The director shall keep a record of all such 4847
conveyances. 4848

(2) As used in this division, "institution receiving 4849
financial assistance from the state" includes any public or 4850
private organization, especially one of a charitable, civic, or 4851
educational character, in receipt of a state loan, grant, or other 4852
type of state financial assistance. 4853

(F) Except as provided in division (E) of this section, all 4854
conveyances, grants, or permits to use that are made to private 4855
persons, firms, or corporations shall be conducted in accordance 4856
with the procedure set forth in section 5501.311 or 5501.34 of the 4857
Revised Code, as applicable. 4858

(G) In any case where the director has acquired or acquires, 4859

for the state highway system, easements in or permits to use areas 4860
or space on, above, or below the surface, the director may 4861
extinguish them in whole or in part or subordinate them to uses by 4862
others, provided that the director determines that the easements 4863
or permit to use so extinguished or subordinated are not needed by 4864
the state for highway purposes. The director shall make any 4865
extinguishments to the current underlying fee owner of record at 4866
no cost. 4867

(H) No conveyance, transfer, easement, lease, permit, or 4868
other instrument executed pursuant to the authorization given by 4869
this section shall prejudice any right, title, or interest in any 4870
lands affected thereby which at the date thereof existed in any 4871
person, firm, or corporation, other than the state and other than 4872
members of the general public having no specific rights in said 4873
lands, unless the right, title, or interest was expressly subject 4874
to the right of the state to make such conveyance or transfer, 4875
grant such right, or execute such instrument, and unless the state 4876
by such instrument expressly exercises such right, nor shall any 4877
public utility be required to move or relocate any of its 4878
facilities that may be located in or on the areas described in any 4879
such conveyance, transfer, easement, lease, permit, or other 4880
instrument. 4881

Sec. 5501.53. (A) Any organization, individual, or group of 4882
individuals may give to the state or to any county or township by 4883
way of private contribution money to pay the expenses the state or 4884
county or township incurs in maintaining, repairing, or 4885
reconstructing highways and roads upon which animal-drawn vehicles 4886
travel. 4887

(1) All money the state receives under this division shall be 4888
credited to the highway operating fund created by section 5735.291 4889
of the Revised Code to be expended by the department of 4890

transportation as described in this division. If money is 4891
contributed to the state under this section, the donor may direct 4892
that the contribution be used to pay the maintenance, repair, or 4893
reconstruction expenses of a particular state highway or portion 4894
of state highway by specifically designating that state highway or 4895
portion thereof at the time of the contribution, and the 4896
department shall so expend the contribution. If the donor does not 4897
make such a designation, the department shall use the contribution 4898
to pay the maintenance, repair, or reconstruction expenses of a 4899
portion of state highway located within the county in which the 4900
donor resides or in which the organization maintains property and 4901
upon which animal-drawn vehicles regularly travel. The department 4902
may accumulate contributions designated for a particular highway 4903
until such time as the contributions can be expended in a 4904
meaningful manner. 4905

(2) If a donor contributes money to a county or township, the 4906
donor is not permitted to make any specific road or highway 4907
designation. However, the county or township shall expend all 4908
contributions received under this section to maintain, repair, or 4909
reconstruct any road located within the county or township upon 4910
which animal-drawn vehicles travel. A county or township may 4911
accumulate contributions received under this section until such 4912
time as the contributions can be expended in a meaningful manner. 4913

(B) Not later than the first day of April of every year, the 4914
department and every county and township that receives money under 4915
this section shall issue a written report detailing the amount of 4916
money the state, county, or township received under this section 4917
during the previous calendar year; the amount of money expended 4918
during the previous calendar year pursuant to this section; the 4919
amount of money received under this section but not expended 4920
during the previous calendar year; the highway or road projects 4921
for which the expenditures were made; and any other relevant data. 4922

Sec. 5502.02. All expenditures for the operation 4923
administration and maintenance of enforcement of motor vehicle and 4924
traffic laws by the department of public safety shall be paid out 4925
of moneys derived from fees, excises, or license taxes relating to 4926
registration, operation, or use of vehicles on public highways or 4927
to fuels used for propelling such vehicles as provided in Section 4928
5a of Article XII, Ohio Constitution. 4929

Sec. 5502.39. There is hereby created in the state treasury 4930
the emergency management agency service and reimbursement fund. 4931
The fund shall consist of money collected under sections 5502.21 4932
to 5502.38 of the Revised Code. All money in the fund shall be 4933
used to pay the costs of administering programs of the emergency 4934
management agency. 4935

Sec. 5517.011. ~~(A)(1)~~ Notwithstanding section 5517.01 of the 4936
Revised Code, the director of transportation may establish a ~~pilot~~ 4937
program to expedite the sale and construction of ~~no more than six~~ 4938
special projects by combining the design and construction elements 4939
of a highway or bridge project into a single contract. The 4940
director shall prepare and distribute a scope of work document 4941
upon which the bidders shall base their bids. Except in regard to 4942
those requirements relating to providing plans, the director shall 4943
award contracts under this section in accordance with ~~section~~ 4944
~~5525.01~~ Chapter 5525. of the Revised Code. 4945

~~(2) On or before December 31, 2002, the director shall~~ 4946
~~prepare and submit to the general assembly a report evaluating the~~ 4947
~~experience of the department of transportation with each project~~ 4948
~~under this division and contract under division (B) of this~~ 4949
~~section, including whether the department realized any cost or~~ 4950
~~time savings. Regarding those projects and contracts, the report~~ 4951
~~shall include a discussion of the number and cost of change~~ 4952

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

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

~~(B) In addition to the six projects under division (A) of this section, during the period beginning July 1, 1999, and ending June 30, 2001, and also during the period beginning July 1, 2001, and ending June 30, 2003, the director may expand the pilot program to more contracts combining the design and construction elements of highway or bridge projects. For each biennium, the total dollar value of contracts made under this division section shall not exceed two hundred fifty million dollars. The director may seek either bids or technical proposals for contracts under this division.~~

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

~~(2) If the director elects to utilize the competitive bid option for design build projects, the director shall prepare and~~

~~distribute a scope of work document upon which the bidders shall
base their bids.~~ 4985
4986

~~(3)(a) If the director elects to utilize a value based
selection process for design build projects through the receipt of
technical proposals, the director shall restrict usage of this
method to no more than eighty five million dollars and no more
than two projects, whose per project estimate must exceed twenty
million dollars. The director shall prepare conceptual documents
for review by interested parties, accept letters of interest, and
select the three most qualified design build teams to submit a
technical proposal.~~ 4987
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~~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.~~ 4996
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~~(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.~~ 5004
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~~The director first shall review the submitted technical
proposals and ascribe a numerical score to each proposal. The~~ 5015
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~~technical numerical scores shall be equated to a percentage 5017
adjustment to be applied to the finalists' price proposals, using 5018
a predetermined schedule of adjustment made known to the finalists 5019
at the time of advertising. In no case shall the technical 5020
proposal rating exceed twenty five per cent of the value based 5021
technical and price selection criteria. The director shall reserve 5022
the right to consider a technical proposal as being nonresponsive, 5023
thereby eliminating that finalist from further consideration. 5024~~

~~Upon completion of the rating of technical proposals, the 5025
director shall apply to the price proposals the percentage 5026
adjustments predetermined from the numerical scores assigned to 5027
the technical proposals. Unless all proposals are rejected, the 5028
director shall select the finalist with the lowest adjusted price. 5029
The adjusted price shall be used for selection only. The contract 5030
shall be based on the price proposal as submitted. 5031~~

~~The department shall compensate each responsive finalist not 5032
selected in an amount generally equal to one fourth of one per 5033
cent of the unadjusted price proposal amount submitted by the 5034
selected finalist or by an amount the director establishes at the 5035
time of advertising. The proposals of the two unsuccessful 5036
finalists shall become the property of the director unless an 5037
unsuccessful finalist elects to waive the compensation. The 5038
director shall return the proposal of any unsuccessful finalist 5039
who waives the compensation. 5040~~

Sec. 5517.02. (A) Before undertaking the construction, 5041
improvement, maintenance, or repair of a state highway, or a 5042
bridge or culvert thereon, or the installation, maintenance, or 5043
repair of a traffic control signal on a state highway, the 5044
director of transportation shall make an estimate of the cost of 5045
the work, which estimate shall include labor, material, freight, 5046
fuel, use of equipment, and all other items of cost and expense 5047

using the force account project assessment form developed by the 5048
auditor of state under section 117.16 of the Revised Code. In 5049
constructing, improving, maintaining, and repairing state 5050
highways, and the bridges and culverts thereon, and in installing, 5051
maintaining, and repairing traffic control signals on state 5052
highways, the director, except as provided in division (B) of this 5053
section, shall proceed by contract let to the lowest competent and 5054
responsible bidder, after advertisement as provided in section 5055
5525.01 of the Revised Code. 5056

~~The above provision relating to the performance of work by~~ 5057
~~contract applies to all construction and reconstruction, except in~~ 5058
~~the case of a bridge or culvert, or the installation of a traffic~~ 5059
~~control signal, estimated to cost not more than twenty thousand~~ 5060
~~dollars.~~ (B)(1) Where the work contemplated is the construction of 5061
a bridge or culvert, or the installation of a traffic control 5062
signal, estimated to cost not more than ~~twenty~~ fifty thousand 5063
dollars, the director may proceed by employing labor, purchasing 5064
materials, and furnishing equipment. 5065

(2) The director may also proceed with maintenance or repair 5066
work by employing labor, purchasing materials, and furnishing 5067
equipment, provided the total estimated cost of the completed 5068
operation, or series of connected operations, does not exceed ~~ten~~ 5069
twenty-five thousand dollars per mile of highway, exclusive of 5070
structures and traffic control signals, or ~~twenty~~ fifty thousand 5071
dollars for any single structure or traffic control signal. ~~The~~ 5072

(3) The director may proceed by furnishing equipment, 5073
purchasing materials, and employing labor in the erection of 5074
temporary bridges or the making of temporary repairs to a highway 5075
or bridge rendered necessary by flood, landslide, or other 5076
extraordinary emergency. If the director determines ~~that he is~~ 5077
~~unable~~ inability to complete such emergency work by force account, 5078
~~then he~~ the director may contract for any part of the work, with 5079

or without advertising for bids, as ~~he~~ the director considers for 5080
the best interest of the department of transportation. 5081

Sec. 5525.20. (A) Subject to division (B) of this section, 5082
the director of transportation may include incentive and 5083
disincentive provisions in contracts ~~he~~ the director executes for 5084
projects or portions or phases of projects that involve any of the 5085
following: 5086

(1) A major bridge out of service; 5087

(2) A lengthy detour; 5088

(3) Excessive disruption to traffic; 5089

(4) A significant impact on public safety; 5090

(5) A link that completes a segment of a highway. 5091

(B) No such provisions shall be included in any particular 5092
contract without the prior consent of the municipal corporation, 5093
or, if outside a municipal corporation and off the state highway 5094
system, the prior consent of the board of county commissioners of 5095
the county, in which the bridge, detour, disruption, impact, or 5096
link will be located or occur. 5097

(C) If the director decides to include incentive and 5098
disincentive provisions in such contracts, ~~he~~ the director shall 5099
make those provisions part of the bid proposal issued by ~~him~~ the 5100
director pursuant to this chapter and shall also adopt rules, in 5101
accordance with Chapter 119. of the Revised Code, governing the 5102
formulation and use of those provisions. The rules shall be 5103
equivalent in scope, content, and coverage to the regulations the 5104
federal highway administrator issues concerning the use of such 5105
provisions in state contracts. 5106

As used in this section, "incentive and disincentive 5107
provisions" means provisions under which the contractor would be 5108
compensated a certain amount of money for each day specified 5109

critical work is completed ahead of schedule or under which ~~he~~ the 5110
contractor would be assessed a deduction for each day the 5111
specified critical work is completed behind schedule. The director 5112
also may elect to compensate the contractor in the form of a lump 5113
sum incentive for completing critical work ahead of schedule. 5114

Sec. 5531.10. (A) As used in this chapter: 5115

(1) "Bond proceedings" means the resolution, order, trust 5116
agreement, indenture, lease, lease-purchase agreements, and other 5117
agreements, amendments and supplements to the foregoing, or any 5118
one or more or combination thereof, authorizing or providing for 5119
the terms and conditions applicable to, or providing for the 5120
security or liquidity of, obligations issued pursuant to this 5121
section, and the provisions contained in such obligations. 5122

(2) "Bond service charges" means principal, including 5123
mandatory sinking fund requirements for retirement of obligations, 5124
and interest, and redemption premium, if any, required to be paid 5125
by the state on obligations. 5126

(3) "Bond service fund" means the applicable fund and 5127
accounts therein created for and pledged to the payment of bond 5128
service charges, which may be, or may be part of, the state 5129
infrastructure bank revenue bond service fund created by division 5130
(R) of this section including all moneys and investments, and 5131
earnings from investments, credited and to be credited thereto. 5132

(4) "Issuing authority" means the treasurer of state, or the 5133
officer who by law performs the functions of the treasurer of 5134
state. 5135

(5) "Obligations" means bonds, notes, or other evidence of 5136
obligation including interest coupons pertaining thereto, issued 5137
pursuant to this section. 5138

(6) "Pledged receipts" means moneys accruing to the state 5139

from the lease, lease-purchase, sale, or other disposition, or 5140
use, of qualified projects, and from the repayment, including 5141
interest, of loans made from proceeds received from the sale of 5142
obligations; accrued interest received from the sale of 5143
obligations; income from the investment of the special funds; any 5144
gifts, grants, donations, and pledges, and receipts therefrom, 5145
available for the payment of bond service charges; and any amounts 5146
in the state infrastructure bank pledged to the payment of such 5147
charges. If the amounts in the state infrastructure bank are 5148
insufficient for the payment of such charges, "pledged receipts" 5149
also means moneys that are apportioned by the United States 5150
secretary of transportation under United States Code, Title XXIII, 5151
as amended, or any successor legislation, or under any other 5152
federal law relating to aid for highways, and that are to be 5153
received as a grant by the state, to the extent the state is not 5154
prohibited by state or federal law from using such moneys and the 5155
moneys are pledged to the payment of such bond service charges. 5156

(7) "Special funds" or "funds" means, except where the 5157
context does not permit, the bond service fund, and any other 5158
funds, including reserve funds, created under the bond 5159
proceedings, and the state infrastructure bank revenue bond 5160
service fund created by division (R) of this section to the extent 5161
provided in the bond proceedings, including all moneys and 5162
investments, and earnings from investment, credited and to be 5163
credited thereto. 5164

(8) "State infrastructure project" means any public 5165
transportation project undertaken by the state, including, but not 5166
limited to, all components of any such project, as described in 5167
division (D) of section 5131.09 of the Revised Code. 5168

(B) The issuing authority, after giving written notice to the 5169
director of budget and management and upon the certification by 5170
the director of transportation to the issuing authority of the 5171

amount of moneys or additional moneys needed either for state 5172
infrastructure projects or to provide financial assistance for any 5173
of the purposes for which the state infrastructure bank may be 5174
used under section 5531.09 of the Revised Code, or needed for 5175
capitalized interest, funding reserves, and paying costs and 5176
expenses incurred in connection with the issuance, carrying, 5177
securing, paying, redeeming, or retirement of the obligations or 5178
any obligations refunded thereby, including payment of costs and 5179
expenses relating to letters of credit, lines of credit, 5180
insurance, put agreements, standby purchase agreements, indexing, 5181
marketing, remarketing and administrative arrangements, interest 5182
swap or hedging agreements, and any other credit enhancement, 5183
liquidity, remarketing, renewal, or refunding arrangements, all of 5184
which are authorized by this section, shall issue obligations of 5185
the state under this section in the required amount. The proceeds 5186
of such obligations, except for the portion to be deposited in 5187
special funds, including reserve funds, as may be provided in the 5188
bond proceedings, shall as provided in the bond proceedings be 5189
credited to the infrastructure bank obligations fund of the state 5190
infrastructure bank created by section 5531.09 of the Revised 5191
Code. The issuing authority may appoint trustees, paying agents, 5192
transfer agents, and authenticating agents, and may retain the 5193
services of financial advisors, accounting experts, and attorneys, 5194
and retain or contract for the services of marketing, remarketing, 5195
indexing, and administrative agents, other consultants, and 5196
independent contractors, including printing services, as are 5197
necessary in the issuing authority's judgment to carry out this 5198
section. The costs of such services are payable from funds of the 5199
state infrastructure bank. 5200

(C) The holders or owners of such obligations shall have no 5201
right to have moneys raised by taxation by the state of Ohio 5202
obligated or pledged, and moneys so raised shall not be obligated 5203
or pledged, for the payment of bond service charges. The right of 5204

such holders and owners to the payment of bond service charges is 5205
limited to all or that portion of the pledged receipts and those 5206
special funds pledged thereto pursuant to the bond proceedings for 5207
such obligations in accordance with this section, and each such 5208
obligation shall bear on its face a statement to that effect. 5209

(D) Obligations shall be authorized by order of the issuing 5210
authority and the bond proceedings shall provide for the purpose 5211
thereof and the principal amount or amounts, and shall provide for 5212
or authorize the manner or agency for determining the principal 5213
maturity or maturities, not exceeding twenty-five years from the 5214
date of issuance, the interest rate or rates or the maximum 5215
interest rate, the date of the obligations and the dates of 5216
payment of interest thereon, their denomination, and the 5217
establishment within or without the state of a place or places of 5218
payment of bond service charges. Sections 9.98 to 9.983 of the 5219
Revised Code are applicable to obligations issued under this 5220
section. The purpose of such obligations may be stated in the bond 5221
proceedings in terms describing the general purpose or purposes to 5222
be served. The bond proceedings also shall provide, subject to the 5223
provisions of any other applicable bond proceedings, for the 5224
pledge of all, or such part as the issuing authority may 5225
determine, of the pledged receipts and the applicable special fund 5226
or funds to the payment of bond service charges, which pledges may 5227
be made either prior or subordinate to other expenses, claims, or 5228
payments, and may be made to secure the obligations on a parity 5229
with obligations theretofore or thereafter issued, if and to the 5230
extent provided in the bond proceedings. The pledged receipts and 5231
special funds so pledged and thereafter received by the state 5232
immediately are subject to the lien of such pledge without any 5233
physical delivery thereof or further act, and the lien of any such 5234
pledges is valid and binding against all parties having claims of 5235
any kind against the state or any governmental agency of the 5236
state, irrespective of whether such parties have notice thereof, 5237

and shall create a perfected security interest for all purposes of 5238
Chapter 1309. of the Revised Code, without the necessity for 5239
separation or delivery of funds or for the filing or recording of 5240
the bond proceedings by which such pledge is created or any 5241
certificate, statement, or other document with respect thereto; 5242
and the pledge of such pledged receipts and special funds is 5243
effective and the money therefrom and thereof may be applied to 5244
the purposes for which pledged without necessity for any act of 5245
appropriation. Every pledge, and every covenant and agreement made 5246
with respect thereto, made in the bond proceedings may therein be 5247
extended to the benefit of the owners and holders of obligations 5248
authorized by this section, and to any trustee therefor, for the 5249
further security of the payment of the bond service charges. 5250

(E) The bond proceedings may contain additional provisions as 5251
to: 5252

(1) The redemption of obligations prior to maturity at the 5253
option of the issuing authority at such price or prices and under 5254
such terms and conditions as are provided in the bond proceedings; 5255

(2) Other terms of the obligations; 5256

(3) Limitations on the issuance of additional obligations; 5257

(4) The terms of any trust agreement or indenture securing 5258
the obligations or under which the same may be issued; 5259

(5) The deposit, investment, and application of special 5260
funds, and the safeguarding of moneys on hand or on deposit, 5261
without regard to Chapter 131. or 135. of the Revised Code, but 5262
subject to any special provisions of this section with respect to 5263
particular funds or moneys, provided that any bank or trust 5264
company which acts as depository of any moneys in the special 5265
funds may furnish such indemnifying bonds or may pledge such 5266
securities as required by the issuing authority; 5267

(6) Any or every provision of the bond proceedings being 5268

binding upon such officer, board, commission, authority, agency, 5269
department, or other person or body as may from time to time have 5270
the authority under law to take such actions as may be necessary 5271
to perform all or any part of the duty required by such provision; 5272

(7) Any provision that may be made in a trust agreement or 5273
indenture; 5274

(8) Any other or additional agreements with the holders of 5275
the obligations, or the trustee therefor, relating to the 5276
obligations or the security therefor, including the assignment of 5277
mortgages or other security relating to financial assistance for 5278
qualified projects under section 5531.09 of the Revised Code. 5279

(F) The obligations may have the great seal of the state or a 5280
facsimile thereof affixed thereto or printed thereon. The 5281
obligations and any coupons pertaining to obligations shall be 5282
signed or bear the facsimile signature of the issuing authority. 5283
Any obligations or coupons may be executed by the person who, on 5284
the date of execution, is the proper issuing authority although on 5285
the date of such bonds or coupons such person was not the issuing 5286
authority. In case the issuing authority whose signature or a 5287
facsimile of whose signature appears on any such obligation or 5288
coupon ceases to be the issuing authority before delivery thereof, 5289
such signature or facsimile nevertheless is valid and sufficient 5290
for all purposes as if the former issuing authority had remained 5291
the issuing authority until such delivery; and in case the seal to 5292
be affixed to obligations has been changed after a facsimile of 5293
the seal has been imprinted on such obligations, such facsimile 5294
seal shall continue to be sufficient as to such obligations and 5295
obligations issued in substitution or exchange therefor. 5296

(G) All obligations are negotiable instruments and securities 5297
under Chapter 1308. of the Revised Code, subject to the provisions 5298
of the bond proceedings as to registration. The obligations may be 5299
issued in coupon or in registered form, or both, as the issuing 5300

authority determines. Provision may be made for the registration 5301
of any obligations with coupons attached thereto as to principal 5302
alone or as to both principal and interest, their exchange for 5303
obligations so registered, and for the conversion or reconversion 5304
into obligations with coupons attached thereto of any obligations 5305
registered as to both principal and interest, and for reasonable 5306
charges for such registration, exchange, conversion, and 5307
reconversion. 5308

(H) Obligations may be sold at public sale or at private 5309
sale, as determined in the bond proceedings. 5310

(I) Pending preparation of definitive obligations, the 5311
issuing authority may issue interim receipts or certificates which 5312
shall be exchanged for such definitive obligations. 5313

(J) In the discretion of the issuing authority, obligations 5314
may be secured additionally by a trust agreement or indenture 5315
between the issuing authority and a corporate trustee which may be 5316
any trust company or bank having its principal place of business 5317
within the state. Any such agreement or indenture may contain the 5318
order authorizing the issuance of the obligations, any provisions 5319
that may be contained in any bond proceedings, and other 5320
provisions which are customary or appropriate in an agreement or 5321
indenture of such type, including, but not limited to: 5322

(1) Maintenance of each pledge, trust agreement, indenture, 5323
or other instrument comprising part of the bond proceedings until 5324
the state has fully paid the bond service charges on the 5325
obligations secured thereby, or provision therefor has been made; 5326

(2) In the event of default in any payments required to be 5327
made by the bond proceedings, or any other agreement of the 5328
issuing authority made as a part of the contract under which the 5329
obligations were issued, enforcement of such payments or agreement 5330
by mandamus, the appointment of a receiver, suit in equity, action 5331

at law, or any combination of the foregoing;	5332
(3) The rights and remedies of the holders of obligations and	5333
of the trustee, and provisions for protecting and enforcing them,	5334
including limitations on the rights of individual holders of	5335
obligations;	5336
(4) The replacement of any obligations that become mutilated	5337
or are destroyed, lost, or stolen;	5338
(5) Such other provisions as the trustee and the issuing	5339
authority agree upon, including limitations, conditions, or	5340
qualifications relating to any of the foregoing.	5341
(K) Any holder of obligations or a trustee under the bond	5342
proceedings, except to the extent that the holder's or trustee's	5343
rights are restricted by the bond proceedings, may by any suitable	5344
form of legal proceedings, protect and enforce any rights under	5345
the laws of this state or granted by such bond proceedings. Such	5346
rights include the right to compel the performance of all duties	5347
of the issuing authority and the director of transportation	5348
required by the bond proceedings or sections 5531.09 and 5531.10	5349
of the Revised Code; to enjoin unlawful activities; and in the	5350
event of default with respect to the payment of any bond service	5351
charges on any obligations or in the performance of any covenant	5352
or agreement on the part of the issuing authority or the director	5353
of transportation in the bond proceedings, to apply to a court	5354
having jurisdiction of the cause to appoint a receiver to receive	5355
and administer the pledged receipts and special funds, other than	5356
those in the custody of the treasurer of state, which are pledged	5357
to the payment of the bond service charges on such obligations or	5358
which are the subject of the covenant or agreement, with full	5359
power to pay, and to provide for payment of bond service charges	5360
on, such obligations, and with such powers, subject to the	5361
direction of the court, as are accorded receivers in general	5362
equity cases, excluding any power to pledge additional revenues or	5363

receipts or other income or moneys of the state or local 5364
governmental entities, or agencies thereof, to the payment of such 5365
principal and interest and excluding the power to take possession 5366
of, mortgage, or cause the sale or otherwise dispose of any 5367
project facilities. 5368

Each duty of the issuing authority and the issuing 5369
authority's officers and employees, and of each state or local 5370
governmental agency and its officers, members, or employees, 5371
undertaken pursuant to the bond proceedings or any loan, loan 5372
guarantee, lease, lease-purchase agreement, or other agreement 5373
made under authority of section 5531.09 of the Revised Code, and 5374
in every agreement by or with the issuing authority, is hereby 5375
established as a duty of the issuing authority, and of each such 5376
officer, member, or employee having authority to perform such 5377
duty, specifically enjoined by the law resulting from an office, 5378
trust, or station within the meaning of section 2731.01 of the 5379
Revised Code. 5380

The person who is at the time the issuing authority, or the 5381
issuing authority's officers or employees, are not liable in their 5382
personal capacities on any obligations issued by the issuing 5383
authority or any agreements of or with the issuing authority. 5384

(L) The issuing authority may authorize and issue obligations 5385
for the refunding, including funding and retirement, and advance 5386
refunding with or without payment or redemption prior to maturity, 5387
of any obligations previously issued by the issuing authority. 5388
Such obligations may be issued in amounts sufficient for payment 5389
of the principal amount of the prior obligations, any redemption 5390
premiums thereon, principal maturities of any such obligations 5391
maturing prior to the redemption of the remaining obligations on a 5392
parity therewith, interest accrued or to accrue to the maturity 5393
dates or dates of redemption of such obligations, and any expenses 5394
incurred or to be incurred in connection with such issuance and 5395

such refunding, funding, and retirement. Subject to the bond 5396
proceedings therefor, the portion of proceeds of the sale of 5397
obligations issued under this division to be applied to bond 5398
service charges on the prior obligations shall be credited to an 5399
appropriate account held by the trustee for such prior or new 5400
obligations or to the appropriate account in the bond service fund 5401
for such obligations. Obligations authorized under this division 5402
shall be deemed to be issued for those purposes for which such 5403
prior obligations were issued and are subject to the provisions of 5404
this section pertaining to other obligations, except as otherwise 5405
provided in this section. The last maturity of obligations 5406
authorized under this division shall not be later than twenty-five 5407
years from the date of issuance of the original securities issued 5408
for the original purpose. 5409

(M) The authority to issue obligations under this section 5410
includes authority to issue obligations in the form of bond 5411
anticipation notes and to renew the same from time to time by the 5412
issuance of new notes. The holders of such notes or interest 5413
coupons pertaining thereto shall have a right to be paid solely 5414
from the pledged receipts and special funds that may be pledged to 5415
the payment of the bonds anticipated, or from the proceeds of such 5416
bonds or renewal notes, or both, as the issuing authority provides 5417
in the order authorizing such notes. Such notes may be 5418
additionally secured by covenants of the issuing authority to the 5419
effect that the issuing authority and the state will do such or 5420
all things necessary for the issuance of such bonds or renewal 5421
notes in the appropriate amount, and apply the proceeds thereof to 5422
the extent necessary, to make full payment of the principal of and 5423
interest on such notes at the time or times contemplated, as 5424
provided in such order. For such purpose, the issuing authority 5425
may issue bonds or renewal notes in such principal amount and upon 5426
such terms as may be necessary to provide funds to pay when 5427
required the principal of and interest on such notes, 5428

notwithstanding any limitations prescribed by or for purposes of 5429
this section. Subject to this division, all provisions for and 5430
references to obligations in this section are applicable to notes 5431
authorized under this division. 5432

The issuing authority in the bond proceedings authorizing the 5433
issuance of bond anticipation notes shall set forth for such bonds 5434
an estimated interest rate and a schedule of principal payments 5435
for such bonds and the annual maturity dates thereof. 5436

(N) Obligations issued under this section are lawful 5437
investments for banks, societies for savings, savings and loan 5438
associations, deposit guarantee associations, trust companies, 5439
trustees, fiduciaries, insurance companies, including domestic for 5440
life and domestic not for life, trustees or other officers having 5441
charge of sinking and bond retirement or other special funds of 5442
political subdivisions and taxing districts of this state, the 5443
commissioners of the sinking fund of the state, the administrator 5444
of workers' compensation in accordance with the investment policy 5445
established by the workers' compensation oversight commission 5446
pursuant to section 4121.12 of the Revised Code, the state 5447
teachers retirement system, the public employees retirement 5448
system, the school employees retirement system, and the Ohio 5449
police and fire pension fund, notwithstanding any other provisions 5450
of the Revised Code or rules adopted pursuant thereto by any 5451
agency of the state with respect to investments by them, and are 5452
also acceptable as security for the deposit of public moneys. 5453

(O) Unless otherwise provided in any applicable bond 5454
proceedings, moneys to the credit of or in the special funds 5455
established by or pursuant to this section may be invested by or 5456
on behalf of the issuing authority only in notes, bonds, or other 5457
obligations of the United States, or of any agency or 5458
instrumentality of the United States, obligations guaranteed as to 5459
principal and interest by the United States, obligations of this 5460

state or any political subdivision of this state, and certificates 5461
of deposit of any national bank located in this state and any 5462
bank, as defined in section 1101.01 of the Revised Code, subject 5463
to inspection by the superintendent of financial institutions. If 5464
the law or the instrument creating a trust pursuant to division 5465
(J) of this section expressly permits investment in direct 5466
obligations of the United States or an agency of the United 5467
States, unless expressly prohibited by the instrument, such moneys 5468
also may be invested in no-front-end-load money market mutual 5469
funds consisting exclusively of obligations of the United States 5470
or an agency of the United States and in repurchase agreements, 5471
including those issued by the fiduciary itself, secured by 5472
obligations of the United States or an agency of the United 5473
States; and in collective investment funds as defined in division 5474
(A) of section 1111.01 of the Revised Code and consisting 5475
exclusively of any such securities. The income from such 5476
investments shall be credited to such funds as the issuing 5477
authority determines, and such investments may be sold at such 5478
times as the issuing authority determines or authorizes. 5479

(P) Provision may be made in the applicable bond proceedings 5480
for the establishment of separate accounts in the bond service 5481
fund and for the application of such accounts only to the 5482
specified bond service charges on obligations pertinent to such 5483
accounts and bond service fund and for other accounts therein 5484
within the general purposes of such fund. Unless otherwise 5485
provided in any applicable bond proceedings, moneys to the credit 5486
of or in the several special funds established pursuant to this 5487
section shall be disbursed on the order of the treasurer of state, 5488
provided that no such order is required for the payment from the 5489
bond service fund when due of bond service charges on obligations. 5490

(Q)(1) The issuing authority may pledge all, or such portion 5491
as the issuing authority determines, of the pledged receipts to 5492

the payment of bond service charges on obligations issued under 5493
this section, and for the establishment and maintenance of any 5494
reserves, as provided in the bond proceedings, and make other 5495
provisions therein with respect to pledged receipts as authorized 5496
by this chapter, which provisions are controlling notwithstanding 5497
any other provisions of law pertaining thereto. 5498

(2) An action taken under division (Q)(2) of this section 5499
does not limit the generality of division (Q)(1) of this section, 5500
and is subject to division (C) of this section and, if and to the 5501
extent otherwise applicable, Section 13 of Article VIII, Ohio 5502
Constitution. The bond proceedings may contain a covenant that, in 5503
the event the pledged receipts primarily pledged and required to 5504
be used for the payment of bond service charges on obligations 5505
issued under this section, and for the establishment and 5506
maintenance of any reserves, as provided in the bond proceedings, 5507
are insufficient to make any such payment in full when due, or to 5508
maintain any such reserve, the director of transportation shall so 5509
notify the governor, and shall determine to what extent, if any, 5510
the payment may be made or moneys may be restored to the reserves 5511
from lawfully available moneys previously appropriated for that 5512
purpose to the department of transportation. The covenant also may 5513
provide that if the payments are not made or the moneys are not 5514
immediately and fully restored to the reserves from such moneys, 5515
the director shall promptly submit to the governor and to the 5516
director of budget and management a written request for either or 5517
both of the following: 5518

(a) That the next biennial budget submitted by the governor 5519
to the general assembly include an amount to be appropriated from 5520
lawfully available moneys to the department for the purpose of and 5521
sufficient for the payment in full of bond service charges 5522
previously due and for the full replenishment of the reserves; 5523

(b) That the general assembly be requested to increase 5524

appropriations from lawfully available moneys for the department 5525
in the current biennium sufficient for the purpose of and for the 5526
payment in full of bond service charges previously due and to come 5527
due in the biennium and for the full replenishment of the 5528
reserves. 5529

The director of transportation shall include with such 5530
requests a recommendation that the payment of the bond service 5531
charges and the replenishment of the reserves be made in the 5532
interest of maximizing the benefits of the state infrastructure 5533
bank. Any such covenant shall not obligate or purport to obligate 5534
the state to pay the bond service charges on such bonds or notes 5535
or to deposit moneys in a reserve established for such payments 5536
other than from moneys that may be lawfully available and 5537
appropriated for that purpose during the then-current biennium. 5538

(R) There is hereby created the state infrastructure bank 5539
revenue bond service fund, which shall be in the custody of the 5540
treasurer of state but shall not be a part of the state treasury. 5541
All moneys received by or on account of the issuing authority or 5542
state agencies and required by the applicable bond proceedings, 5543
consistent with this section, to be deposited, transferred, or 5544
credited to the bond service fund, and all other moneys 5545
transferred or allocated to or received for the purposes of the 5546
fund, shall be deposited and credited to such fund and to any 5547
separate accounts therein, subject to applicable provisions of the 5548
bond proceedings, but without necessity for any act of 5549
appropriation. The state infrastructure bank revenue bond service 5550
fund is a trust fund and is hereby pledged to the payment of bond 5551
service charges to the extent provided in the applicable bond 5552
proceedings, and payment thereof from such fund shall be made or 5553
provided for by the treasurer of state in accordance with such 5554
bond proceedings without necessity for any act of appropriation. 5555

(S) The obligations issued pursuant to this section, the 5556

transfer thereof, and the income therefrom, including any profit 5557
made on the sale thereof, shall at all times be free from taxation 5558
within this state. 5559

Sec. 5535.16. Notwithstanding sections 5535.08 and 5535.15 of 5560
the Revised Code, the department of transportation or a political 5561
subdivision may provide snow and ice removal on the roads under 5562
the control of the state or any political subdivision. 5563

Sec. 5543.19. (A) The county engineer may, when authorized by 5564
the board of county commissioners and not required by this section 5565
or other law to use competitive bidding, employ such laborers and 5566
vehicles, use such county employees and property, lease such 5567
implements and tools, and purchase such materials as are necessary 5568
in the construction, reconstruction, improvement, maintenance, or 5569
repair of roads by force account. 5570

In determining whether ~~he may undertake~~ construction or 5571
reconstruction, including widening and resurfacing, of roads may 5572
be undertaken by force account, the county engineer shall first 5573
cause to be made an estimate of the cost of such work, ~~which~~ 5574
~~estimate shall include labor, material, freight, fuel, hauling,~~ 5575
~~use of machinery and equipment, and all other items of cost~~ using 5576
the force account project assessment form developed by the auditor 5577
of state under section 117.16 of the Revised Code. When the total 5578
estimated cost of the work exceeds ~~ten~~ thirty thousand dollars per 5579
mile, the county commissioners shall invite and receive 5580
competitive bids for furnishing all the labor, materials, and 5581
equipment necessary to complete the work in accordance with 5582
sections 307.86 to 307.92, ~~inclusive,~~ of the Revised Code. 5583

(B) The county engineer may, when authorized by the board of 5584
county commissioners and not required by this section or other law 5585
to use competitive bidding, employ such laborers and vehicles, use 5586

such county employees and property, lease such implements and 5587
tools, and purchase such materials as are necessary in the 5588
construction, reconstruction, improvement, maintenance, or repair 5589
of bridges and culverts by force account. 5590

In determining whether ~~he may undertake~~ such construction, 5591
reconstruction, improvement, maintenance, or repair of bridges or 5592
culverts may be undertaken by force account, the county engineer 5593
shall first cause to be made an estimate of the cost of such work, 5594
~~which estimate shall include labor, material, freight, fuel,~~ 5595
~~hauling, use of machinery and equipment, and all other items of~~ 5596
~~cost~~ using the force account project assessment form. When the 5597
total estimated cost of the work exceeds ~~forty~~ one hundred 5598
thousand dollars, the board of county commissioners shall invite 5599
and receive competitive bids for furnishing all the labor, 5600
materials, and equipment necessary to complete the work, in 5601
accordance with sections 307.86 to 307.92, ~~inclusive,~~ of the 5602
Revised Code. The county engineer shall obtain the approval 5603
required by section 5543.02 of the Revised Code. 5604

(C) "Force account," as used in this section means that the 5605
county engineer will act as contractor, using labor employed by 5606
~~him~~ the engineer using material and equipment either owned by the 5607
county or leased or purchased in compliance with sections 307.86 5608
to 307.92, ~~inclusive,~~ of the Revised Code and excludes 5609
subcontracting any part of such work unless done pursuant to 5610
sections 307.86 to 307.92, ~~inclusive,~~ of the Revised Code. 5611

The term "competitive bids" as used in this section requires 5612
competition for the whole contract and in regard to its component 5613
parts, including labor and materials. Neither plans nor 5614
specifications shall be drawn to favor any manufacturer or bidder 5615
unless required by the public interest. 5616

Sec. 5543.22. Notwithstanding sections 153.65 to 153.71 of 5617

the Revised Code, a county engineer may combine the design and 5618
construction elements of a bridge, highway, or safety project into 5619
a single contract, but only if the cost of the project as bid does 5620
not exceed one million five hundred thousand dollars. 5621

When required to use competitive bidding, the county engineer 5622
shall award a design-build contract in accordance with sections 5623
307.86 to 307.92 of the Revised Code. In lieu of the requirement 5624
for plans, the county engineer shall prepare and distribute a 5625
scope of work document upon which bidders shall base their bids. 5626

A county engineer may request the director of transportation 5627
to review and comment on the scope of work document or the 5628
construction plans for conformance with state and federal 5629
requirements. If so requested, the director shall review and 5630
comment on the document or plans. 5631

Sec. 5575.01. In the maintenance and repair of roads the 5632
board of township trustees may proceed either by contract or force 5633
account, provided the board has first caused the county engineer 5634
to complete the force account assessment form developed by the 5635
auditor of state under section 117.16 of the Revised Code. Except 5636
as otherwise provided in sections 505.08 and 505.101 of the 5637
Revised Code, when the board proceeds by contract the contract 5638
shall, if the amount involved exceeds ~~fifteen~~ forty-five thousand 5639
dollars, be let by the board to the lowest responsible bidder 5640
after advertisement for bids once, not later than two weeks prior 5641
to the date fixed for the letting of such contract, in a newspaper 5642
published in the county and of general circulation within the 5643
township, but if there is no such paper published in the county, 5644
then in one having general circulation in the township. If the 5645
amount involved is ~~fifteen~~ forty-five thousand dollars or less ~~the~~ 5646
a contract may be let without competitive bidding or the work may 5647
be done by force account. Such contract shall be performed under 5648

the supervision of a member of the board or the township road 5649
superintendent. 5650

Before undertaking the construction or reconstruction of a 5651
township road, the board shall cause to be made by the county 5652
engineer an estimate of the cost of such work, which estimate 5653
shall include labor, material, freight, fuel, hauling, use of 5654
machinery and equipment, and all other items of cost. If the board 5655
finds it in the best interest of the public, it may, in lieu of 5656
constructing the road by contract, proceed to construct the road 5657
by force account. Except as otherwise provided under sections 5658
505.08 and 505.101 of the Revised Code, where the total estimate 5659
cost of the work exceeds ~~five~~ fifteen thousand dollars per mile, 5660
the board shall invite and receive competitive bids for furnishing 5661
all the labor, materials, and equipment and doing the work, as 5662
provided in section 5575.02 of the Revised Code, and shall 5663
consider and reject them before ordering the work done by force 5664
account. When such bids are received, considered, and rejected, 5665
and the work done by force account, such work shall be performed 5666
in compliance with the plans and specifications upon which the 5667
bids were based. 5668

All force account work shall be done under the direction of a 5669
member of the board or the superintendent. 5670

Sec. 5577.042. (A) As used in this section: 5671

(1) "Farm machinery" has the same meaning as in section 5672
4501.01 of the Revised Code. 5673

(2) "Farm commodities" includes livestock, bulk milk, corn, 5674
soybeans, tobacco, and wheat. 5675

(3) "Farm truck" means a truck used in the transportation 5676
from a farm of farm commodities when the truck is operated in 5677
accordance with this section. 5678

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

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

(B) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, a coal truck transporting coal, a farm truck or farm machinery transporting farm commodities, or a log truck transporting timber, from the place of production to the first point of delivery where the commodities are weighed and title to the commodities, coal, or timber is transferred, may exceed by no more than five seven and one-half per cent the weight provisions of sections 5577.01 to 5577.09 of the Revised Code and no penalty prescribed in section 5577.99 of the Revised Code shall be imposed. If a coal truck so transporting coal, a farm truck or farm machinery so transporting farm commodities, or a timber truck so transporting timber, exceeds by more than five seven and one-half per cent the weight provisions of those sections, both of the following apply without regard to the five seven and one-half per cent allowance provided by this division:

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

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

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

(2) Regardless of when the operation occurs, division (B) of this section does not apply to the operation of a coal truck, a

farm truck, a log truck, or farm machinery transporting farm commodities on either of the following: 5710
5711

(a) A highway that is part of the interstate system; 5712

(b) A highway, road, or bridge that is subject to reduced maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 5713
5714
5577.09, or 5591.42 of the Revised Code. 5715

Sec. 5728.06. (A) For the following purposes, an excise tax 5716
is hereby imposed on the use of motor fuel to operate on the 5717
public highways of this state a commercial car with three or more 5718
axles operated alone or as part of a commercial tandem, a 5719
commercial car with two axles operated as part of a commercial 5720
tandem having a gross vehicle weight or registered gross vehicle 5721
weight exceeding twenty-six thousand pounds, or a commercial 5722
tractor operated alone or as part of a commercial tractor 5723
combination or commercial tandem: to provide revenue for 5724
maintaining the state highway system, to widen existing surfaces 5725
on such highways, to resurface such highways, to enable the 5726
counties of the state properly to plan for, maintain, and repair 5727
their roads, to enable the municipal corporations to plan, 5728
construct, reconstruct, repave, widen, maintain, repair, clear, 5729
and clean public highways, roads, and streets; to pay that portion 5730
of the construction cost of a highway project that a county, 5731
township, or municipal corporation normally would be required to 5732
pay, but that the director of transportation, pursuant to division 5733
(B) of section 5531.08 of the Revised Code, determines instead 5734
will be paid from moneys in the highway operating fund; to 5735
maintain and repair bridges and viaducts; to purchase, erect, and 5736
maintain street and traffic signs and markers; to purchase, erect, 5737
and maintain traffic lights and signals; to pay the costs 5738
apportioned to the public under section 4907.47 of the Revised 5739
Code; and to supplement revenue already available for such 5740

purposes, to distribute equitably among those persons using the 5741
privilege of driving motor vehicles upon such highways and streets 5742
the cost of maintaining and repairing the same, and to pay the 5743
interest, principal, and charges on bonds and other obligations 5744
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 5745
and sections 5528.30 and 5528.31 of the Revised Code. The tax is 5746
imposed in the same amount as the motor fuel tax imposed under 5747
Chapter 5735. of the Revised Code plus an additional tax of three 5748
cents per gallon of motor fuel used before July 1, 2004, and an 5749
additional tax of two cents per gallon of motor fuel used before 5750
July 1, 2005, as determined by the gallons consumed while operated 5751
on the public highways of this state. Subject to section 5735.292 5752
of the Revised Code, on and after July 1, 2005, the tax shall be 5753
imposed in the same amount as the motor fuel tax imposed under 5754
Chapter 5735. of the Revised Code. Payment of the fuel use tax 5755
shall be made by the purchase of motor fuel within Ohio of such 5756
gallons as is equivalent to the gallons consumed while operating 5757
such a motor vehicle on the public highways of this state, or by 5758
direct remittance to the treasurer of state with the fuel use tax 5759
return filed pursuant to section 5728.08 of the Revised Code. 5760

Any person subject to the tax imposed under this section who 5761
purchases motor fuel in this state for use in another state in 5762
excess of the amount consumed while operating such motor vehicle 5763
on the public highways of this state shall be allowed a credit 5764
against the tax imposed by this section or a refund equal to the 5765
motor fuel tax paid to this state on such excess. No such credit 5766
or refund shall be allowed for taxes paid to any state that 5767
imposes a tax on motor fuel purchased or obtained in this state 5768
and used on the highways of such other state but does not allow a 5769
similar credit or refund for the tax paid to this state on motor 5770
fuel purchased or acquired in the other state and used on the 5771
public highways of this state. 5772

The tax commissioner is authorized to determine whether such 5773
credits or refunds are available and to prescribe such rules as 5774
are required for the purpose of administering this chapter. 5775

(B) Within sixty days after the last day of each month, the 5776
tax commissioner shall determine the amount of motor fuel tax 5777
allowed as a credit against the tax imposed by this section. The 5778
commissioner shall certify the amount to the director of budget 5779
and management and the treasurer of state, who shall credit the 5780
amount in accordance with section 5728.08 of the Revised Code from 5781
current revenue arising from the tax levied by section 5735.05 of 5782
the Revised Code. 5783

(C) The owner of each commercial car and commercial tractor 5784
subject to sections 5728.01 to 5728.14 of the Revised Code is 5785
liable for the payment of the full amount of the taxes imposed by 5786
this section. 5787

An owner who is a person regularly engaged, for compensation, 5788
in the business of leasing or renting motor vehicles without 5789
furnishing drivers may designate that the lessee of a motor 5790
vehicle leased for a period of thirty days or more shall report 5791
and pay the tax incurred during the duration of the lease. An 5792
owner who is an independent contractor that furnishes both the 5793
driver and motor vehicle, may designate that the person so 5794
furnished with the driver and motor vehicle for a period of thirty 5795
days or more shall report and pay the tax incurred during that 5796
period. An independent contractor that is not an owner, but that 5797
furnishes both the driver and motor vehicle and that has been 5798
designated by the owner of the motor vehicle to report and pay the 5799
tax, may designate that the person so furnished with driver and 5800
motor vehicle for a period of thirty days or more shall report and 5801
pay the tax incurred during that period. 5802

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 5803

which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 5804
the Revised Code has been paid, for the purpose of operating a 5805
transit bus shall be reimbursed in the amount of the tax paid on 5806
motor fuel used by public transportation systems providing transit 5807
or paratransit service on a regular and continuing basis within 5808
the state; 5809

(2) A city, exempted village, or local school district that 5810
uses any motor fuel, on which any tax imposed by section 5735.29 5811
of the Revised Code that became effective on or after July 1, 5812
2003, has been paid, may, if an application is filed under this 5813
section, be reimbursed in the amount of all but two cents per 5814
gallon of that tax paid on motor fuel, used for providing 5815
transportation for pupils in a vehicle the district owns or 5816
leases. 5817

(B) Such person shall file with the tax commissioner an 5818
application for refund within one year from the date of purchase, 5819
stating the quantity of fuel used for operating transit buses used 5820
by local transit systems in furnishing scheduled common carrier, 5821
public passenger land transportation service along regular routes 5822
primarily in one or more municipal corporations, ~~except that~~ or 5823
for operating vehicles used by school districts to transport 5824
pupils. However, no person shall file a claim for the tax on fewer 5825
than one hundred gallons of motor fuel. The application shall be 5826
accompanied by the statement described in section 5735.15 of the 5827
Revised Code showing the purchase, together with evidence of 5828
payment thereof. 5829

(C) After consideration of the application and statement, the 5830
commissioner shall determine the amount of refund to which the 5831
applicant is entitled. If the amount is not less than that 5832
claimed, the commissioner shall certify the amount to the director 5833
of budget and management and treasurer of state for payment from 5834
the tax refund fund created by section 5703.052 of the Revised 5835

Code. If the amount is less than that claimed, the commissioner 5836
shall proceed in accordance with section 5703.70 of the Revised 5837
Code. 5838

The commissioner may require that the application be 5839
supported by the affidavit of the claimant. No refund shall be 5840
authorized or ordered for any single claim for the tax on fewer 5841
than one hundred gallons of motor fuel. 5842

(D) The refund authorized by this section or section 5703.70 5843
of the Revised Code shall be reduced by the cents per gallon 5844
amount of any qualified fuel credit received under section 5845
5735.145 of the Revised Code, as determined by the commissioner, 5846
for each gallon of qualified fuel included in the total gallonage 5847
of motor fuel upon which the refund is computed. 5848

(E) The right to receive any refund under this section or 5849
section 5703.70 of the Revised Code is not assignable. The payment 5850
of this refund shall not be made to any person other than the 5851
person originally entitled thereto who used the motor fuel upon 5852
which the claim for refund is based, except that the refund when 5853
allowed and certified, as provided in this section, may be paid to 5854
the executor, the administrator, the receiver, the trustee in 5855
bankruptcy, or the assignee in insolvency proceedings of the 5856
person. 5857

Sec. 5735.23. (A) Out of receipts from the tax levied by 5858
section 5735.05 of the Revised Code, the treasurer of state shall 5859
place to the credit of the tax refund fund established by section 5860
5703.052 of the Revised Code amounts equal to the refunds 5861
certified by the tax commissioner pursuant to sections 5735.13, 5862
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 5863
treasurer of state shall then transfer the amount required by 5864
section 5735.051 of the Revised Code to the waterways safety fund 5865
and the amount required by section 4907.472 of the Revised Code to 5866

the grade crossing protection fund. 5867

(B) Except as provided in division (D) of this section, each 5868
month the balance of the receipts from the tax levied by section 5869
5735.05 of the Revised Code shall be credited, after receipt by 5870
the treasurer of state of certification from the commissioners of 5871
the sinking fund, as required by section 5528.35 of the Revised 5872
Code, that there are sufficient moneys to the credit of the 5873
highway obligations bond retirement fund to meet in full all 5874
payments of interest, principal, and charges for the retirement of 5875
highway obligations issued pursuant to Section 2i of Article VIII, 5876
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 5877
Code due and payable during the current calendar year, as follows: 5878

(1) To the state and local government highway distribution 5879
fund, which is hereby created in the state treasury, an amount 5880
that is the same percentage of the balance to be credited as that 5881
portion of the tax per gallon determined under division (B)(2)(a) 5882
of section 5735.06 of the Revised Code is of the total tax per 5883
gallon determined under divisions (B)(2)(a) and (b) of that 5884
section. 5885

(2) After making the distribution to the state and local 5886
government highway distribution fund, the remainder shall be 5887
credited as follows: 5888

(a) Thirty per cent to the gasoline excise tax fund for 5889
distribution pursuant to division (A)(1) of section 5735.27 of the 5890
Revised Code; 5891

(b) Twenty-five per cent to the gasoline excise tax fund for 5892
distribution pursuant to division (A)(3) of section 5735.27 of the 5893
Revised Code; 5894

(c) Except as provided in division (D) of this section, 5895
forty-five per cent to the highway operating fund for distribution 5896
pursuant to division (B)(1) of section 5735.27 of the Revised 5897

Code.	5898
(C) From the balance in the state and local government	5899
highway distribution fund on the last day of each month there	5900
shall be paid the following amounts:	5901
(1) To the local transportation improvement program fund	5902
created by section 164.14 of the Revised Code, an amount equal to	5903
a fraction of the balance in the state and local government	5904
highway distribution fund, the numerator of which fraction is one	5905
and the denominator of which fraction is that portion of the tax	5906
per gallon determined under division (B)(2)(a) of section 5735.06	5907
of the Revised Code;	5908
(2) An amount equal to five cents multiplied by the number of	5909
gallons of motor fuel sold at stations operated by the Ohio	5910
turnpike commission, such gallonage to be certified by the	5911
commission to the treasurer of state not later than the last day	5912
of the month following. The funds paid to the commission pursuant	5913
to this section shall be expended for the construction,	5914
reconstruction, maintenance, and repair of turnpike projects,	5915
except that the funds may not be expended for the construction of	5916
new interchanges. The funds also may be expended for the	5917
construction, reconstruction, maintenance, and repair of those	5918
portions of connecting public roads that serve existing	5919
interchanges and are determined by the commission and the director	5920
of transportation to be necessary for the safe merging of traffic	5921
between the turnpike and those public roads.	5922
The remainder of the balance shall be distributed as follows	5923
on the fifteenth day of the following month:	5924
(a) Ten and seven-tenths per cent shall be paid to municipal	5925
corporations for distribution pursuant to division (A)(1) of	5926
section 5735.27 of the Revised Code and may be used for any	5927
purpose for which payments received under that division may be	5928

used. Beginning August 15, 2004, the sum of two hundred 5929
forty-eight thousand six hundred twenty-five dollars shall be 5930
annually subtracted from the amount so computed and credited to 5931
the highway operating fund. 5932

(b) Five per cent shall be paid to townships for distribution 5933
pursuant to division (A)(5) of section 5735.27 of the Revised Code 5934
and may be used for any purpose for which payments received under 5935
that division may be used. Beginning August 15, 2004, the sum of 5936
eighty-seven thousand seven hundred fifty dollars shall be 5937
annually subtracted from the amount so computed and credited to 5938
the highway operating fund. 5939

(c) Nine and three-tenths per cent shall be paid to counties 5940
for distribution pursuant to division (A)(3) of section 5735.27 of 5941
the Revised Code and may be used for any purpose for which 5942
payments received under that division may be used. Beginning 5943
August 15, 2004, the sum of two hundred forty-eight thousand six 5944
hundred twenty-five dollars shall be annually subtracted from the 5945
amount so computed and credited to the highway operating fund. 5946

(d) Except as provided in division (D) of this section, the 5947
balance shall be transferred to the highway operating fund and 5948
used for the purposes set forth in division (B)(1) of section 5949
5735.27 of the Revised Code. 5950

(D) Beginning on the first day of September each fiscal year, 5951
any amounts required to be credited or transferred to the highway 5952
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 5953
section shall be credited or transferred to the highway capital 5954
improvement bond service fund created in section 151.06 of the 5955
Revised Code, until such time as the office of budget and 5956
management receives certification from the treasurer of state or 5957
the treasurer of state's designee that sufficient money has been 5958
credited or transferred to the bond service fund to meet in full 5959
all payments of debt service and financing costs due during the 5960

fiscal year from that fund. 5961

Sec. 5735.27. (A) There is hereby created in the state 5962
treasury the gasoline excise tax fund, which shall be distributed 5963
in the following manner: 5964

(1) The amount credited pursuant to divisions (B)(2)(a) and 5965
(C)(2)(a) of section 5735.23 of the Revised Code shall be 5966
distributed among municipal corporations. The amount paid to each 5967
municipal corporation shall be that proportion of the amount to be 5968
so distributed that the number of motor vehicles registered within 5969
such municipal corporation bears to the total number of motor 5970
vehicles registered within all the municipal corporations of this 5971
state during the preceding motor vehicle registration year. When a 5972
new village is incorporated, the registrar of motor vehicles shall 5973
determine from the applications on file in the bureau of motor 5974
vehicles the number of motor vehicles located within the territory 5975
comprising the village during the entire registration year in 5976
which such municipal corporation was incorporated. The registrar 5977
shall forthwith certify the number of motor vehicles so determined 5978
to the tax commissioner for use in distributing motor vehicle fuel 5979
tax funds to such village until such village is qualified to 5980
participate in the distribution of such funds pursuant to this 5981
division. The number of such motor vehicle registrations shall be 5982
determined by the official records of the bureau of motor 5983
vehicles. The amount received by each municipal corporation shall 5984
be used to plan, construct, reconstruct, repave, widen, maintain, 5985
repair, clear, and clean public highways, roads, and streets; to 5986
maintain and repair bridges and viaducts; to purchase, erect, and 5987
maintain street and traffic signs and markers; to pay the costs 5988
apportioned to the municipal corporation under section 4907.47 of 5989
the Revised Code; to purchase, erect, and maintain traffic lights 5990
and signals; to pay the principal, interest, and charges on bonds 5991
and other obligations issued pursuant to Chapter 133. of the 5992

Revised Code for the purpose of acquiring or constructing roads, 5993
highways, bridges, or viaducts or acquiring or making other 5994
highway improvements for which the municipal corporation may issue 5995
bonds; and to supplement revenue already available for such 5996
purposes. 5997

(2) The amount credited pursuant to division (B) of section 5998
5735.26 of the Revised Code shall be distributed among the 5999
municipal corporations within the state, in the proportion which 6000
the number of motor vehicles registered within each municipal 6001
corporation bears to the total number of motor vehicles registered 6002
within all the municipal corporations of the state during the 6003
preceding calendar year, as shown by the official records of the 6004
bureau of motor vehicles, and shall be expended by each municipal 6005
corporation to plan, construct, reconstruct, repave, widen, 6006
maintain, repair, clear, and clean public highways, roads and 6007
streets; to maintain and repair bridges and viaducts; to purchase, 6008
erect, and maintain street and traffic signs and markers; to 6009
purchase, erect, and maintain traffic lights and signals; to pay 6010
costs apportioned to the municipal corporation under section 6011
4907.47 of the Revised Code; to pay the principal, interest, and 6012
charges on bonds and other obligations issued pursuant to Chapter 6013
133. of the Revised Code for the purpose of acquiring or 6014
constructing roads, highways, bridges, or viaducts or acquiring or 6015
making other highway improvements for which the municipal 6016
corporation may issue bonds; and to supplement revenue already 6017
available for such purposes. 6018

(3) The amount credited pursuant to divisions (B)(2)(b) and 6019
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 6020
equal proportions to the county treasurer of each county within 6021
the state and shall be used only for the purposes of planning, 6022
maintaining, and repairing the county system of public roads and 6023
highways within such county; the planning, construction, and 6024

repair of walks or paths along county roads in congested areas; 6025
the planning, construction, purchase, lease, and maintenance of 6026
suitable buildings for the housing and repair of county road 6027
machinery, housing of supplies, and housing of personnel 6028
associated with the machinery and supplies; the payment of costs 6029
apportioned to the county under section 4907.47 of the Revised 6030
Code; the payment of principal, interest, and charges on bonds and 6031
other obligations issued pursuant to Chapter 133. of the Revised 6032
Code for the purpose of acquiring or constructing roads, highways, 6033
bridges, or viaducts or acquiring or making other highway 6034
improvements for which the board of county commissioners may issue 6035
bonds under that chapter; and the purchase, installation, and 6036
maintenance of traffic signal lights. 6037

(4) The amount credited pursuant to division (C) of section 6038
5735.26 of the Revised Code shall be paid in equal proportions to 6039
the county treasurer of each county for the purposes of planning, 6040
maintaining, constructing, widening, and reconstructing the county 6041
system of public roads and highways; paying principal, interest, 6042
and charges on bonds and other obligations issued pursuant to 6043
Chapter 133. of the Revised Code for the purpose of acquiring or 6044
constructing roads, highways, bridges, or viaducts or acquiring or 6045
making other highway improvements for which the board of county 6046
commissioners may issue bonds under such chapter; and paying costs 6047
apportioned to the county under section 4907.47 of the Revised 6048
Code. 6049

(5)(a) The amount credited pursuant to division (D) of 6050
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 6051
Revised Code shall be divided in equal proportions among the 6052
townships within the state ~~and~~. 6053

(b) As used in division (A)(5)(b) of this section, the 6054
"formula amount" for any township is the amount that would be 6055
allocated to that township if fifty per cent of the amount 6056

credited to townships pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of lane miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of the amount credited pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles.

Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(5)(b) of this section shall be deducted, in accordance with division (B) of section 5735.291 of the Revised Code, from the revenues resulting from the tax levied pursuant to section 5735.29 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (a) and (b) of this section shall be paid to the county treasurer of each county

for the total amount payable to the townships within each of the 6088
counties. The county treasurer shall pay to each township within 6089
the county its ~~equal~~ proportional share of the funds, which shall 6090
be expended by each township for the sole purpose of planning, 6091
constructing, maintaining, widening, and reconstructing the public 6092
roads and highways within such township, and paying costs 6093
apportioned to the township under section 4907.47 of the Revised 6094
Code. 6095

No part of the funds shall be used for any purpose except to 6096
pay in whole or part the contract price of any such work done by 6097
contract, or to pay the cost of labor in planning, constructing, 6098
widening, and reconstructing such roads and highways, and the cost 6099
of materials forming a part of the improvement; provided, that 6100
such funds may be used for the purchase of road machinery and 6101
equipment and for the planning, construction, and maintenance of 6102
suitable buildings for housing road machinery and equipment, and 6103
that all such improvement of roads shall be under supervision and 6104
direction of the county engineer as provided in section 5575.07 of 6105
the Revised Code. No obligation against such funds shall be 6106
incurred unless plans and specifications for such improvement, 6107
approved by the county engineer, are on file in the office of the 6108
township clerk, and all contracts for material and for work done 6109
by contract shall be approved by the county engineer before being 6110
signed by the board of township trustees. The board of township 6111
trustees of any township may pass a resolution permitting the 6112
board of county commissioners to expend such township's share of 6113
the funds, or any portion thereof, for the improvement of such 6114
roads within the township as may be designated in the resolution. 6115

All investment earnings of the fund shall be credited to the 6116
fund. 6117

(B) Amounts credited to the highway operating fund pursuant 6118
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 6119

division (A) of section 5735.26 of the Revised Code shall be 6120
expended in the following manner: 6121

(1) The amount credited pursuant to divisions (B)(2)(c) and 6122
(C)(2)(d) of section 5735.23 of the Revised Code shall be 6123
apportioned to and expended by the department of transportation 6124
for the purposes of planning, maintaining, repairing, and keeping 6125
in passable condition for travel the roads and highways of the 6126
state required by law to be maintained by the department; paying 6127
the costs apportioned to the state under section 4907.47 of the 6128
Revised Code; paying that portion of the construction cost of a 6129
highway project which a county, township, or municipal corporation 6130
normally would be required to pay, but which the director of 6131
transportation, pursuant to division (B) of section 5531.08 of the 6132
Revised Code, determines instead will be paid from moneys in the 6133
highway operating fund; and paying the costs of the department of 6134
public safety in administering and enforcing the state law 6135
relating to the registration and operation of motor vehicles. 6136

(2) The amount credited pursuant to division (A) of section 6137
5735.26 of the Revised Code shall be used for paying the state's 6138
share of the cost of planning, constructing, widening, 6139
maintaining, and reconstructing the state highways; paying that 6140
portion of the construction cost of a highway project which a 6141
county, township, or municipal corporation normally would be 6142
required to pay, but which the director of transportation, 6143
pursuant to division (B) of section 5531.08 of the Revised Code, 6144
determines instead will be paid from moneys in the highway 6145
operating fund; and also for supplying the state's share of the 6146
cost of eliminating railway grade crossings upon such highways and 6147
costs apportioned to the state under section 4907.47 of the 6148
Revised Code. The director of transportation may expend portions 6149
of such amount upon extensions of state highways within municipal 6150
corporations or upon portions of state highways within municipal 6151

corporations, as is provided by law. 6152

Sec. 5735.29. To provide revenue for supplying the state's 6153
share of the cost of constructing, widening, maintaining, and 6154
reconstructing the state highways; to maintain and repair bridges 6155
and viaducts; to purchase, erect, and maintain street and traffic 6156
signs and markers; to purchase, erect, and maintain traffic lights 6157
and signals; to pay the expense of administering and enforcing the 6158
state law relative to the registration and operation of motor 6159
vehicles; to make road improvements associated with retaining or 6160
attracting business for this state, to pay that portion of the 6161
construction cost of a highway project which a county, township, 6162
or municipal corporation normally would be required to pay, but 6163
which the director of transportation, pursuant to division (B) of 6164
section 5531.08 of the Revised Code, determines instead will be 6165
paid from moneys in the highway operating fund; to provide revenue 6166
for the purposes of sections 1547.71 to 1547.78 of the Revised 6167
Code; and to supplement revenue already available for such 6168
purposes, to pay the expenses of the department of taxation 6169
incident to the administration of the motor fuel laws, to 6170
supplement revenue already available for such purposes; and to pay 6171
the interest, principal, and charges on highway obligations issued 6172
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6173
sections 5528.30 and 5528.31 of the Revised Code; to enable the 6174
counties and townships of the state to properly plan, construct, 6175
widen, reconstruct, and maintain their public highways, roads, and 6176
streets; to enable counties to pay principal, interest, and 6177
charges on bonds and other obligations issued pursuant to Chapter 6178
133. of the Revised Code for highway improvements; to enable 6179
municipal corporations to plan, construct, reconstruct, repave, 6180
widen, maintain, repair, clear, and clean public highways, roads, 6181
and streets; to enable municipal corporations to pay the 6182
principal, interest, and charges on bonds and other obligations 6183

issued pursuant to Chapter 133. of the Revised Code for highway 6184
improvements; and to pay the costs apportioned to the public under 6185
section 4907.47 of the Revised Code, a motor fuel excise tax is 6186
hereby imposed on all motor fuel dealers upon their receipt of 6187
motor fuel within the state at the rate of two cents on each 6188
gallon so received; provided, that effective July 1, 2003, the 6189
motor fuel excise tax imposed by this section shall be at the rate 6190
of four cents on each gallon so received; effective July 1, 2004, 6191
the motor fuel excise tax imposed by this section shall be at the 6192
rate of six cents on each gallon so received; and, subject to 6193
section 5735.292 of the Revised Code, effective July 1, 2005, the 6194
motor fuel excise tax imposed by this section shall be at the rate 6195
of eight cents on each gallon so received. This tax is subject to 6196
the specific exemptions set forth in this chapter of the Revised 6197
Code. It shall be reported, computed, paid, collected, 6198
administered, enforced, and refunded, and the failure properly and 6199
correctly to report and pay the tax shall be penalized, in exactly 6200
the same manner as is provided in this chapter. Such sections 6201
relating to motor fuel excise taxes are reenacted and incorporated 6202
as if specifically set forth in this section. The tax levied by 6203
this section is in addition to any other taxes imposed under this 6204
chapter. 6205

No municipal corporation, county, or township shall expend 6206
any revenues received from the tax levied by this section for any 6207
purpose other than one of the specific highway-related purposes 6208
stated in this section. In addition, each municipal corporation, 6209
county, or township shall use at least ninety per cent of all 6210
revenues received from the tax levied by this section to 6211
supplement, rather than supplant, other local funds used for 6212
highway-related purposes. 6213

Sec. 5735.291. (A) The treasurer of state shall place to the 6214
credit of the tax refund fund created by section 5703.052 of the 6215

Revised Code, out of receipts from the tax levied by section 6216
5735.29 of the Revised Code, amounts equal to the refunds 6217
certified by the tax commissioner pursuant to sections 5735.142 6218
and 5735.29 of the Revised Code. The refunds provided for by 6219
sections 5735.142 and 5735.29 of the Revised Code shall be paid 6220
from such fund. The treasurer of state shall transfer the amount 6221
required by section 5735.051 of the Revised Code to the waterways 6222
safety fund. The specified portion of the balance of taxes 6223
collected under section 5735.29 of the Revised Code after the 6224
credits to the tax refund fund, and after the transfer to the 6225
waterways safety fund, shall be credited to the gasoline excise 6226
tax fund. Subject to division (B) of this section, forty-two and 6227
eighty-six hundredths per cent of the specified portion shall be 6228
distributed among the municipal corporations within the state in 6229
accordance with division (A)(2) of section 5735.27 of the Revised 6230
Code, thirty-seven and fourteen hundredths per cent of the 6231
specified portion shall be distributed among the counties within 6232
the state in accordance with division (A)(3) of section 5735.27 of 6233
the Revised Code, and twenty per cent of the specified portion 6234
shall be combined with twenty per cent of any amounts transferred 6235
from the highway operating fund to the gasoline excise tax fund 6236
through biennial appropriations acts of the general assembly 6237
pursuant to the planned phase-in of a new source of funding for 6238
the state highway patrol and shall be distributed among the 6239
townships within the state in accordance with division (A)(5)(b)of 6240
section 5735.27 of the Revised Code. Subject to division (B) of 6241
this section, the remainder of the tax levied by section 5735.29 6242
of the Revised Code after receipt by the treasurer of state of 6243
certifications from the commissioners of the sinking fund 6244
certifying, as required by sections 5528.15 and 5528.35 of the 6245
Revised Code, there are sufficient moneys to the credit of the 6246
highway improvement bond retirement fund created by section 6247
5528.12 of the Revised Code to meet in full all payments of 6248

interest, principal, and charges for the retirement of bonds and 6249
other obligations issued pursuant to Section 2g of Article VIII, 6250
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 6251
Code due and payable during the current calendar year, and that 6252
there are sufficient moneys to the credit of the highway 6253
obligations bond retirement fund created by section 5528.32 of the 6254
Revised Code to meet in full all payments of interest, principal, 6255
and charges for the retirement of highway obligations issued 6256
pursuant to Section 2i of Article VIII, Ohio Constitution, and 6257
sections 5528.30 and 5528.31 of the Revised Code due and payable 6258
during the current calendar year, shall be credited to the highway 6259
operating fund, which is hereby created in the state treasury and 6260
shall be used solely for the purposes enumerated in section 6261
5735.29 of the Revised Code. All investment earnings of the fund 6262
shall be credited to the fund. 6263

(B)(1) Effective August 15, 2003, prior to the distribution 6264
from the gasoline excise tax fund to municipal corporations of the 6265
forty-two and eighty-six hundredths per cent of the specified 6266
portion as provided in division (A) of this section, the 6267
department of taxation shall deduct thirty-three and one-third per 6268
cent of the amount specified in division (A)(5)(c) of section 6269
5735.27 of the Revised Code and use it for distribution to 6270
townships pursuant to division (A)(5)(b) of that section. 6271

(2) Effective August 15, 2003, prior to the distribution from 6272
the gasoline excise tax fund to counties of the thirty-seven and 6273
fourteen hundredths per cent of the specified portion as provided 6274
in division (A) of this section, the department of taxation shall 6275
deduct thirty-three and one-third per cent of the amount specified 6276
in division (A)(5)(c) of section 5735.27 of the Revised Code and 6277
use it for distribution to townships pursuant to division 6278
(A)(5)(b) of that section. 6279

(3) Effective August 15, 2003, prior to crediting any revenue 6280

resulting from the tax levied by section 5735.29 of the Revised 6281
Code to the highway operating fund, the department of taxation 6282
shall deduct thirty-three and one-third per cent of the amount 6283
specified in division (A)(5)(c) of section 5735.27 of the Revised 6284
Code and use it for distribution to townships pursuant to division 6285
(A)(5)(b) of that section. 6286

(C) As used in this section, "specified portion" means all of 6287
the following: 6288

(1) Until August 15, 2003, none of the taxes collected under 6289
section 5735.29 of the Revised Code; 6290

(2) Effective August 15, 2003, one-eighth of the balance of 6291
taxes collected under section 5735.29 of the Revised Code, after 6292
the credits to the tax refund fund and after the transfer to the 6293
waterways safety fund; 6294

(3) Effective August 15, 2004, one-sixth of the balance of 6295
taxes described in division (C)(2) of this section; 6296

(4) Effective August 15, 2005, three-sixteenths of the 6297
balance of taxes described in division (C)(2) of this section. 6298

Sec. 5735.292. The rate of tax imposed under section 5735.29 6299
of the Revised Code on and after July 1, 2005, shall be six cents 6300
per gallon, notwithstanding any provision of that section to the 6301
contrary, and the rate of the additional tax imposed under section 6302
5728.06 of the Revised Code on and after July 1, 2005, shall be 6303
two cents, notwithstanding any provision of that section to the 6304
contrary if both of the following apply: 6305

(A) The director of transportation determines that the amount 6306
of federal motor fuel excise taxes appropriated to this state and 6307
available for basic highway programs is equal to or greater than 6308
ninety-five per cent of the amount of federal motor fuel excise 6309
taxes paid in this state; 6310

(B) The director of transportation determines that this state 6311
no longer receives a net loss of federal motor fuel excise tax 6312
returns caused by any federal tax reduction, tax rebate, or tax 6313
assistance on behalf of ethanol-based or alcohol-based motor 6314
fuels. 6315

Section 2. That existing sections 723.52, 723.53, 1547.11, 6316
3704.14, 3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 6317
4503.173, 4503.182, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 6318
4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 6319
4503.75, 4506.08, 4507.23, 4511.04, 4511.19, 4511.191, 4511.197, 6320
4513.111, 4513.52, 4513.53, 4921.02, 5501.20, 5501.34, 5501.45, 6321
5502.02, 5517.011, 5517.02, 5525.20, 5531.10, 5543.19, 5575.01, 6322
5577.042, 5728.06, 5735.142, 5735.23, 5735.27, 5735.29, and 6323
5735.291, and sections 4501.20, 4501.22, 4501.29, 4501.30, 6324
4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 4501.61, 6325
4501.71, and 4503.251 of the Revised Code are hereby repealed. 6326

Section 3. Section 4511.197 of the Revised Code, as amended 6327
by this act, shall take effect January 1, 2004. 6328

Section 4. That the versions of sections 1547.11, 4503.10, 6329
4503.11, 4503.182, 4511.19, and 4513.111 of the Revised Code that 6330
are scheduled to take effect January 1, 2004, be amended to read 6331
as follows: 6332

Sec. 1547.11. (A) No person shall operate or be in physical 6333
control of any vessel underway or shall manipulate any water skis, 6334
aquaplane, or similar device on the waters in this state if, at 6335
the time of the operation, control, or manipulation, any of the 6336
following applies: 6337

(1) The person is under the influence of alcohol, a drug of 6338
abuse, or a combination of them. 6339

(2) The person has a concentration of ~~ten-hundredths~~ 6340
eight-hundredths of one per cent or more by weight of alcohol per 6341
unit volume in the person's whole blood. 6342

(3) The person has a concentration of ~~twelve-hundredths~~ 6343
ninety-six-hundredths of one per cent or more by weight per unit 6344
volume of alcohol in the person's blood serum or plasma. 6345

(4) The person has a concentration of ~~fourteen-hundredths~~ 6346
eleven-hundredths of one gram or more by weight of alcohol per one 6347
hundred milliliters of the person's urine. 6348

(5) The person has a concentration of ~~ten-hundredths~~ 6349
eight-hundredths of one gram or more by weight of alcohol per two 6350
hundred ten liters of the person's breath. 6351

(B) No person under twenty-one years of age shall operate or 6352
be in physical control of any vessel underway or shall manipulate 6353
any water skis, aquaplane, or similar device on the waters in this 6354
state if, at the time of the operation, control, or manipulation, 6355
any of the following applies: 6356

(1) The person has a concentration of at least two-hundredths 6357
of one per cent, but less than ~~ten-hundredths~~ eight-hundredths of 6358
one per cent by weight per unit volume of alcohol in the person's 6359
whole blood. 6360

(2) The person has a concentration of at least 6361
three-hundredths of one per cent but less than ~~twelve-hundredths~~ 6362
ninety-six-hundredths of one per cent by weight per unit volume of 6363
alcohol in the person's blood serum or plasma. 6364

(3) The person has a concentration of at least twenty-eight 6365
one-thousandths of one gram, but less than ~~fourteen-hundredths~~ 6366
eleven-hundredths of one gram by weight of alcohol per one hundred 6367
milliliters of the person's urine. 6368

(4) The person has a concentration of at least two-hundredths 6369

of one gram, but less than ~~ten-hundredths~~ eight-hundredths of one 6370
gram by weight of alcohol per two hundred ten liters of the 6371
person's breath. 6372

(C) In any proceeding arising out of one incident, a person 6373
may be charged with a violation of division (A)(1) and a violation 6374
of division (B)(1), (2), (3), or (4) of this section, but the 6375
person shall not be convicted of more than one violation of those 6376
divisions. 6377

(D)(1) In any criminal prosecution or juvenile court 6378
proceeding for a violation of division (A) or (B) of this section 6379
or for an equivalent violation, the court may admit evidence on 6380
the concentration of alcohol, drugs of abuse, or a combination of 6381
them in the defendant's or child's whole blood, blood serum or 6382
plasma, urine, or breath at the time of the alleged violation as 6383
shown by chemical analysis of the substance withdrawn, or specimen 6384
taken within two hours of the time of the alleged violation. 6385

When a person submits to a blood test, only a physician, a 6386
registered nurse, or a qualified technician, chemist, or 6387
phlebotomist shall withdraw blood for the purpose of determining 6388
the alcohol, drug, or alcohol and drug content of the whole blood, 6389
blood serum, or blood plasma. This limitation does not apply to 6390
the taking of breath or urine specimens. A person authorized to 6391
withdraw blood under this division may refuse to withdraw blood 6392
under this division if, in that person's opinion, the physical 6393
welfare of the defendant or child would be endangered by 6394
withdrawing blood. 6395

The whole blood, blood serum or plasma, urine, or breath 6396
shall be analyzed in accordance with methods approved by the 6397
director of health by an individual possessing a valid permit 6398
issued by the director pursuant to section 3701.143 of the Revised 6399
Code. 6400

(2) In a criminal prosecution or juvenile court proceeding 6401
for a violation of division (A) of this section or for a violation 6402
of a prohibition that is substantially equivalent to division (A) 6403
of this section, if there was at the time the bodily substance was 6404
taken a concentration of less than the applicable concentration of 6405
alcohol specified for a violation of division (A)(2), (3), (4), or 6406
(5) of this section, that fact may be considered with other 6407
competent evidence in determining the guilt or innocence of the 6408
defendant or in making an adjudication for the child. This 6409
division does not limit or affect a criminal prosecution or 6410
juvenile court proceeding for a violation of division (B) of this 6411
section or for a violation of a prohibition that is substantially 6412
equivalent to that division. 6413

(3) Upon the request of the person who was tested, the 6414
results of the chemical test shall be made available to the person 6415
or the person's attorney immediately upon completion of the test 6416
analysis. 6417

The person tested may have a physician, a registered nurse, 6418
or a qualified technician, chemist, or phlebotomist of the 6419
person's own choosing administer a chemical test or tests in 6420
addition to any administered at the direction of a law enforcement 6421
officer, and shall be so advised. The failure or inability to 6422
obtain an additional test by a person shall not preclude the 6423
admission of evidence relating to the test or tests taken at the 6424
direction of a law enforcement officer. 6425

(E)(1) In any criminal prosecution or juvenile court 6426
proceeding for a violation of division (A) or (B) of this section 6427
or for an equivalent violation, if a law enforcement officer has 6428
administered a field sobriety test to the operator or person found 6429
to be in physical control of the vessel underway involved in the 6430
violation or the person manipulating the water skis, aquaplane, or 6431
similar device involved in the violation and if it is shown by 6432

clear and convincing evidence that the officer administered the 6433
test in substantial compliance with the testing standards for 6434
reliable, credible, and generally accepted field sobriety tests 6435
for vehicles that were in effect at the time the tests were 6436
administered, including, but not limited to, any testing standards 6437
then in effect that have been set by the national highway traffic 6438
safety administration, that by their nature are not clearly 6439
inapplicable regarding the operation or physical control of 6440
vessels underway or the manipulation of water skis, aquaplanes, or 6441
similar devices, all of the following apply: 6442

(a) The officer may testify concerning the results of the 6443
field sobriety test so administered. 6444

(b) The prosecution may introduce the results of the field 6445
sobriety test so administered as evidence in any proceedings in 6446
the criminal prosecution or juvenile court proceeding. 6447

(c) If testimony is presented or evidence is introduced under 6448
division (E)(1)(a) or (b) of this section and if the testimony or 6449
evidence is admissible under the Rules of Evidence, the court 6450
shall admit the testimony or evidence, and the trier of fact shall 6451
give it whatever weight the trier of fact considers to be 6452
appropriate. 6453

(2) Division (E)(1) of this section does not limit or 6454
preclude a court, in its determination of whether the arrest of a 6455
person was supported by probable cause or its determination of any 6456
other matter in a criminal prosecution or juvenile court 6457
proceeding of a type described in that division, from considering 6458
evidence or testimony that is not otherwise disallowed by division 6459
(E)(1) of this section. 6460

(F)(1) Subject to division (F)(3) of this section, in any 6461
criminal prosecution or juvenile court proceeding for a violation 6462
of this section or for an equivalent violation, the court shall 6463

admit as prima-facie evidence a laboratory report from any 6464
forensic laboratory certified by the department of health that 6465
contains an analysis of the whole blood, blood serum or plasma, 6466
breath, urine, or other bodily substance tested and that contains 6467
all of the information specified in this division. The laboratory 6468
report shall contain all of the following: 6469

(a) The signature, under oath, of any person who performed 6470
the analysis; 6471

(b) Any findings as to the identity and quantity of alcohol, 6472
a drug of abuse, or a combination of them that was found; 6473

(c) A copy of a notarized statement by the laboratory 6474
director or a designee of the director that contains the name of 6475
each certified analyst or test performer involved with the report, 6476
the analyst's or test performer's employment relationship with the 6477
laboratory that issued the report, and a notation that performing 6478
an analysis of the type involved is part of the analyst's or test 6479
performer's regular duties; 6480

(d) An outline of the analyst's or test performer's 6481
education, training, and experience in performing the type of 6482
analysis involved and a certification that the laboratory 6483
satisfies appropriate quality control standards in general and, in 6484
this particular analysis, under rules of the department of health. 6485

(2) Notwithstanding any other provision of law regarding the 6486
admission of evidence, a report of the type described in division 6487
(F)(1) of this section is not admissible against the defendant or 6488
child to whom it pertains in any proceeding, other than a 6489
preliminary hearing or a grand jury proceeding, unless the 6490
prosecutor has served a copy of the report on the defendant's or 6491
child's attorney or, if the defendant or child has no attorney, on 6492
the defendant or child. 6493

(3) A report of the type described in division (F)(1) of this 6494

section shall not be prima-facie evidence of the contents, 6495
identity, or amount of any substance if, within seven days after 6496
the defendant or child to whom the report pertains or the 6497
defendant's or child's attorney receives a copy of the report, the 6498
defendant or child or the defendant's or child's attorney demands 6499
the testimony of the person who signed the report. The judge in 6500
the case may extend the seven-day time limit in the interest of 6501
justice. 6502

(G) Except as otherwise provided in this division, any 6503
physician, registered nurse, or qualified technician, chemist, or 6504
phlebotomist who withdraws blood from a person pursuant to this 6505
section, and a hospital, first-aid station, or clinic at which 6506
blood is withdrawn from a person pursuant to this section, is 6507
immune from criminal and civil liability based upon a claim of 6508
assault and battery or any other claim that is not a claim of 6509
malpractice, for any act performed in withdrawing blood from the 6510
person. The immunity provided in this division is not available to 6511
a person who withdraws blood if the person engages in willful or 6512
wanton misconduct. 6513

(H) As used in this section and section 1547.111 of the 6514
Revised Code: 6515

(1) "Equivalent violation" means a violation of a municipal 6516
ordinance, law of another state, or law of the United States that 6517
is substantially equivalent to division (A) or (B) of this 6518
section. 6519

(2) "National highway traffic safety administration" has the 6520
same meaning as in section 4511.19 of the Revised Code. 6521

(3) "Operate" means that a vessel is being used on the waters 6522
in this state when the vessel is not securely affixed to a dock or 6523
to shore or to any permanent structure to which the vessel has the 6524
right to affix or that a vessel is not anchored in a designated 6525

anchorage area or boat camping area that is established by the 6526
United States coast guard, this state, or a political subdivision 6527
and in which the vessel has the right to anchor. 6528

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 6529
motorcycle, and all-purpose vehicle required to be registered 6530
under section 4519.02 of the Revised Code shall file an 6531
application for registration under section 4519.03 of the Revised 6532
Code. The owner of a motor vehicle, other than a snowmobile, 6533
off-highway motorcycle, or all-purpose vehicle, that is not 6534
designed and constructed by the manufacturer for operation on a 6535
street or highway may not register it under this chapter except 6536
upon certification of inspection pursuant to section 4513.02 of 6537
the Revised Code by the sheriff, or the chief of police of the 6538
municipal corporation or township, with jurisdiction over the 6539
political subdivision in which the owner of the motor vehicle 6540
resides. Except as provided in section 4503.103 of the Revised 6541
Code, every owner of every other motor vehicle not previously 6542
described in this section and every person mentioned as owner in 6543
the last certificate of title of a motor vehicle that is operated 6544
or driven upon the public roads or highways shall cause to be 6545
filed each year, by mail or otherwise, in the office of the 6546
registrar of motor vehicles or a deputy registrar, a written or 6547
electronic application or a preprinted registration renewal notice 6548
issued under section 4503.102 of the Revised Code, the form of 6549
which shall be prescribed by the registrar, for registration for 6550
the following registration year, which shall begin on the first 6551
day of January of every calendar year and end on the thirty-first 6552
day of December in the same year. Applications for registration 6553
and registration renewal notices shall be filed at the times 6554
established by the registrar pursuant to section 4503.101 of the 6555
Revised Code. A motor vehicle owner also may elect to apply for or 6556
renew a motor vehicle registration by electronic means using 6557

electronic signature in accordance with rules adopted by the 6558
registrar. Except as provided in division (J) of this section, 6559
applications for registration shall be made on blanks furnished by 6560
the registrar for that purpose, containing the following 6561
information: 6562

(1) A brief description of the motor vehicle to be 6563
registered, including the name of the manufacturer, the factory 6564
number of the vehicle, the year's model, and, in the case of 6565
commercial cars, the gross weight of the vehicle fully equipped 6566
computed in the manner prescribed in section 4503.08 of the 6567
Revised Code; 6568

(2) The name and residence address of the owner, and the 6569
township and municipal corporation in which the owner resides; 6570

(3) The district of registration, which shall be determined 6571
as follows: 6572

(a) In case the motor vehicle to be registered is used for 6573
hire or principally in connection with any established business or 6574
branch business, conducted at a particular place, the district of 6575
registration is the municipal corporation in which that place is 6576
located or, if not located in any municipal corporation, the 6577
county and township in which that place is located. 6578

(b) In case the vehicle is not so used, the district of 6579
registration is the municipal corporation or county in which the 6580
owner resides at the time of making the application. 6581

(4) Whether the motor vehicle is a new or used motor vehicle; 6582

(5) The date of purchase of the motor vehicle; 6583

(6) Whether the fees required to be paid for the registration 6584
or transfer of the motor vehicle, during the preceding 6585
registration year and during the preceding period of the current 6586
registration year, have been paid. Each application for 6587

registration shall be signed by the owner, either manually or by 6588
electronic signature, or pursuant to obtaining a limited power of 6589
attorney authorized by the registrar for registration, or other 6590
document authorizing such signature. If the owner elects to apply 6591
for or renew the motor vehicle registration with the registrar by 6592
electronic means, the owner's manual signature is not required. 6593

(7) The owner's social security number, if assigned, or, 6594
where a motor vehicle to be registered is used for hire or 6595
principally in connection with any established business, the 6596
owner's federal taxpayer identification number. The bureau of 6597
motor vehicles shall retain in its records all social security 6598
numbers provided under this section, but the bureau shall not 6599
place social security numbers on motor vehicle certificates of 6600
registration. 6601

(B) Each time an applicant first registers a motor vehicle in 6602
the applicant's name, the applicant shall present for inspection a 6603
physical certificate of title or memorandum certificate showing 6604
title to the motor vehicle to be registered in the name of the 6605
applicant if a physical certificate of title or memorandum 6606
certificate has been issued by a clerk of a court of common pleas. 6607
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 6608
Code, a clerk instead has issued an electronic certificate of 6609
title for the applicant's motor vehicle, that certificate may be 6610
presented for inspection at the time of first registration in a 6611
manner prescribed by rules adopted by the registrar. When a motor 6612
vehicle inspection and maintenance program is in effect under 6613
section 3704.14 of the Revised Code and rules adopted under it, 6614
each application for registration for a vehicle required to be 6615
inspected under that section and those rules shall be accompanied 6616
by an inspection certificate for the motor vehicle issued in 6617
accordance with that section. The application shall be refused if 6618
any of the following applies: 6619

(1) The application is not in proper form. 6620

(2) The application is prohibited from being accepted by 6621
division (D) of section 2935.27, division (A) of section 2937.221, 6622
division (A) of section 4503.13, division (B) of section 4510.22, 6623
or division (B)(1) of section 4521.10 of the Revised Code. 6624

(3) A certificate of title or memorandum certificate of title 6625
does not accompany the application or, in the case of an 6626
electronic certificate of title, is not presented in a manner 6627
prescribed by the registrar's rules. 6628

(4) All registration and transfer fees for the motor vehicle, 6629
for the preceding year or the preceding period of the current 6630
registration year, have not been paid. 6631

(5) The owner or lessee does not have an inspection 6632
certificate for the motor vehicle as provided in section 3704.14 6633
of the Revised Code, and rules adopted under it, if that section 6634
is applicable. 6635

This section does not require the payment of license or 6636
registration taxes on a motor vehicle for any preceding year, or 6637
for any preceding period of a year, if the motor vehicle was not 6638
taxable for that preceding year or period under sections 4503.02, 6639
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 6640
Revised Code. When a certificate of registration is issued upon 6641
the first registration of a motor vehicle by or on behalf of the 6642
owner, the official issuing the certificate shall indicate the 6643
issuance with a stamp on the certificate of title or memorandum 6644
certificate or, in the case of an electronic certificate of title, 6645
an electronic stamp or other notation as specified in rules 6646
adopted by the registrar, and with a stamp on the inspection 6647
certificate for the motor vehicle, if any. The official also shall 6648
indicate, by a stamp or by other means the registrar prescribes, 6649
on the registration certificate issued upon the first registration 6650

of a motor vehicle by or on behalf of the owner the odometer 6651
reading of the motor vehicle as shown in the odometer statement 6652
included in or attached to the certificate of title. Upon each 6653
subsequent registration of the motor vehicle by or on behalf of 6654
the same owner, the official also shall so indicate the odometer 6655
reading of the motor vehicle as shown on the immediately preceding 6656
certificate of registration. 6657

The registrar shall include in the permanent registration 6658
record of any vehicle required to be inspected under section 6659
3704.14 of the Revised Code the inspection certificate number from 6660
the inspection certificate that is presented at the time of 6661
registration of the vehicle as required under this division. 6662

(C)(1) Commencing with each registration renewal with an 6663
expiration date on or after October 1, 2003, and for each initial 6664
application for registration received on and after that date, the 6665
registrar and each deputy registrar shall collect an additional 6666
fee of eleven dollars for each application for registration and 6667
registration renewal received. The additional fee is for the 6668
purpose of defraying the department of public safety's costs 6669
associated with the administration and enforcement of the motor 6670
vehicle and traffic laws of Ohio. Each deputy registrar shall 6671
transmit the fees collected under division (C)(1) of this section 6672
in the time and manner provided in this section. The registrar 6673
shall deposit all moneys received under division (C)(1) of this 6674
section into the state highway safety fund established in section 6675
4501.06 of the Revised Code. 6676

(2) In addition, a charge of twenty-five cents shall be made 6677
for each reflectorized safety license plate issued, and a single 6678
charge of twenty-five cents shall be made for each county 6679
identification sticker or each set of county identification 6680
stickers issued, as the case may be, to cover the cost of 6681
producing the license plates and stickers, including material, 6682

manufacturing, and administrative costs. Those fees shall be in 6683
addition to the license tax. If the total cost of producing the 6684
plates is less than twenty-five cents per plate, or if the total 6685
cost of producing the stickers is less than twenty-five cents per 6686
sticker or per set issued, any excess moneys accruing from the 6687
fees shall be distributed in the same manner as provided by 6688
section 4501.04 of the Revised Code for the distribution of 6689
license tax moneys. If the total cost of producing the plates 6690
exceeds twenty-five cents per plate, or if the total cost of 6691
producing the stickers exceeds twenty-five cents per sticker or 6692
per set issued, the difference shall be paid from the license tax 6693
moneys collected pursuant to section 4503.02 of the Revised Code. 6694

(D) Each deputy registrar shall be allowed a fee of two 6695
dollars and seventy-five cents commencing on July 1, 2001, three 6696
dollars and twenty-five cents commencing on January 1, 2003, and 6697
three dollars and fifty cents commencing on January 1, 2004, for 6698
each application for registration and registration renewal notice 6699
the deputy registrar receives, which shall be for the purpose of 6700
compensating the deputy registrar for the deputy registrar's 6701
services, and such office and rental expenses, as may be necessary 6702
for the proper discharge of the deputy registrar's duties in the 6703
receiving of applications and renewal notices and the issuing of 6704
registrations. 6705

(E) Upon the certification of the registrar, the county 6706
sheriff or local police officials shall recover license plates 6707
erroneously or fraudulently issued. 6708

(F) Each deputy registrar, upon receipt of any application 6709
for registration or registration renewal notice, together with the 6710
license fee and any local motor vehicle license tax levied 6711
pursuant to Chapter 4504. of the Revised Code, shall transmit that 6712
fee and tax, if any, in the manner provided in this section, 6713
together with the original and duplicate copy of the application, 6714

to the registrar. The registrar, subject to the approval of the 6715
director of public safety, may deposit the funds collected by 6716
those deputies in a local bank or depository to the credit of the 6717
"state of Ohio, bureau of motor vehicles." Where a local bank or 6718
depository has been designated by the registrar, each deputy 6719
registrar shall deposit all moneys collected by the deputy 6720
registrar into that bank or depository not more than one business 6721
day after their collection and shall make reports to the registrar 6722
of the amounts so deposited, together with any other information, 6723
some of which may be prescribed by the treasurer of state, as the 6724
registrar may require and as prescribed by the registrar by rule. 6725
The registrar, within three days after receipt of notification of 6726
the deposit of funds by a deputy registrar in a local bank or 6727
depository, shall draw on that account in favor of the treasurer 6728
of state. The registrar, subject to the approval of the director 6729
and the treasurer of state, may make reasonable rules necessary 6730
for the prompt transmittal of fees and for safeguarding the 6731
interests of the state and of counties, townships, municipal 6732
corporations, and transportation improvement districts levying 6733
local motor vehicle license taxes. The registrar may pay service 6734
charges usually collected by banks and depositories for such 6735
service. If deputy registrars are located in communities where 6736
banking facilities are not available, they shall transmit the fees 6737
forthwith, by money order or otherwise, as the registrar, by rule 6738
approved by the director and the treasurer of state, may 6739
prescribe. The registrar may pay the usual and customary fees for 6740
such service. 6741

(G) This section does not prevent any person from making an 6742
application for a motor vehicle license directly to the registrar 6743
by mail, by electronic means, or in person at any of the 6744
registrar's offices, upon payment of a service fee of two dollars 6745
and seventy-five cents commencing on July 1, 2001, three dollars 6746
and twenty-five cents commencing on January 1, 2003, and three 6747

dollars and fifty cents commencing on January 1, 2004, for each application. 6748
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(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section. 6750
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(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code. 6755
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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration. 6766
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(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under division (D) of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar 6774
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also shall provide to the director of environmental protection a 6780
magnetic data tape containing registration information regarding 6781
passenger cars, noncommercial motor vehicles, and commercial cars 6782
for which a multi-year registration is in effect under section 6783
4503.103 of the Revised Code or rules adopted under it, including, 6784
without limitation, the date of issuance of the multi-year 6785
registration, the registration deadline established under rules 6786
adopted under section 4503.101 of the Revised Code that was 6787
applicable in the year in which the multi-year registration was 6788
issued, and the registration deadline for renewal of the 6789
multi-year registration. 6790

(J) Application for registration under the international 6791
registration plan, as set forth in sections 4503.60 to 4503.66 of 6792
the Revised Code, shall be made to the registrar on forms 6793
furnished by the registrar. In accordance with international 6794
registration plan guidelines and pursuant to rules adopted by the 6795
registrar, the forms shall include the following: 6796

(1) A uniform mileage schedule; 6797

(2) The gross vehicle weight of the vehicle or combined gross 6798
vehicle weight of the combination vehicle as declared by the 6799
registrant; 6800

(3) Any other information the registrar requires by rule. 6801

Sec. 4503.11. (A) Except as provided by sections 4503.103, 6802
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 6803
person who is the owner or chauffeur of a motor vehicle operated 6804
or driven upon the public roads or highways shall fail to file 6805
annually the application for registration or to pay the tax 6806
therefor. 6807

(B) Except as provided by sections 4503.12 and 4503.16 of the 6808
Revised Code, the taxes payable on all applications made under 6809

sections 4503.10 and 4503.102 of the Revised Code shall be the sum 6810
of the tax due under division (B)(1)(a) or (b) of this section 6811
plus the tax due under division (B)(2)(a) or (b) of this section: 6812

(1)(a) If the application is made before the second month of 6813
the current registration period to which the motor vehicle is 6814
assigned as provided in section 4503.101 of the Revised Code, the 6815
tax due is the full amount of the tax provided in section 4503.04 6816
of the Revised Code; 6817

(b) If the application is made during or after the second 6818
month of the current registration period to which the motor 6819
vehicle is assigned as provided in section 4503.101 of the Revised 6820
Code, and prior to the beginning of the next such registration 6821
period, the amount of the tax provided in section 4503.04 of the 6822
Revised Code shall be reduced by one-twelfth of the amount of such 6823
tax, rounded upward to the nearest cent, multiplied by the number 6824
of full months that have elapsed in the current registration 6825
period. The resulting amount shall be rounded upward to the next 6826
highest dollar and shall be the amount of tax due. 6827

(2)(a) If the application is made before the sixth month of 6828
the current registration period to which the motor vehicle is 6829
assigned as provided in section 4503.101 of the Revised Code, the 6830
amount of tax due is the full amount of local motor vehicle 6831
license taxes levied under Chapter 4504. of the Revised Code; 6832

(b) If the application is made during or after the sixth 6833
month of the current registration period to which the motor 6834
vehicle is assigned as provided in section 4503.101 of the Revised 6835
Code and prior to the beginning of the next such registration 6836
period, the amount of tax due is one-half of the amount of local 6837
motor vehicle license taxes levied under Chapter 4504. of the 6838
Revised Code. 6839

(C) The taxes payable on all applications made under division 6840

(A)(1)(b) of section 4503.103 of the Revised Code shall be the sum 6841
of the tax due under division (B)(1)(a) or (b) of this section 6842
plus the tax due under division (B)(2)(a) or (b) of this section 6843
for the first year plus the full amount of the tax provided in 6844
section 4503.04 of the Revised Code and the full amount of local 6845
motor vehicle license taxes levied under Chapter 4504. of the 6846
Revised Code for the second year. 6847

(D) Whoever violates this section is guilty of a misdemeanor 6848
of the fourth degree. 6849

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 6850
application and proof of purchase of the vehicle, may be issued a 6851
temporary license placard or windshield sticker for the motor 6852
vehicle. 6853

The purchaser of a vehicle applying for a temporary license 6854
placard or windshield sticker under this section shall execute an 6855
affidavit stating that the purchaser has not been issued 6856
previously during the current registration year a license plate 6857
that could legally be transferred to the vehicle. 6858

Placards or windshield stickers shall be issued only for the 6859
applicant's use of the vehicle to enable the applicant to legally 6860
operate the motor vehicle while proper title, license plates, and 6861
a certificate of registration are being obtained, and shall be 6862
displayed on no other motor vehicle. 6863

Placards or windshield stickers issued under this section are 6864
valid for a period of thirty days from date of issuance and are 6865
not transferable or renewable. 6866

The fee for the placards or windshield stickers is two 6867
dollars plus a deputy registrar service fee of two dollars and 6868
seventy-five cents commencing on July 1, 2001, three dollars and 6869
twenty-five cents commencing on January 1, 2003, and three dollars 6870

and fifty cents commencing on January 1, 2004, for each placard 6871
issued by a deputy registrar. 6872

(B) The registrar of motor vehicles may issue to a motorized 6873
bicycle dealer or a licensed motor vehicle dealer temporary 6874
license placards to be issued to purchasers for use on vehicles 6875
sold by the dealer, in accordance with rules prescribed by the 6876
registrar. The dealer shall notify the registrar, within 6877
forty-eight hours, of the issuance of a placard by electronic 6878
means via computer equipment purchased and maintained by the 6879
dealer or in any other manner prescribed by the registrar. 6880

The fee for each placard issued by the registrar to a 6881
licensed motor vehicle dealer is two dollars plus a fee of two 6882
dollars and seventy-five cents commencing on July 1, 2001, three 6883
dollars and twenty-five cents commencing on January 1, 2003, and 6884
three dollars and fifty cents commencing on January 1, 2004. 6885

(C) The registrar of motor vehicles, at the registrar's 6886
discretion, may issue a temporary license placard. Such a placard 6887
may be issued in the case of extreme hardship encountered by a 6888
citizen from this state or another state who has attempted to 6889
comply with all registration laws, but for extreme circumstances 6890
is unable to properly register the citizen's vehicle. 6891

(D) In addition to the fees charged under divisions (A) and 6892
(B) of this section, commencing on October 1, 2003, the registrar 6893
and each deputy registrar shall collect a fee of five dollars for 6894
each temporary license placard issued. The additional fee is for 6895
the purpose of defraying the department of public safety's costs 6896
associated with the administration and enforcement of the motor 6897
vehicle and traffic laws of Ohio. Each deputy registrar shall 6898
transmit the fees collected under this division in the same manner 6899
as provided for transmission of fees collected under division (A) 6900
of this section. The registrar shall deposit all moneys received 6901
under this division into the state highway safety fund established 6902

in section 4501.06 of the Revised Code. 6903

(E) The registrar shall adopt rules, in accordance with 6904
division (B) of section 111.15 of the Revised Code, to specify the 6905
procedures for reporting the information from applications for 6906
temporary license placards and windshield stickers and for 6907
providing the information from these applications to law 6908
enforcement agencies. 6909

~~(E)~~(F) Temporary license placards issued under this section 6910
shall bear a distinctive combination of seven letters, numerals, 6911
or letters and numerals, and shall incorporate a security feature 6912
that, to the greatest degree possible, prevents tampering with any 6913
of the information that is entered upon a placard when it is 6914
issued. 6915

~~(F)~~(G) Whoever violates division (A) of this section is 6916
guilty of a misdemeanor of the fourth degree. Whoever violates 6917
division (B) of this section is guilty of a misdemeanor of the 6918
first degree. 6919

~~(G)~~(H) As used in this section, "motorized bicycle dealer" 6920
means any person engaged in the business of selling at retail, 6921
displaying, offering for sale, or dealing in motorized bicycles 6922
who is not subject to section 4503.09 of the Revised Code. 6923

Sec. 4511.19. (A) No person shall operate any vehicle, 6924
streetcar, or trackless trolley within this state, if, at the time 6925
of the operation, any of the following apply: 6926

(1) The person is under the influence of alcohol, a drug of 6927
abuse, or a combination of them~~+~~. 6928

(2) The person has a concentration of ~~ten-hundredths~~ 6929
eight-hundredths of one per cent or more but less than 6930
seventeen-hundredths of one per cent by weight per unit volume of 6931
alcohol in the person's whole blood~~+~~. 6932

(3) The person has a concentration of ~~twelve-hundredths~~ 6933
ninety-six-thousandths of one per cent or more but less than 6934
hundred four-thousandths of one per cent by weight per unit volume 6935
of alcohol in the person's blood serum or plasma~~±~~. 6936

(4) The person has a concentration of ~~ten-hundredths~~ 6937
eight-hundredths of one gram or more but less than 6938
seventeen-hundredths of one gram by weight of alcohol per two 6939
hundred ten liters of the person's breath~~±~~. 6940

(5) The person has a concentration of ~~fourteen-hundredths~~ 6941
eleven-hundredths of one gram or more but less than two hundred 6942
thirty-eight-thousandths of one gram by weight of alcohol per one 6943
hundred milliliters of the person's urine~~±~~. 6944

(6) The person has a concentration of seventeen-hundredths of 6945
one per cent or more by weight per unit volume of alcohol in the 6946
person's whole blood~~±~~. 6947

(7) The person has a concentration of two hundred 6948
four-thousandths of one per cent or more by weight per unit volume 6949
of alcohol in the person's blood serum or plasma~~±~~. 6950

(8) The person has a concentration of seventeen-hundredths of 6951
one gram or more by weight of alcohol per two hundred ten liters 6952
of the person's breath~~±~~. 6953

(9) The person has a concentration of two hundred 6954
thirty-eight-thousandths of one gram or more by weight of alcohol 6955
per one hundred milliliters of the person's urine. 6956

(B) No person under twenty-one years of age shall operate any 6957
vehicle, streetcar, or trackless trolley within this state, if, at 6958
the time of the operation, any of the following apply: 6959

(1) The person has a concentration of at least two-hundredths 6960
of one per cent but less than ~~ten-hundredths~~ eight-hundredths of 6961
one per cent by weight per unit volume of alcohol in the person's 6962

whole blood~~+~~. 6963

(2) The person has a concentration of at least 6964
three-hundredths of one per cent but less than ~~twelve-hundredths~~ 6965
ninety-six-thousandths of one per cent by weight per unit volume 6966
of alcohol in the person's blood serum or plasma~~+~~. 6967

(3) The person has a concentration of at least two-hundredths 6968
of one gram but less than ~~ten-hundredths~~ eight-hundredths of one 6969
gram by weight of alcohol per two hundred ten liters of the 6970
person's breath~~+~~. 6971

(4) The person has a concentration of at least twenty-eight 6972
one-thousandths of one gram but less than ~~fourteen-hundredths~~ 6973
eleven-hundredths of one gram by weight of alcohol per one hundred 6974
milliliters of the person's urine. 6975

(C) In any proceeding arising out of one incident, a person 6976
may be charged with a violation of division (A)(1) and a violation 6977
of division (B)(1), (2), or (3) of this section, but the person 6978
may not be convicted of more than one violation of these 6979
divisions. 6980

(D)(1) In any criminal prosecution or juvenile court 6981
proceeding for a violation of division (A) or (B) of this section 6982
or for an equivalent offense, the court may admit evidence on the 6983
concentration of alcohol, drugs of abuse, or a combination of them 6984
in the defendant's whole blood, blood serum or plasma, breath, 6985
urine, or other bodily substance at the time of the alleged 6986
violation as shown by chemical analysis of the substance withdrawn 6987
within two hours of the time of the alleged violation. 6988

When a person submits to a blood test at the request of a law 6989
enforcement officer under section 4511.191 of the Revised Code, 6990
only a physician, a registered nurse, or a qualified technician, 6991
chemist, or phlebotomist shall withdraw blood for the purpose of 6992
determining the alcohol, drug, or alcohol and drug content of the 6993

whole blood, blood serum, or blood plasma. This limitation does 6994
not apply to the taking of breath or urine specimens. A person 6995
authorized to withdraw blood under this division may refuse to 6996
withdraw blood under this division, if in that person's opinion, 6997
the physical welfare of the person would be endangered by the 6998
withdrawing of blood. 6999

The bodily substance withdrawn shall be analyzed in 7000
accordance with methods approved by the director of health by an 7001
individual possessing a valid permit issued by the director 7002
pursuant to section 3701.143 of the Revised Code. 7003

(2) In a criminal prosecution or juvenile court proceeding 7004
for a violation of division (A) of this section or for an 7005
equivalent offense, if there was at the time the bodily substance 7006
was withdrawn a concentration of less than the applicable 7007
concentration of alcohol specified in divisions (A)(2), (3), (4), 7008
and (5) of this section, that fact may be considered with other 7009
competent evidence in determining the guilt or innocence of the 7010
defendant. This division does not limit or affect a criminal 7011
prosecution or juvenile court proceeding for a violation of 7012
division (B) of this section or for an equivalent offense that is 7013
substantially equivalent to that division. 7014

(3) Upon the request of the person who was tested, the 7015
results of the chemical test shall be made available to the person 7016
or the person's attorney, immediately upon the completion of the 7017
chemical test analysis. 7018

The person tested may have a physician, a registered nurse, 7019
or a qualified technician, chemist, or phlebotomist of the 7020
person's own choosing administer a chemical test or tests, at the 7021
person's expense, in addition to any administered at the request 7022
of a law enforcement officer. The form to be read to the person to 7023
be tested, as required under section 4511.192 of the Revised Code, 7024
shall state that the person may have an independent test performed 7025

at the person's expense. The failure or inability to obtain an 7026
additional chemical test by a person shall not preclude the 7027
admission of evidence relating to the chemical test or tests taken 7028
at the request of a law enforcement officer. 7029

(4)(a) As used in divisions (D)(4)(b) and (c) of this 7030
section, "national highway traffic safety administration" means 7031
the national highway traffic safety administration established as 7032
an administration of the United States department of 7033
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 7034

(b) In any criminal prosecution or juvenile court proceeding 7035
for a violation of division (A) or (B) of this section, of a 7036
municipal ordinance relating to operating a vehicle while under 7037
the influence of alcohol, a drug of abuse, or alcohol and a drug 7038
of abuse, or of a municipal ordinance relating to operating a 7039
vehicle with a prohibited concentration of alcohol in the blood, 7040
breath, or urine, if a law enforcement officer has administered a 7041
field sobriety test to the operator of the vehicle involved in the 7042
violation and if it is shown by clear and convincing evidence that 7043
the officer administered the test in substantial compliance with 7044
the testing standards for any reliable, credible, and generally 7045
accepted field sobriety tests that were in effect at the time the 7046
tests were administered, including, but not limited to, any 7047
testing standards then in effect that were set by the national 7048
highway traffic safety administration, all of the following apply: 7049

(i) The officer may testify concerning the results of the 7050
field sobriety test so administered. 7051

(ii) The prosecution may introduce the results of the field 7052
sobriety test so administered as evidence in any proceedings in 7053
the criminal prosecution or juvenile court proceeding. 7054

(iii) If testimony is presented or evidence is introduced 7055
under division (D)(4)(b)(i) or (ii) of this section and if the 7056

testimony or evidence is admissible under the Rules of Evidence, 7057
the court shall admit the testimony or evidence and the trier of 7058
fact shall give it whatever weight the trier of fact considers to 7059
be appropriate. 7060

(c) Division (D)(4)(b) of this section does not limit or 7061
preclude a court, in its determination of whether the arrest of a 7062
person was supported by probable cause or its determination of any 7063
other matter in a criminal prosecution or juvenile court 7064
proceeding of a type described in that division, from considering 7065
evidence or testimony that is not otherwise disallowed by division 7066
(D)(4)(b) of this section. 7067

(E)(1) Subject to division (E)(3) of this section, in any 7068
criminal prosecution or juvenile court proceeding for a violation 7069
of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or 7070
(B)(1), (2), (3), or (4) of this section or for an equivalent 7071
offense that is substantially equivalent to any of those 7072
divisions, a laboratory report from any forensic laboratory 7073
certified by the department of health that contains an analysis of 7074
the whole blood, blood serum or plasma, breath, urine, or other 7075
bodily substance tested and that contains all of the information 7076
specified in this division shall be admitted as prima-facie 7077
evidence of the information and statements that the report 7078
contains. The laboratory report shall contain all of the 7079
following: 7080

(a) The signature, under oath, of any person who performed 7081
the analysis; 7082

(b) Any findings as to the identity and quantity of alcohol, 7083
a drug of abuse, or a combination of them that was found; 7084

(c) A copy of a notarized statement by the laboratory 7085
director or a designee of the director that contains the name of 7086
each certified analyst or test performer involved with the report, 7087

the analyst's or test performer's employment relationship with the 7088
laboratory that issued the report, and a notation that performing 7089
an analysis of the type involved is part of the analyst's or test 7090
performer's regular duties; 7091

(d) An outline of the analyst's or test performer's 7092
education, training, and experience in performing the type of 7093
analysis involved and a certification that the laboratory 7094
satisfies appropriate quality control standards in general and, in 7095
this particular analysis, under rules of the department of health. 7096

(2) Notwithstanding any other provision of law regarding the 7097
admission of evidence, a report of the type described in division 7098
(E)(1) of this section is not admissible against the defendant to 7099
whom it pertains in any proceeding, other than a preliminary 7100
hearing or a grand jury proceeding, unless the prosecutor has 7101
served a copy of the report on the defendant's attorney or, if the 7102
defendant has no attorney, on the defendant. 7103

(3) A report of the type described in division (E)(1) of this 7104
section shall not be prima-facie evidence of the contents, 7105
identity, or amount of any substance if, within seven days after 7106
the defendant to whom the report pertains or the defendant's 7107
attorney receives a copy of the report, the defendant or the 7108
defendant's attorney demands the testimony of the person who 7109
signed the report. The judge in the case may extend the seven-day 7110
time limit in the interest of justice. 7111

(F) Except as otherwise provided in this division, any 7112
physician, registered nurse, or qualified technician, chemist, or 7113
phlebotomist who withdraws blood from a person pursuant to this 7114
section, and any hospital, first-aid station, or clinic at which 7115
blood is withdrawn from a person pursuant to this section, is 7116
immune from criminal liability and civil liability based upon a 7117
claim of assault and battery or any other claim that is not a 7118
claim of malpractice, for any act performed in withdrawing blood 7119

from the person. The immunity provided in this division is not 7120
available to a person who withdraws blood if the person engages in 7121
willful or wanton misconduct. 7122

(G)(1) Whoever violates any provision of divisions (A)(1) to 7123
(9) of this section is guilty of operating a vehicle under the 7124
influence of alcohol, a drug of abuse, or a combination of them. 7125
The court shall sentence the offender under Chapter 2929. of the 7126
Revised Code, except as otherwise authorized or required by 7127
divisions (G)(1)(a) to (e) of this section: 7128

(a) Except as otherwise provided in division (G)(1)(b), (c), 7129
(d), or (e) of this section, the offender is guilty of a 7130
misdemeanor of the first degree, and the court shall sentence the 7131
offender to all of the following: 7132

(i) If the sentence is being imposed for a violation of 7133
division (A)(1), (2), (3), (4), or (5) of this section, a 7134
mandatory jail term of three consecutive days. As used in this 7135
division, three consecutive days means seventy-two consecutive 7136
hours. The court may sentence an offender to both an intervention 7137
program and a jail term. The court may impose a jail term in 7138
addition to the three-day mandatory jail term or intervention 7139
program. However, in no case shall the cumulative jail term 7140
imposed for the offense exceed six months. 7141

The court may suspend the execution of the three-day jail 7142
term under this division if the court, in lieu of that suspended 7143
term, places the offender on probation and requires the offender 7144
to attend, for three consecutive days, a drivers' intervention 7145
program certified under section 3793.10 of the Revised Code. The 7146
court also may suspend the execution of any part of the three-day 7147
jail term under this division if it places the offender on 7148
probation for part of the three days, requires the offender to 7149
attend for the suspended part of the term a drivers' intervention 7150
program so certified, and sentences the offender to a jail term 7151

equal to the remainder of the three consecutive days that the 7152
offender does not spend attending the program. The court may 7153
require the offender, as a condition of probation and in addition 7154
to the required attendance at a drivers' intervention program, to 7155
attend and satisfactorily complete any treatment or education 7156
programs that comply with the minimum standards adopted pursuant 7157
to Chapter 3793. of the Revised Code by the director of alcohol 7158
and drug addiction services that the operators of the drivers' 7159
intervention program determine that the offender should attend and 7160
to report periodically to the court on the offender's progress in 7161
the programs. The court also may impose on the offender any other 7162
conditions of probation that it considers necessary. 7163

(ii) If the sentence is being imposed for a violation of 7164
division (A)(6), (7), (8), or (9) of this section, except as 7165
otherwise provided in this division, a mandatory jail term of at 7166
least three consecutive days and a requirement that the offender 7167
attend, for three consecutive days, a drivers' intervention 7168
program that is certified pursuant to section 3793.10 of the 7169
Revised Code. As used in this division, three consecutive days 7170
means seventy-two consecutive hours. If the court determines that 7171
the offender is not conducive to treatment in a drivers' 7172
intervention program, if the offender refuses to attend a drivers' 7173
intervention program, or if the jail at which the offender is to 7174
serve the jail term imposed can provide a driver's intervention 7175
program, the court shall sentence the offender to a mandatory jail 7176
term of at least six consecutive days. 7177

The court may require the offender, as a condition of 7178
probation, to attend and satisfactorily complete any treatment or 7179
education programs that comply with the minimum standards adopted 7180
pursuant to Chapter 3793. of the Revised Code by the director of 7181
alcohol and drug addiction services, in addition to the required 7182
attendance at drivers' intervention program, that the operators of 7183

the drivers' intervention program determine that the offender 7184
should attend and to report periodically to the court on the 7185
offender's progress in the programs. The court also may impose any 7186
other conditions of probation on the offender that it considers 7187
necessary. 7188

(iii) In all cases, a fine of not less than two hundred fifty 7189
and not more than one thousand dollars; 7190

(iv) In all cases, a class five license suspension of the 7191
offender's driver's or commercial driver's license or permit or 7192
nonresident operating privilege from the range specified in 7193
division (A)(5) of section 4510.02 of the Revised Code. The court 7194
may grant limited driving privileges relative to the suspension 7195
under sections 4510.021 and 4510.13 of the Revised Code. 7196

(b) Except as otherwise provided in division (G)(1)(e) of 7197
this section, an offender who, within six years of the offense, 7198
previously has been convicted of or pleaded guilty to one 7199
violation of division (A) or (B) of this section or one other 7200
equivalent offense is guilty of a misdemeanor of the first degree. 7201
The court shall sentence the offender to all of the following: 7202

(i) If the sentence is being imposed for a violation of 7203
division (A)(1), (2), (3), (4), or (5) of this section, a 7204
mandatory jail term of ten consecutive days. The court shall 7205
impose the ten-day mandatory jail term under this division unless, 7206
subject to division (G)(3) of this section, it instead imposes a 7207
sentence under that division consisting of both a jail term and a 7208
term of electronically monitored house arrest. The court may 7209
impose a jail term in addition to the ten-day mandatory jail term. 7210
The cumulative jail term imposed for the offense shall not exceed 7211
six months. 7212

In addition to the jail term or the term of electronically 7213
monitored house arrest and jail term, the court may require the 7214

offender to attend a drivers' intervention program that is 7215
certified pursuant to section 3793.10 of the Revised Code. If the 7216
operator of the program determines that the offender is alcohol 7217
dependent, the program shall notify the court, and, subject to 7218
division (I) of this section, the court shall order the offender 7219
to obtain treatment through an alcohol and drug addiction program 7220
authorized by section 3793.02 of the Revised Code. 7221

(ii) If the sentence is being imposed for a violation of 7222
division (A)(6), (7), (8), or (9) of this section, except as 7223
otherwise provided in this division, a mandatory jail term of 7224
twenty consecutive days. The court shall impose the twenty-day 7225
mandatory jail term under this division unless, subject to 7226
division (G)(3) of this section, it instead imposes a sentence 7227
under that division consisting of both a jail term and a term of 7228
electronically monitored house arrest. The court may impose a jail 7229
term in addition to the twenty-day mandatory jail term. The 7230
cumulative jail term imposed for the offense shall not exceed six 7231
months. 7232

In addition to the jail term or the term of electronically 7233
monitored house arrest and jail term, the court may require the 7234
offender to attend a driver's intervention program that is 7235
certified pursuant to section 3793.10 of the Revised Code. If the 7236
operator of the program determines that the offender is alcohol 7237
dependent, the program shall notify the court, and, subject to 7238
division (I) of this section, the court shall order the offender 7239
to obtain treatment through an alcohol and drug addiction program 7240
authorized by section 3793.02 of the Revised Code. 7241

(iii) In all cases, notwithstanding the fines set forth in 7242
Chapter 2929. of the Revised Code, a fine of not less than three 7243
hundred fifty and not more than one thousand five hundred dollars; 7244

(iv) In all cases, a class four license suspension of the 7245
offender's driver's license, commercial driver's license, 7246

temporary instruction permit, probationary license, or nonresident 7247
operating privilege from the range specified in division (A)(4) of 7248
section 4510.02 of the Revised Code. The court may grant limited 7249
driving privileges relative to the suspension under sections 7250
4510.021 and 4510.13 of the Revised Code. 7251

(v) In all cases, if the vehicle is registered in the 7252
offender's name, immobilization of the vehicle involved in the 7253
offense for ninety days in accordance with section 4503.233 of the 7254
Revised Code and impoundment of the license plates of that vehicle 7255
for ninety days. 7256

(c) Except as otherwise provided in division (G)(1)(e) of 7257
this section, an offender who, within six years of the offense, 7258
previously has been convicted of or pleaded guilty to two 7259
violations of division (A) or (B) of this section or other 7260
equivalent offenses is guilty of a misdemeanor. The court shall 7261
sentence the offender to all of the following: 7262

(i) If the sentence is being imposed for a violation of 7263
division (A)(1), (2), (3), (4), or (5) of this section, a 7264
mandatory jail term of thirty consecutive days. The court shall 7265
impose the thirty-day mandatory jail term under this division 7266
unless, subject to division (G)(3) of this section, it instead 7267
imposes a sentence under that division consisting of both a jail 7268
term and a term of electronically monitored house arrest. The 7269
court may impose a jail term in addition to the thirty-day 7270
mandatory jail term. Notwithstanding the terms of imprisonment set 7271
forth in Chapter 2929. of the Revised Code, the additional jail 7272
term shall not exceed one year, and the cumulative jail term 7273
imposed for the offense shall not exceed one year. 7274

(ii) If the sentence is being imposed for a violation of 7275
division (A)(6), (7), (8), or (9) of this section, a mandatory 7276
jail term of sixty consecutive days. The court shall impose the 7277
sixty-day mandatory jail term under this division unless, subject 7278

to division (G)(3) of this section, it instead imposes a sentence 7279
under that division consisting of both a jail term and a term of 7280
electronically monitored house arrest. The court may impose a jail 7281
term in addition to the sixty-day mandatory jail term. 7282
Notwithstanding the terms of imprisonment set forth in Chapter 7283
2929. of the Revised Code, the additional jail term shall not 7284
exceed one year, and the cumulative jail term imposed for the 7285
offense shall not exceed one year. 7286

(iii) In all cases, notwithstanding the fines set forth in 7287
Chapter 2929. of the Revised Code, a fine of not less than five 7288
hundred fifty and not more than two thousand five hundred dollars; 7289

(iv) In all cases, a class three license suspension of the 7290
offender's driver's license, commercial driver's license, 7291
temporary instruction permit, probationary license, or nonresident 7292
operating privilege from the range specified in division (A)(3) of 7293
section 4510.02 of the Revised Code. The court may grant limited 7294
driving privileges relative to the suspension under sections 7295
4510.021 and 4510.13 of the Revised Code. 7296

(v) In all cases, if the vehicle is registered in the 7297
offender's name, criminal forfeiture of the vehicle involved in 7298
the offense in accordance with section 4503.234 of the Revised 7299
Code. Division (G)(6) of this section applies regarding any 7300
vehicle that is subject to an order of criminal forfeiture under 7301
this division. 7302

(vi) In all cases, participation in an alcohol and drug 7303
addiction program authorized by section 3793.02 of the Revised 7304
Code, subject to division (I) of this section. 7305

(d) Except as otherwise provided in division (G)(1)(e) of 7306
this section, an offender who, within six years of the offense, 7307
previously has been convicted of or pleaded guilty to three or 7308
more violations of division (A) or (B) of this section or other 7309

equivalent offenses is guilty of a felony of the fourth degree. 7310

The court shall sentence the offender to all of the following: 7311

(i) If the sentence is being imposed for a violation of 7312
division (A)(1), (2), (3), (4), or (5) of this section, in the 7313
discretion of the court, either a mandatory term of local 7314
incarceration of sixty consecutive days in accordance with 7315
division (G)(1) of section 2929.13 of the Revised Code or a 7316
mandatory prison term of sixty consecutive days of imprisonment in 7317
accordance with division (G)(2) of that section. If the court 7318
imposes a mandatory term of local incarceration, it may impose a 7319
jail term in addition to the sixty-day mandatory term, the 7320
cumulative total of the mandatory term and the jail term for the 7321
offense shall not exceed one year, and no prison term is 7322
authorized for the offense. If the court imposes a mandatory 7323
prison term, notwithstanding division (A)(4) of section 2929.14 of 7324
the Revised Code, it also may sentence the offender to a definite 7325
prison term that shall be not less than six months and not more 7326
than thirty months, the prison terms shall be imposed as described 7327
in division (G)(2) of section 2929.13 of the Revised Code, and no 7328
term of local incarceration, community residential sanction, or 7329
nonresidential sanction is authorized for the offense. 7330

(ii) If the sentence is being imposed for a violation of 7331
division (A)(6), (7), (8), or (9) of this section, in the 7332
discretion of the court, either a mandatory term of local 7333
incarceration of one hundred twenty consecutive days in accordance 7334
with division (G)(1) of section 2929.13 of the Revised Code or a 7335
mandatory prison term of one hundred twenty consecutive days in 7336
accordance with division (G)(2) of that section. If the court 7337
imposes a mandatory term of local incarceration, it may impose a 7338
jail term in addition to the one hundred twenty-day mandatory 7339
term, the cumulative total of the mandatory term and the jail term 7340
for the offense shall not exceed one year, and no prison term is 7341

authorized for the offense. If the court imposes a mandatory 7342
prison term, notwithstanding division (A)(4) of section 2929.14 of 7343
the Revised Code, it also may sentence the offender to a definite 7344
prison term that shall be not less than six months and not more 7345
than thirty months, the prison terms shall be imposed as described 7346
in division (G)(2) of section 2929.13 of the Revised Code, and no 7347
term of local incarceration, community residential sanction, or 7348
nonresidential sanction is authorized for the offense. 7349

(iii) In all cases, notwithstanding section 2929.18 of the 7350
Revised Code, a fine of not less than eight hundred nor more than 7351
ten thousand dollars; 7352

(iv) In all cases, a class two license suspension of the 7353
offender's driver's license, commercial driver's license, 7354
temporary instruction permit, probationary license, or nonresident 7355
operating privilege from the range specified in division (A)(2) of 7356
section 4510.02 of the Revised Code. The court may grant limited 7357
driving privileges relative to the suspension under sections 7358
4510.021 and 4510.13 of the Revised Code. 7359

(v) In all cases, if the vehicle is registered in the 7360
offender's name, criminal forfeiture of the vehicle involved in 7361
the offense in accordance with section 4503.234 of the Revised 7362
Code. Division (G)(6) of this section applies regarding any 7363
vehicle that is subject to an order of criminal forfeiture under 7364
this division. 7365

(vi) In all cases, participation in an alcohol and drug 7366
addiction program authorized by section 3793.02 of the Revised 7367
Code, subject to division (I) of this section. 7368

(vii) In all cases, if the court sentences the offender to a 7369
mandatory term of local incarceration, in addition to the 7370
mandatory term, the court, pursuant to section 2929.17 of the 7371
Revised Code, may impose a term of electronically monitored house 7372

arrest. The term shall not commence until after the offender has 7373
served the mandatory term of local incarceration. 7374

(e) An offender who previously has been convicted of or 7375
pleaded guilty to a violation of division (A) of this section that 7376
was a felony, regardless of when the violation and the conviction 7377
or guilty plea occurred, is guilty of a felony of the third 7378
degree. The court shall sentence the offender to all of the 7379
following: 7380

(i) If the offender is being sentenced for a violation of 7381
division (A)(1), (2), (3), (4), or (5) of this section, a 7382
mandatory prison term of sixty consecutive days in accordance with 7383
division (G)(2) of section 2929.13 of the Revised Code. The court 7384
may impose a prison term in addition to the sixty-day mandatory 7385
prison term. The cumulative total of the mandatory prison term and 7386
the additional prison term for the offense shall not exceed five 7387
years. No term of local incarceration, community residential 7388
sanction, or nonresidential sanction is authorized for the 7389
offense. 7390

(ii) If the sentence is being imposed for a violation of 7391
division (A)(6), (7), (8), or (9) of this section, a mandatory 7392
prison term of one hundred twenty consecutive days in accordance 7393
with division (G)(2) of section 2929.13 of the Revised Code. The 7394
court may impose a prison term in addition to the one hundred 7395
twenty-day mandatory prison term. The cumulative total of the 7396
mandatory prison term and the additional prison term for the 7397
offense shall not exceed five years. No term of local 7398
incarceration, community residential sanction, or nonresidential 7399
sanction is authorized for the offense. 7400

(iii) In all cases, notwithstanding section 2929.18 of the 7401
Revised Code, a fine of not less than eight hundred nor more than 7402
ten thousand dollars; 7403

(iv) In all cases, a class two license suspension of the 7404
offender's driver's license, commercial driver's license, 7405
temporary instruction permit, probationary license, or nonresident 7406
operating privilege from the range specified in division (A)(2) of 7407
section 4510.02 of the Revised Code. The court may grant limited 7408
driving privileges relative to the suspension under sections 7409
4510.021 and 4510.13 of the Revised Code. 7410

(v) In all cases, if the vehicle is registered in the 7411
offender's name, criminal forfeiture of the vehicle involved in 7412
the offense in accordance with section 4503.234 of the Revised 7413
Code. Division (G)(6) of this section applies regarding any 7414
vehicle that is subject to an order of criminal forfeiture under 7415
this division. 7416

(vi) In all cases, participation in an alcohol and drug 7417
addiction program authorized by section 3793.02 of the Revised 7418
Code, subject to division (I) of this section. 7419

(2) An offender who is convicted of or pleads guilty to a 7420
violation of division (A) of this section and who subsequently 7421
seeks reinstatement of the driver's or occupational driver's 7422
license or permit or nonresident operating privilege suspended 7423
under this section as a result of the conviction or guilty plea 7424
shall pay a reinstatement fee as provided in division (F)(2) of 7425
section 4511.191 of the Revised Code. 7426

(3) If an offender is sentenced to a jail term under division 7427
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 7428
if, within sixty days of sentencing of the offender, the court 7429
issues a written finding on the record that, due to the 7430
unavailability of space at the jail where the offender is required 7431
to serve the term, the offender will not be able to begin serving 7432
that term within the sixty-day period following the date of 7433
sentencing, the court may impose an alternative sentence under 7434

this division that includes a term of electronically monitored 7435
house arrest, as defined in section 2929.23 of the Revised Code. 7436

As an alternative to a mandatory jail term of ten consecutive 7437
days required by division (G)(1)(b)(i) of this section, the court, 7438
under this division, may sentence the offender to five consecutive 7439
days in jail and not less than eighteen consecutive days of 7440
electronically monitored house arrest. The cumulative total of the 7441
five consecutive days in jail and the period of electronically 7442
monitored house arrest shall not exceed six months. The five 7443
consecutive days in jail do not have to be served prior to or 7444
consecutively to the period of house arrest. 7445

As an alternative to the mandatory jail term of twenty 7446
consecutive days required by division (G)(1)(b)(ii) of this 7447
section, the court, under this division, may sentence the offender 7448
to ten consecutive days in jail and not less than thirty-six 7449
consecutive days of electronically monitored house arrest. The 7450
cumulative total of the ten consecutive days in jail and the 7451
period of electronically monitored house arrest shall not exceed 7452
six months. The ten consecutive days in jail do not have to be 7453
served prior to or consecutively to the period of house arrest. 7454

As an alternative to a mandatory jail term of thirty 7455
consecutive days required by division (G)(1)(c)(i) of this 7456
section, the court, under this division, may sentence the offender 7457
to fifteen consecutive days in jail and not less than fifty-five 7458
consecutive days of electronically monitored house arrest. The 7459
cumulative total of the fifteen consecutive days in jail and the 7460
period of electronically monitored house arrest shall not exceed 7461
one year. The fifteen consecutive days in jail do not have to be 7462
served prior to or consecutively to the period of house arrest. 7463

As an alternative to the mandatory jail term of sixty 7464
consecutive days required by division (G)(1)(c)(ii) of this 7465
section, the court, under this division, may sentence the offender 7466

to thirty consecutive days in jail and not less than one hundred 7467
ten consecutive days of electronically monitored house arrest. The 7468
cumulative total of the thirty consecutive days in jail and the 7469
period of electronically monitored house arrest shall not exceed 7470
one year. The thirty consecutive days in jail do not have to be 7471
served prior to or consecutively to the period of house arrest. 7472

(4) If an offender's driver's or occupational driver's 7473
license or permit or nonresident operating privilege is suspended 7474
under division (G) of this section and if section 4510.13 of the 7475
Revised Code permits the court to grant limited driving 7476
privileges, the court may grant the limited driving privileges 7477
only if the court imposes as one of the conditions of the 7478
privileges that the offender must display on the vehicle that is 7479
driven subject to the privileges restricted license plates that 7480
are issued under section 4503.231 of the Revised Code, except as 7481
provided in division (B) of that section. 7482

(5) Fines imposed under this section for a violation of 7483
division (A) of this section shall be distributed as follows: 7484

(a) Twenty-five dollars of the fine imposed under division 7485
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 7486
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 7487
fine imposed under division (G)(1)(c)(iii), and two hundred ten 7488
dollars of the fine imposed under division (G)(1)(d)(iii) or 7489
(e)(iii) of this section shall be paid to an enforcement and 7490
education fund established by the legislative authority of the law 7491
enforcement agency in this state that primarily was responsible 7492
for the arrest of the offender, as determined by the court that 7493
imposes the fine. The agency shall use this share to pay only 7494
those costs it incurs in enforcing this section or a municipal OVI 7495
ordinance and in informing the public of the laws governing the 7496
operation of a vehicle while under the influence of alcohol, the 7497
dangers of the operation of a vehicle under the influence of 7498

alcohol, and other information relating to the operation of a 7499
vehicle under the influence of alcohol and the consumption of 7500
alcoholic beverages. 7501

(b) Fifty dollars of the fine imposed under division 7502
(G)(1)(a)(iii) of this section shall be paid to the political 7503
subdivision that pays the cost of housing the offender during the 7504
offender's term of incarceration. If the offender is being 7505
sentenced for a violation of division (A)(1), (2), (3), (4), or 7506
(5) of this section and was confined as a result of the offense 7507
prior to being sentenced for the offense but is not sentenced to a 7508
term of incarceration, the fifty dollars shall be paid to the 7509
political subdivision that paid the cost of housing the offender 7510
during that period of confinement. The political subdivision shall 7511
use the share under this division to pay or reimburse 7512
incarceration or treatment costs it incurs in housing or providing 7513
drug and alcohol treatment to persons who violate this section or 7514
a municipal OVI ordinance, costs of any immobilizing or disabling 7515
device used on the offender's vehicle, and costs of electronic 7516
house arrest equipment needed for persons who violate this 7517
section. 7518

(c) Twenty-five dollars of the fine imposed under division 7519
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 7520
division (G)(1)(b)(iii) of this section shall be deposited into 7521
the county or municipal indigent drivers' alcohol treatment fund 7522
under the control of that court, as created by the county or 7523
municipal corporation under division (N) of section 4511.191 of 7524
the Revised Code. 7525

(d) One hundred fifteen dollars of the fine imposed under 7526
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 7527
fine imposed under division (G)(1)(c)(iii), and four hundred forty 7528
dollars of the fine imposed under division (G)(1)(d)(iii) or 7529
(e)(iii) of this section shall be paid to the political 7530

subdivision that pays the cost of housing the offender during the 7531
offender's term of incarceration. The political subdivision shall 7532
use this share to pay or reimburse incarceration or treatment 7533
costs it incurs in housing or providing drug and alcohol treatment 7534
to persons who violate this section or a municipal OVI ordinance, 7535
costs for any immobilizing or disabling device used on the 7536
offender's vehicle, and costs of electronic house arrest equipment 7537
needed for persons who violate this section. 7538

(e) The balance of the fine imposed under division 7539
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 7540
section shall be disbursed as otherwise provided by law. 7541

(6) If title to a motor vehicle that is subject to an order 7542
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 7543
this section is assigned or transferred and division (B)(2) or (3) 7544
of section 4503.234 of the Revised Code applies, in addition to or 7545
independent of any other penalty established by law, the court may 7546
fine the offender the value of the vehicle as determined by 7547
publications of the national auto dealers association. The 7548
proceeds of any fine so imposed shall be distributed in accordance 7549
with division (C)(2) of that section. 7550

(H) Whoever violates division (B) of this section is guilty 7551
of operating a vehicle after underage alcohol consumption and 7552
shall be punished as follows: 7553

(1) Except as otherwise provided in division (H)(2) of this 7554
section, the offender is guilty of a misdemeanor of the fourth 7555
degree. In addition to any other sanction imposed for the offense, 7556
the court shall impose a class six suspension of the offender's 7557
driver's license, commercial driver's license, temporary 7558
instruction permit, probationary license, or nonresident operating 7559
privilege from the range specified in division (A)(6) of section 7560
4510.02 of the Revised Code. 7561

(2) If, within one year of the offense, the offender 7562
previously has been convicted of or pleaded guilty to one or more 7563
violations of division (A) or (B) of this section or other 7564
equivalent offense offenses, the offender is guilty of a 7565
misdemeanor of the third degree. In addition to any other sanction 7566
imposed for the offense, the court shall impose a class four 7567
suspension of the offender's driver's license, commercial driver's 7568
license, temporary instruction permit, probationary license, or 7569
nonresident operating privilege from the range specified in 7570
division (A)(4) of section 4510.02 of the Revised Code. 7571

(I)(1) No court shall sentence an offender to an alcohol 7572
treatment program under this section unless the treatment program 7573
complies with the minimum standards for alcohol treatment programs 7574
adopted under Chapter 3793. of the Revised Code by the director of 7575
alcohol and drug addiction services. 7576

(2) An offender who stays in a drivers' intervention program 7577
or in an alcohol treatment program under an order issued under 7578
this section shall pay the cost of the stay in the program. 7579
However, if the court determines that an offender who stays in an 7580
alcohol treatment program under an order issued under this section 7581
is unable to pay the cost of the stay in the program, the court 7582
may order that the cost be paid from the court's indigent drivers' 7583
alcohol treatment fund. 7584

(J) If a person whose driver's or commercial driver's license 7585
or permit or nonresident operating privilege is suspended under 7586
this section files an appeal regarding any aspect of the person's 7587
trial or sentence, the appeal itself does not stay the operation 7588
of the suspension. 7589

(K) All terms defined in sections 4510.01 of the Revised Code 7590
apply to this section. If the meaning of a term defined in section 7591
4510.01 of the Revised Code conflicts with the meaning of the same 7592

term as defined in section 4501.01 or 4511.01 of the Revised Code, 7593
the term as defined in section 4510.01 of the Revised Code applies 7594
to this section. 7595

(L)(1) The Ohio Traffic Rules in effect on January 1, 2004, 7596
as adopted by the supreme court under authority of section 2937.46 7597
of the Revised Code, do not apply to felony violations of this 7598
section. Subject to division (L)(2) of this section, the Rules of 7599
Criminal Procedure apply to felony violations of this section. 7600

(2) If, on or after January 1, 2004, the supreme court 7601
modifies the Ohio Traffic Rules to provide procedures to govern 7602
felony violations of this section, the modified rules shall apply 7603
to felony violations of this section. 7604

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 7605
whose model year was 2001 or earlier, when being operated or 7606
traveling on a street or highway at the times specified in section 7607
4513.03 of the Revised Code, at a minimum shall be equipped with 7608
and display reflectors and illuminated amber lamps so that the 7609
extreme left and right projections of the tractor are indicated by 7610
flashing lamps displaying amber light, visible to the front and 7611
the rear, by amber reflectors, all visible to the front, and by 7612
red reflectors, all visible to the rear. 7613

(2) The lamps displaying amber light need not flash 7614
simultaneously and need not flash in conjunction with any 7615
directional signals of the tractor. 7616

(3) The lamps and reflectors required by division (A)(1) of 7617
this section and their placement shall meet standards and 7618
specifications contained in rules adopted by the director of 7619
public safety in accordance with Chapter 119. of the Revised Code. 7620
The rules governing the amber lamps, amber reflectors, and red 7621
reflectors and their placement shall correlate with and, as far as 7622
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 7623

respectively of the American society of agricultural engineers 7624
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 7625
agricultural equipment on highways. 7626

(B) Every unit of farm machinery whose model year was 2002 or 7627
later, when being operated or traveling on a street or highway at 7628
the times specified in section 4513.03 of the Revised Code, shall 7629
be equipped with and display markings and illuminated lamps that 7630
meet or exceed the lighting, illumination, and marking standards 7631
and specifications that are applicable to that type of farm 7632
machinery for the unit's model year specified in the American 7633
society of agricultural engineers standard ANSI/ASAE ~~S279.10 OCT98~~ 7634
S279.11 APR01, lighting and marking of agricultural equipment on 7635
highways, or any subsequent revisions of that standard. 7636

(C) The lights and reflectors required by division (A) of 7637
this section are in addition to the slow-moving vehicle emblem and 7638
lights required or permitted by section 4513.11 or 4513.17 of the 7639
Revised Code to be displayed on farm machinery being operated or 7640
traveling on a street or highway. 7641

(D) No person shall operate any unit of farm machinery on a 7642
street or highway or cause any unit of farm machinery to travel on 7643
a street or highway in violation of division (A) or (B) of this 7644
section. 7645

(E) Whoever violates this section shall be punished as 7646
provided in section 4513.99 of the Revised Code. 7647

Section 5. That the existing versions of sections 1547.11, 7648
4503.10, 4503.11, 4503.182, 4511.19, and 4513.111 of the Revised 7649
Code that are scheduled to take effect January 1, 2004, are hereby 7650
repealed. 7651

Section 6. Sections 4 and 5 of this act take effect January 7652
1, 2004. 7653

Section 7. The amendment of section 4511.191 of the Revised Code by this act does not supersede the earlier amendment with delayed effective date of that section by Am. Sub. S.B. 123 of the 124th General Assembly.

Section 8. Upon the approval of the Legislative Service Commission, the staff of the Legislative Service Commission, beginning in January, 2006, shall conduct a study of force account limits established by this act for the Department of Transportation, counties, townships, and municipal corporations.

The study shall consider the number of force account projects completed by the Department of Transportation and the political subdivisions and shall assess the use of taxpayer funds for those projects. The study shall discuss any measurable effects on economic development that may relate to specific force account projects. The study also shall address findings of the Auditor of State under section 117.16 of the Revised Code, including whether the Department of Transportation or political subdivisions were found to have violated the force account limits and whether any political subdivisions were subject to reduced force account limits as a result of the audits.

If approved by the Commission, the staff shall submit a report on the study to the General Assembly not later than January 1, 2007.

Section 9. From July 1, 2003, through June 30, 2005, three or fewer steel coils are deemed to be a nondivisible load for purposes of special permits issued under section 4513.34 of the Revised Code, provided that the maximum overall gross vehicle weight of the vehicle and load shall not exceed ninety-two thousand pounds.

Section 10. Except as otherwise provided, all appropriation 7683
items in this act are hereby appropriated out of any moneys in the 7684
state treasury to the credit of the designated fund, which are not 7685
otherwise appropriated. For all appropriations made in this act, 7686
the amounts in the first column are for fiscal year 2004 and the 7687
amounts in the second column are for fiscal year 2005. 7688

Section 11. DOT DEPARTMENT OF TRANSPORTATION				7689
FUND	TITLE	FY 2004	FY 2005	7690
	Transportation Planning and Research			7691
	Highway Operating Fund Group			7692
002 771-411	Planning and Research	\$ 14,548,950	\$ 15,070,100	7693
	- State			
002 771-412	Planning and Research	\$ 35,193,300	\$ 35,644,900	7694
	- Federal			
	TOTAL HOF Highway Operating			7695
	Fund Group	\$ 49,742,250	\$ 50,715,000	7696
	TOTAL ALL BUDGET FUND GROUPS -			7697
	Transportation Planning			7698
	and Research	\$ 49,742,250	\$ 50,715,000	7699
	Highway Construction			7700
	Highway Operating Fund Group			7701
002 772-421	Highway Construction -	\$ 485,577,430	\$ 442,367,300	7702
	State			
002 772-422	Highway Construction -	\$ 762,964,700	\$ 766,001,700	7703
	Federal			
002 772-424	Highway Construction -	\$ 70,000,000	\$ 51,000,000	7704
	Other			
212 770-005	Infrastructure Debt	\$ 72,064,200	\$ 78,696,100	7705
	Service - Federal			
212 772-423	Infrastructure Lease	\$ 12,537,800	\$ 12,537,300	7706

		Payments - Federal				
212	772-426	Highway Infrastructure	\$	2,740,000	\$	2,620,000 7707
		Bank - Federal				
212	772-427	Highway Infrastructure	\$	11,000,000	\$	11,000,000 7708
		Bank - State				
		TOTAL HOF Highway Operating				7709
		Fund Group	\$	1,416,884,130	\$	1,364,222,400 7710
		Highway Capital Improvement Fund Group				7711
042	772-723	Highway Construction -	\$	220,000,000	\$	220,000,000 7712
		Bonds				
		TOTAL 042 Highway Capital				7713
		Improvement Fund Group	\$	220,000,000	\$	220,000,000 7714
		Infrastructure Bank Obligations				7715
		Fund Group				
045	772-428	Highway Infrastructure	\$	40,000,000	\$	40,000,000 7716
		Bank - Bonds				
		TOTAL 045 Infrastructure Bank				7717
		Obligations Fund Group	\$	40,000,000	\$	40,000,000 7718
		TOTAL ALL BUDGET FUND GROUPS -				7719
		Highway Construction	\$	1,678,384,130	\$	1,627,222,400 7720
		Highway Maintenance				7721
		Highway Operating Fund Group				7722
002	773-431	Highway Maintenance -	\$	394,605,100	\$	413,082,600 7723
		State				
		TOTAL HOF Highway Operating				7724
		Fund Group	\$	394,605,100	\$	413,082,600 7725
		TOTAL ALL BUDGET FUND GROUPS -				7726
		Highway Maintenance	\$	394,605,100	\$	413,082,600 7727
		Public Transportation				7728
		Highway Operating Fund Group				7729
002	775-452	Public Transportation	\$	27,000,000	\$	27,000,000 7730
		- Federal				

002 775-454	Public Transportation	\$	1,500,000	\$	1,500,000	7731
	- Other					
002 775-459	Elderly and Disabled	\$	4,230,000	\$	4,230,000	7732
	Special Equipment -					
	Federal					
TOTAL HOF Highway Operating						7733
Fund Group		\$	32,730,000	\$	32,730,000	7734
TOTAL ALL BUDGET FUND GROUPS -						7735
Public Transportation		\$	32,730,000	\$	32,730,000	7736
	Rail Transportation					7737
Highway Operating Fund Group						7738
002 776-462	Grade Crossings -	\$	15,000,000	\$	15,000,000	7739
	Federal					
TOTAL HOF Highway Operating						7740
Fund Group		\$	15,000,000	\$	15,000,000	7741
State Special Revenue Fund Group						7742
4A3 776-665	Railroad Crossing	\$	1,000,000	\$	0	7743
	Safety Devices					
TOTAL SSR State Special Revenue		\$	1,000,000	\$	0	7744
Fund Group						
TOTAL ALL BUDGET FUND GROUPS -						7745
Rail Transportation		\$	16,000,000	\$	15,000,000	7746
	Aviation					7747
Highway Operating Fund Group						7748
002 777-472	Airport Improvements -	\$	405,000	\$	405,000	7749
	Federal					
002 777-475	Aviation	\$	4,064,700	\$	4,139,000	7750
	Administration					
TOTAL HOF Highway Operating						7751
Fund Group		\$	4,469,700	\$	4,544,000	7752
TOTAL ALL BUDGET FUND GROUPS -						7753
Aviation		\$	4,469,700	\$	4,544,000	7754

				Administration	7755
				State Special Revenue Fund Group	7756
4T5	770-609	Administration	\$ 5,000	\$ 5,000	7757
				Memorial Fund	
		TOTAL SSR State Special Revenue			7758
		Fund Group	\$ 5,000	\$ 5,000	7759
				Highway Operating Fund Group	7760
002	779-491	Administration - State	\$ 116,449,900	\$ 121,986,500	7761
		TOTAL HOF Highway Operating			7762
		Fund Group	\$ 116,449,900	\$ 121,986,500	7763
		TOTAL ALL BUDGET FUND GROUPS -			7764
		Administration	\$ 116,454,900	\$ 121,991,500	7765
				Debt Service	7766
				Highway Operating Fund Group	7767
002	770-003	Administration - State	\$ 13,802,600	\$ 13,395,900	7768
		- Debt Service			
		TOTAL HOF Highway Operating			7769
		Fund Group	\$ 13,802,600	\$ 13,395,900	7770
		TOTAL ALL BUDGET FUND GROUPS -			7771
		Debt Service	\$ 13,802,600	\$ 13,395,900	7772
		TOTAL Department of Transportation			7773
		TOTAL HOF Highway Operating			7774
		Fund Group	\$ 2,043,683,680	\$ 2,015,676,400	7775
		TOTAL 042 Highway Capital			7776
		Improvement Fund Group	\$ 220,000,000	\$ 220,000,000	7777
		TOTAL 045 Infrastructure Bank			7778
		Obligations Fund Group	\$ 40,000,000	\$ 40,000,000	7779
		TOTAL SSR State Special Revenue			7780
		Fund Group	\$ 1,005,000	\$ 5,000	7781
		TOTAL ALL BUDGET FUND GROUPS	\$ 2,304,688,680	\$ 2,275,681,400	7782
		Section 11.01. ISSUANCE OF BONDS			7784

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, of the State of Ohio in the aggregate amount of \$420,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly.

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

Section 11.02. MAINTENANCE INTERSTATE HIGHWAYS

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

agreement, incurred by the municipal corporation in maintaining, 7816
repairing, lighting, and removing snow and ice from the interstate 7817
system. 7818

Section 11.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING 7819
AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, RAIL, 7820
AVIATION, AND ADMINISTRATION 7821

The Director of Budget and Management may approve requests 7822
from the Department of Transportation for transfer of Fund 002 7823
appropriations for highway planning and research (appropriation 7824
items 771-411 and 771-412), highway construction (appropriation 7825
items 772-421, 772-422, and 772-424), highway maintenance 7826
(appropriation item 773-431), rail grade crossings (appropriation 7827
item 776-462), aviation (appropriation item 777-475), and 7828
administration (appropriation item 779-491). Transfers of 7829
appropriations may be made upon the written request of the 7830
Director of Transportation and with the approval of the Director 7831
of Budget and Management. Such transfers shall be reported to the 7832
Controlling Board at the next regularly scheduled meeting of the 7833
board. 7834

This transfer authority is intended to provide for emergency 7835
situations and flexibility to meet unforeseen conditions that 7836
could arise during the budget period. It also is intended to allow 7837
the department to optimize the use of available resources and 7838
adjust to circumstances affecting the obligation and expenditure 7839
of federal funds. 7840

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL 7841
TRANSIT 7842

The Director of Budget and Management may approve requests 7843
from the Department of Transportation for the transfer of 7844
appropriations between appropriation items 772-422, Highway 7845

Construction - Federal, and 775-452, Public Transportation - 7846
Federal, based upon transit capital projects meeting Federal 7847
Highway Administration and Federal Transit Administration funding 7848
guidelines. Transfers between these appropriation items may be 7849
made upon the written request of the Director of Transportation 7850
and with the approval of the Director of Budget and Management. 7851
Such transfers shall be reported to the Controlling Board at its 7852
next regularly scheduled meeting. 7853

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK 7854

The Director of Budget and Management may approve requests 7855
from the Department of Transportation for transfer of 7856
appropriations and cash of the Infrastructure Bank funds created 7857
in section 5531.09 of the Revised Code, including transfers 7858
between fiscal years 2004 and 2005. Such transfers shall be 7859
reported to the Controlling Board at its next regularly scheduled 7860
meeting. However, the director may not make transfers out of debt 7861
service and lease payment appropriation items unless the director 7862
determines that the appropriated amounts exceed the actual and 7863
projected debt, rental, or lease payments. 7864

Should the appropriation and any reappropriations from prior 7865
years in appropriation item 770-005 and appropriation item 772-423 7866
exceed the actual and projected debt, rental, or lease payments 7867
for fiscal year 2004 or 2005, then prior to June 30, 2005, the 7868
balance may be transferred to appropriation item 772-422. Such 7869
transfer may be made upon the written request of the Director of 7870
Transportation and with the approval of the Director of Budget and 7871
Management. Transfers shall be reported to the Controlling Board 7872
at its next regularly scheduled meeting. 7873

The Director of Budget and Management may approve requests 7874
from the Department of Transportation for transfer of 7875
appropriations and cash from the Highway Operating Fund (Fund 002) 7876
to the Infrastructure Bank funds created in section 5531.09 of the 7877

Revised Code. The Director of Budget and Management may transfer 7878
from the Infrastructure Bank funds to the Highway Operating Fund 7879
up to the amounts originally transferred to the Infrastructure 7880
Bank funds under this section. Such transfers shall be reported to 7881
the Controlling Board at its next regularly scheduled meeting. 7882
However, the director may not make transfers between modes and 7883
transfers between different funding sources. 7884

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS 7885

In the event that receipts or unexpended balances credited to 7886
the Highway Operating Fund exceed the estimates upon which the 7887
appropriations have been made in this act, upon the request of the 7888
Director of Transportation, the Controlling Board may increase 7889
appropriation authority in the manner prescribed in section 131.35 7890
of the Revised Code. 7891

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS 7892

In the event that receipts or unexpended balances credited to 7893
the Highway Operating Fund or apportionments or allocations made 7894
available from the federal and local government exceed the 7895
estimates upon which the appropriations have been made in this 7896
act, upon the request of the Director of Transportation, the 7897
Controlling Board may increase appropriation authority in the 7898
manner prescribed in section 131.35 of the Revised Code. 7899

REAPPROPRIATIONS 7900

All appropriations of the Highway Operating Fund (Fund 002), 7901
the Highway Capital Improvement Fund (Fund 042), and the 7902
Infrastructure Bank funds created in section 5531.09 of the 7903
Revised Code remaining unencumbered on June 30, 2003, are hereby 7904
reappropriated for the same purpose in fiscal year 2004. 7905

All appropriations of the Highway Operating Fund (Fund 002) 7906
and the Highway Capital Improvement Fund (Fund 042), and the 7907
Infrastructure Bank funds created in section 5531.09 of the 7908

Revised Code remaining unencumbered on June 30, 2004, are hereby 7909
reappropriated for the same purpose in fiscal year 2005. 7910

Any balances of prior years' appropriations to the Highway 7911
Operating Fund (Fund 002), the Highway Capital Improvement Fund 7912
(Fund 042), and the Infrastructure Bank funds created in section 7913
5531.09 of the Revised Code that are unencumbered on June 30, 7914
2003, subject to the availability of revenue as determined by the 7915
Director of Transportation, are hereby reappropriated for the same 7916
purpose in fiscal year 2004 upon the request of the Director of 7917
Transportation and with the approval of the Director of Budget and 7918
Management. Such reappropriations shall be reported to the 7919
Controlling Board. 7920

Any balances of prior years' appropriations to the Highway 7921
Operating Fund (Fund 002), the Highway Capital Improvement Fund 7922
(Fund 042), and the Infrastructure Bank funds created in section 7923
5531.09 of the Revised Code that are unencumbered on June 30, 7924
2004, subject to the availability of revenue as determined by the 7925
Director of Transportation, are hereby reappropriated for the same 7926
purpose in fiscal year 2005 upon the request of the Director of 7927
Transportation and with the approval of the Director of Budget and 7928
Management. Such reappropriations shall be reported to the 7929
Controlling Board. 7930

Section 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES 7931

Of the foregoing appropriation item 772-421, Highway 7932
Construction - State, \$3,145,500 is to be used each fiscal year 7933
during the 2003-2005 biennium by the Department of Transportation 7934
for the construction, reconstruction, or maintenance of public 7935
access roads, including support features, to and within state 7936
facilities owned or operated by the Department of Natural 7937
Resources, as requested by the Director of Natural Resources. 7938

Notwithstanding section 5511.06 of the Revised Code, of the 7939

foregoing appropriation item 772-421, Highway Construction - 7940
State, \$2,228,000 in each fiscal year of the 2003-2005 biennium 7941
shall be used by the Department of Transportation for the 7942
construction, reconstruction, or maintenance of park drives or 7943
park roads within the boundaries of metropolitan parks. 7944

Included in the foregoing appropriation item 772-421, Highway 7945
Construction - State, the department may perform related road work 7946
on behalf of the Ohio Expositions Commission at the state 7947
fairgrounds, including reconstruction or maintenance of public 7948
access roads, including support features, to and within the 7949
facilities as requested by the commission and approved by the 7950
Director of Transportation. 7951

LIQUIDATION OF UNFORESEEN LIABILITIES 7952

Any appropriation made to the Department of Transportation, 7953
Highway Operating Fund, not otherwise restricted by law, is 7954
available to liquidate unforeseen liabilities arising from 7955
contractual agreements of prior years when the prior year 7956
encumbrance is insufficient. 7957

RUMBLE STRIPS AT RAILROAD CROSSINGS 7958

Of the foregoing appropriation item 776-665, Railroad 7959
Crossing Safety Devices, \$1,000,000 in fiscal year 2004 shall be 7960
used by the Department of Transportation to fund competitive 7961
grants to political subdivisions for the cost of putting rumble 7962
strips at active railroad crossings without gates or lights. The 7963
maximum amount of a competitive grant is \$50,000 for any single 7964
crossing. Each political subdivision with jurisdiction over a 7965
crossing may apply to the Department for a competitive grant for 7966
the costs of putting rumble strips at crossings. Those political 7967
subdivisions awarded grants shall install the rumble strips by 7968
December 1, 2004. Those political subdivisions awarded such grants 7969
shall not use the moneys as matching funds for any other state 7970

rail safety programs. 7971

If rumble strips are not appropriate for a crossing, the 7972
Department may allow the political subdivision which is awarded 7973
the grant to use the funding for a safety device or technology 7974
more appropriate for the crossing. 7975

The Department shall notify each political subdivision with 7976
jurisdiction over a crossing of the requirements of this section 7977
that funding is available for rumble strips at crossings and for 7978
other rail crossing safety improvements. The Department also shall 7979
notify associations representing political subdivisions of the 7980
availability of the funding. 7981

The Department shall spend no more than five per cent of the 7982
appropriation item on Department administrative expenses. 7983

The Department shall issue a report on or before June 30, 7984
2005, describing the activities carried out by the Department to 7985
comply with the provisions of this section. The report shall 7986
include the number of crossings at which rumble strip installation 7987
was completed, the cost of each installation to date, the number 7988
of active crossings without gates or lights that still do not have 7989
rumble strips, and a geographic breakdown of where the crossings 7990
are that have and have not yet received rumble strips. 7991

All appropriations in Fund 4A3, appropriation item 776-665, 7992
Railroad Crossing Safety Devices, remaining unencumbered on June 7993
30, 2004, are hereby reappropriated for the same purpose in fiscal 7994
year 2005. The Department shall report all such appropriations to 7995
the Controlling Board. 7996

Section 11.05. RENTAL PAYMENTS - OBA 7997

The foregoing appropriation item 770-003, Administration - 7998
State - Debt Service, shall be used to pay rent to the Ohio 7999
Building Authority for various capital facilities to be 8000

constructed, reconstructed, or rehabilitated for the use of the 8001
Department of Transportation, including the department's plant and 8002
facilities at its central office, field districts, and county and 8003
outpost locations. The rental payments shall be made from revenues 8004
received from the motor vehicle fuel tax. The amounts of any bonds 8005
and notes to finance such capital facilities shall be at the 8006
request of the Director of Transportation. Notwithstanding section 8007
152.24 of the Revised Code, the Ohio Building Authority may, with 8008
approval of the Office of Budget and Management, lease capital 8009
facilities to the Department of Transportation. 8010

The Director of Transportation shall hold title to any land 8011
purchased and any resulting structures that are attributable to 8012
appropriation item 770-003. Notwithstanding section 152.18 of the 8013
Revised Code, the Director of Transportation shall administer any 8014
purchase of land and any contract for construction, 8015
reconstruction, and rehabilitation of facilities as a result of 8016
this appropriation. 8017

Should the appropriation and any reappropriations from prior 8018
years in appropriation item 770-003 exceed the rental payments for 8019
fiscal year 2004 or 2005, then prior to June 30, 2005, the balance 8020
may be transferred to appropriation item 772-421, 773-431, or 8021
779-491. Such transfer may be made upon the written request of the 8022
Director of Transportation and with the approval of the Director 8023
of Budget and Management. Transfers shall be reported to the 8024
Controlling Board at its next regularly scheduled meeting. 8025

Section 11.06. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 8026

The Director of Transportation may use revenues from the 8027
state motor vehicle fuel tax to match approved federal grants 8028
awarded to the Department of Transportation, regional transit 8029
authorities, or eligible public transportation systems, for public 8030
transportation highway purposes, or to support local or state 8031

funded projects for public transportation highway purposes. Public 8032
transportation highway purposes include: the construction or 8033
repair of high-occupancy vehicle traffic lanes, the acquisition or 8034
construction of park-and-ride facilities, the acquisition or 8035
construction of public transportation vehicle loops, the 8036
construction or repair of bridges used by public transportation 8037
vehicles or that are the responsibility of a regional transit 8038
authority or other public transportation system, or other similar 8039
construction that is designated as an eligible public 8040
transportation highway purpose. Motor vehicle fuel tax revenues 8041
may not be used for operating assistance or for the purchase of 8042
vehicles, equipment, or maintenance facilities. 8043

Section 12. PAVEMENT-SELECTION PROCESS ANALYSIS 8044

The Ohio Department of Transportation shall contract with a 8045
neutral third-party entity to conduct an analysis of the 8046
Department's pavement-selection process including but not limited 8047
to life cycle cost analysis; user delay; constructability and 8048
environment factors. The Department of Transportation shall hold 8049
the contract with the neutral third party entity, and the contract 8050
shall be subject to Controlling Board approval under division 8051
(C)(8) of section 5526.01 of the Revised Code. The entity shall be 8052
an individual or an academic, research, or professional 8053
association with an expertise in pavement-selection decisions and 8054
shall not be a research center for concrete or asphalt pavement. 8055
The analysis shall compare and contrast the Department's 8056
pavement-selection process with those of other states and with 8057
model selection processes as described by the American Association 8058
of State Highway and Transportation Officials and the Federal 8059
Highway Administration. 8060

An advisory council shall be appointed to approve the scope 8061
of study and to select the neutral third-party entity. The 8062

advisory council shall consist of the following members: 8063

(1) The director of the Ohio Department of Transportation, 8064
who shall act as Chairman of the council; 8065

(2) A member of the Ohio Society of Certified Public 8066
Accountants; 8067

(3) A member of a statewide business organization 8068
representing major corporate entities from a list of three names 8069
submitted to and appointed by the Speaker of the House of 8070
Representatives; 8071

(4) A member of the Ohio Society of Professional Engineers; 8072

(5) A member of a business organization representing small or 8073
independent businesses from a list of three names submitted to and 8074
appointed by the President of the Senate; 8075

(6) A representative of the Ohio Concrete Construction 8076
Association; 8077

(7) A representative of Flexible Pavements Association of 8078
Ohio, Inc. 8079

Members of the advisory council representing the Ohio Society 8080
of Certified Public Accountants, the Ohio Society of Professional 8081
Engineers, the small or independent businesses and the major 8082
corporate entities shall have no conflict of interest with the 8083
position. For purposes of this section, "conflict of interest" 8084
means taking any action that violates any provision of Chapter 8085
102. or 2921. of the Revised Code. 8086

The advisory council shall be appointed no later than July 8087
31, 2003. The council shall select the neutral third party entity 8088
and shall determine the scope of the study not later than 8089
September 1, 2003. Once appointed, the council shall meet, at a 8090
minimum, every thirty days to direct and monitor the work of the 8091
neutral third party entity, including responding to any questions 8092

raised by the neutral third party entity. The council shall 8093
publish a schedule of meetings and provide adequate public notice 8094
of these meetings. The meetings are also subject to the applicable 8095
public meeting requirements. The council shall allow a comment 8096
period of not less than thirty days before issuing its final 8097
report. The advisory council shall allow a comment period of not 8098
less than 30 days before a final report is issued. The report 8099
shall be issued on or before December 31, 2003. Upon issuing its 8100
final report, the council shall cease to exist. 8101

The Department shall make changes to its pavement-selection 8102
process based on the recommendations included in the third-party 8103
entity's report. 8104

The Department shall make the changes to its 8105
pavement-selection process based on the recommendations included 8106
in the neutral third-party entity's report. 8107

Section 13. DHS DEPARTMENT OF PUBLIC SAFETY 8108

Highway Safety Information and Education 8109

State Highway Safety Fund Group 8110

036 761-321 Operating Expense - \$ 2,900,702 \$ 3,030,054 8111
Information and
Education

036 761-402 Traffic Safety Match \$ 277,137 \$ 277,137 8112

831 761-610 Information and \$ 468,982 \$ 468,982 8113
Education - Federal

83N 761-611 Elementary School Seat \$ 447,895 \$ 447,895 8114
Belt Program

832 761-612 Traffic Safety-Federal \$ 16,577,565 \$ 16,577,565 8115

844 761-613 Seat Belt Education \$ 463,760 \$ 482,095 8116
Program

846 761-625 Motorcycle Safety \$ 1,780,507 \$ 1,827,868 8117
Education

847	761-622	Film Production	\$	22,000	\$	22,000	8118
		Reimbursement					
		TOTAL HSF State Highway Safety					8119
		Fund Group	\$	22,938,548	\$	23,133,596	8120
		Agency Fund Group					8121
5J9	761-678	Federal Salvage/GSA	\$	100,000	\$	100,000	8122
		TOTAL AGY Agency	\$	100,000	\$	100,000	8123
		TOTAL ALL BUDGET FUND GROUPS -					8124
		Highway Safety Information					8125
		and Education	\$	23,038,548	\$	23,233,596	8126
		FEDERAL HIGHWAY SAFETY PROGRAM MATCH					8127
		The foregoing appropriation item 761-402, Traffic Safety					8128
		Match, shall be used to provide the nonfederal portion of the					8129
		federal Highway Safety Program. Upon request by the Director of					8130
		Public Safety and approval by the Director of Budget and					8131
		Management, appropriation item 761-402 shall be used to transfer					8132
		cash from the Highway Safety Fund to the Traffic Safety - Federal					8133
		Fund (Fund 832) at the beginning of each fiscal year on an					8134
		intrastate transfer voucher.					8135
		Section 13.01. BUREAU OF MOTOR VEHICLES					8136
		State Special Revenue Fund Group					8137
539	762-614	Motor Vehicle Dealers	\$	239,902	\$	239,902	8138
		Board					
		TOTAL SSR State Special Revenue					8139
		Fund Group	\$	239,902	\$	239,902	8140
		State Highway Safety Fund Group					8141
4W4	762-321	Operating Expense-BMV	\$	73,385,912	\$	70,152,893	8142
4W4	762-410	Registrations	\$	34,588,363	\$	32,480,610	8143
		Supplement					
5V1	762-682	License Plate	\$	2,388,568	\$	2,388,568	8144
		Contributions					

83R	762-639	Local Immobilization Reimbursement	\$	850,000	\$	850,000	8145
835	762-616	Financial Responsibility Compliance	\$	6,303,125	\$	6,551,535	8146
849	762-627	Automated Title Processing Board	\$	16,800,620	\$	26,076,349	8147
TOTAL HSF State Highway Safety							8148
Fund Group							\$ 134,316,588 \$ 138,499,955 8149
TOTAL ALL BUDGET FUND GROUPS -							8150
Bureau of Motor Vehicles							\$ 134,556,490 \$ 138,739,857 8151

MOTOR VEHICLE REGISTRATION 8152

The Registrar of Motor Vehicles may deposit revenues to meet 8153
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 8154
4W4) established in section 4501.25 of the Revised Code, obtained 8155
pursuant to sections 4503.02 and 4504.02 of the Revised Code, less 8156
all other available cash. Revenue deposited pursuant to this 8157
section shall support, in part, appropriations for operating 8158
expenses and defray the cost of manufacturing and distributing 8159
license plates and license plate stickers and enforcing the law 8160
relative to the operation and registration of motor vehicles. 8161
Notwithstanding section 4501.03 of the Revised Code, the revenues 8162
shall be paid into the State Bureau of Motor Vehicles Fund before 8163
any revenues obtained pursuant to sections 4503.02 and 4504.02 of 8164
the Revised Code are paid into any other fund. The deposit of 8165
revenues to meet the aforementioned cash needs shall be in 8166
approximate equal amounts on a monthly basis or as otherwise 8167
determined by the Director of Budget and Management pursuant to a 8168
plan submitted by the Registrar of Motor Vehicles. 8169

CAPITAL PROJECTS 8170

The Registrar of Motor Vehicles may transfer cash from the 8171
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 8172

Highway Safety Fund (Fund 036) to meet its obligations for capital 8173
 projects CIR-047, Department of Public Safety Office Building, 8174
 CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop. 8175

TRANSFER OF FUNDS TO FUND 5V1 8176

On July 1, 2003, or as soon thereafter as possible, the 8177
 Director of Budget and Management shall transfer the cash balances 8178
 in the Collegiate, Football Hall of Fame, Ohio Casa/GAL, Rotary 8179
 International, Pro Sports Teams, Boy Scouts, Girl Scouts, Eagle 8180
 Scouts, FOP, FOP Associates, Ducks Unlimited, FFA, and Leader in 8181
 Flight Funds to the License Plate Contribution Fund (Fund 5V1). 8182
 The spending authority to honor encumbrances established in the 8183
 prior fiscal year is hereby appropriated. 8184

Section 13.02. ENFORCEMENT 8185

State Highway Safety Fund Group				8186
036 764-033 Minor Capital Projects	\$	1,775,667	\$ 1,779,664	8187
036 764-321 Operating Expense - Highway Patrol	\$	208,447,118	\$ 217,516,933	8188
036 764-605 Motor Carrier Enforcement Expenses	\$	2,544,319	\$ 2,603,697	8189
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	8190
83F 764-657 Law Enforcement Automated Data System	\$	6,425,009	\$ 7,111,198	8191
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	8192
831 764-610 Patrol - Federal	\$	2,371,659	\$ 2,407,585	8193
831 764-659 Transportation Enforcement - Federal	\$	4,635,684	\$ 4,738,515	8194
837 764-602 Turnpike Policing	\$	9,648,265	\$ 9,653,030	8195
838 764-606 Patrol Reimbursement	\$	222,108	\$ 222,108	8196
840 764-607 State Fair Security	\$	1,462,774	\$ 1,496,283	8197
840 764-617 Security and	\$	8,653,390	\$ 8,145,192	8198

	Investigations				
840 764-626	State Fairgrounds	\$	788,375	\$	788,375
	Police Force				
841 764-603	Salvage and Exchange -	\$	1,274,101	\$	1,274,101
	Highway Patrol				
	TOTAL HSF State Highway Safety				8201
	Fund Group	\$	249,692,290	\$	259,180,502
	General Services Fund Group				8203
4S2 764-660	MARCS Maintenance	\$	232,154	\$	237,210
	TOTAL GSF General Services				8205
	Fund Group	\$	232,154	\$	237,210
	TOTAL ALL BUDGET FUND GROUPS -				8207
	Enforcement	\$	249,924,444	\$	259,417,712
	COLLECTIVE BARGAINING INCREASES				8209
	Notwithstanding division (D) of section 127.14 and division				8210
	(B) of section 131.35 of the Revised Code, except for the General				8211
	Revenue Fund, the Controlling Board may, upon the request of				8212
	either the Director of Budget and Management, or the Department of				8213
	Public Safety with the approval of the Director of Budget and				8214
	Management, increase appropriations for any fund, as necessary for				8215
	the Department of Public Safety, to assist in paying the costs of				8216
	increases in employee compensation that have occurred pursuant to				8217
	collective bargaining agreements under Chapter 4117. of the				8218
	Revised Code and, for exempt employees, under section 124.152 of				8219
	the Revised Code.				8220
	Section 13.03. EMERGENCY MEDICAL SERVICES				8221
	State Highway Safety Fund Group				8222
83M 765-624	Operating Expenses -	\$	2,519,883	\$	2,587,627
	EMS				
83P 765-637	EMS Grants	\$	5,836,744	\$	5,836,744
831 765-610	EMS/Federal	\$	582,007	\$	582,007

TOTAL HSF State Highway Safety				8226
Fund Group	\$	8,938,634	\$ 9,006,378	8227
TOTAL ALL BUDGET FUND GROUPS -				8228
Emergency Medical Services	\$	8,938,634	\$ 9,006,378	8229
Section 13.04. INVESTIGATIVE UNIT				8231
State Highway Safety Fund Group				8232
831 767-610 Liquor Enforcement -	\$	514,184	\$ 514,184	8233
Federal				
831 769-610 Food Stamp Trafficking	\$	817,177	\$ 817,177	8234
Enforcement - Federal				
TOTAL HSF State Highway Safety				8235
Fund Group	\$	1,331,361	\$ 1,331,361	8236
Liquor Control Fund Group				8237
043 767-321 Liquor Enforcement -	\$	9,644,288	\$ 9,825,597	8238
Operations				
TOTAL LCF Liquor Control Fund				8239
Group	\$	9,644,288	\$ 9,825,597	8240
State Special Revenue Fund Group				8241
622 767-615 Investigative	\$	404,111	\$ 404,111	8242
Contraband and				
Forfeiture				
850 767-628 Investigative Unit	\$	120,000	\$ 120,000	8243
Salvage				
TOTAL SSR State Special Revenue				8244
Fund Group	\$	524,111	\$ 524,111	8245
TOTAL ALL BUDGET FUND GROUPS -				8246
Special Enforcement	\$	11,499,760	\$ 11,681,069	8247
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				8248
EQUIPMENT				8249
The Director of Public Safety, using intrastate transfer				8250

vouchers, shall make cash transfers to the State Highway Safety 8251
Fund (Fund 036) from other funds to reimburse the State Highway 8252
Safety Fund for the share of lease rental payments to the Ohio 8253
Building Authority that are associated with appropriation item 8254
CAP-076, Investigative Unit MARCS Equipment. 8255

Section 13.05. EMERGENCY MANAGEMENT 8256

Federal Special Revenue Fund Group 8257

3N5 763-644 U.S. DOE Agreement \$ 266,000 \$ 275,000 8258

329 763-645 Individual/Family \$ 303,504 \$ 303,504 8259
Grant - Fed

337 763-609 Federal Disaster \$ 5,000,000 \$ 3,000,000 8260
Relief

339 763-647 Emergency Management \$ 129,622,000 \$ 129,622,000 8261
Assistance and
Training

TOTAL FED Federal Special 8262

Revenue Fund Group \$ 135,191,504 \$ 133,200,504 8263

General Services Fund Group 8264

4V3 763-662 EMA Service and \$ 696,446 \$ 696,446 8265
Reimbursement

533 763-601 State Disaster Relief \$ 7,500,000 \$ 7,500,000 8266

TOTAL GSF General Services 8267

Fund Group \$ 8,196,446 \$ 8,196,446 8268

State Special Revenue Fund Group 8269

657 763-652 Utility Radiological \$ 1,200,000 \$ 1,260,000 8270
Safety

681 763-653 SARA Title III HAZMAT \$ 264,510 \$ 271,510 8271
Planning

TOTAL SSR State Special Revenue 8272

Fund Group \$ 1,464,510 \$ 1,531,510 8273

TOTAL ALL BUDGET FUND GROUPS - 8274

Emergency Management	\$ 144,852,460	\$ 142,928,460	8275
SARA TITLE III HAZMAT PLANNING			8276
The SARA Title III HAZMAT Planning Fund (Fund 681) shall			8277
receive grant funds from the Emergency Response Commission to			8278
implement the Emergency Management Agency's responsibilities under			8279
Chapter 3750. of the Revised Code.			8280
STATE DISASTER RELIEF			8281
The foregoing appropriation item 763-601, State Disaster			8282
Relief, may accept transfers of cash and appropriations from			8283
Controlling Board appropriation items to reimburse eligible local			8284
governments and private nonprofit organizations for costs related			8285
to disasters that have been declared by local governments or the			8286
Governor. The Ohio Emergency Management Agency shall publish and			8287
make available an application packet outlining eligible items and			8288
application procedures for entities requesting state disaster			8289
relief.			8290
Individuals may be eligible for reimbursement of costs			8291
related to disasters that have been declared by the Governor and			8292
the Small Business Administration. The funding in appropriation			8293
item 763-601, State Disaster Relief, shall be used in accordance			8294
with the principles of the federal Individual and Family Grant			8295
Program, which provides grants to households that have been			8296
affected by a disaster to replace basic living items. The Ohio			8297
Emergency Management Agency shall publish and make available an			8298
application procedure for individuals requesting assistance under			8299
the state Individual Assistance Program.			8300
EMA SERVICE AND REIMBURSEMENT FUND			8301
On July 1, 2003, or as soon as possible thereafter, the			8302
Director of Budget and Management shall transfer the cash balances			8303
in the EMA Utility Payment Fund (Fund 4Y0) and the Salvage and			8304
Exchange-EMA Fund (Fund 4Y1) to the EMA Service and Reimbursement			8305

Fund (Fund 4V3), created in section 5502.39 of the Revised Code. 8306
 Upon the completion of the transfer, notwithstanding any other 8307
 provision of law to the contrary, the EMA Utility Payment Fund 8308
 (Fund 4Y0) and the Salvage and Exchange-EMA Fund (Fund 4Y1) are 8309
 abolished. The director shall cancel any existing encumbrances 8310
 against appropriation items 763-654, EMA Utility Payment, and 8311
 763-655, Salvage and Exchange-EMA, and reestablish them against 8312
 appropriation item 763-662, EMA Service and Reimbursement. The 8313
 amounts of the reestablished encumbrances are hereby appropriated. 8314

Section 13.06. ADMINISTRATION 8315

State Highway Safety Fund Group 8316

036 766-321 Operating Expense - \$ 4,346,226 \$ 4,461,836 8317

Administration

830 761-603 Salvage and Exchange - \$ 22,070 \$ 22,070 8318

Administration

TOTAL HSF State Highway Safety 8319

Fund Group \$ 4,368,296 \$ 4,483,906 8320

General Services Fund Group 8321

4S3 766-661 Hilltop Utility \$ 500,000 \$ 500,000 8322

Reimbursement

TOTAL GSF General Services 8323

Fund Group \$ 500,000 \$ 500,000 8324

TOTAL ALL BUDGET FUND GROUPS - 8325

Administration \$ 4,868,296 \$ 4,983,906 8326

Section 13.07. DEBT SERVICE 8328

State Highway Safety Fund Group 8329

036 761-401 Lease Rental Payments \$ 11,676,700 \$ 13,663,200 8330

TOTAL HSF State Highway Safety 8331

Fund Group \$ 11,676,700 \$ 13,663,200 8332

TOTAL ALL BUDGET FUND GROUPS - 8333

Debt Service	\$	11,676,700	\$	13,663,200	8334
OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS					8335
The foregoing appropriation item 761-401, Lease Rental					8336
Payments, shall be used for payments to the Ohio Building					8337
Authority for the period July 1, 2003, to June 30, 2005, pursuant					8338
to the primary leases and agreements for buildings made under					8339
Chapter 152. of the Revised Code that are pledged for bond service					8340
charges on related obligations issued pursuant to Chapter 152. of					8341
the Revised Code. Notwithstanding section 152.24 of the Revised					8342
Code, the Ohio Building Authority may, with approval of the					8343
Director of Budget and Management, lease capital facilities to the					8344
Department of Public Safety.					8345
HILLTOP TRANSFER					8346
The Director of Public Safety shall determine, per an					8347
agreement with the Director of Transportation, the share of each					8348
debt service payment made out of appropriation item 761-401, Lease					8349
Rental Payments, that relates to the Department of					8350
Transportation's portion of the Hilltop Building Project, and					8351
shall certify to the Director of Budget and Management the amounts					8352
of this share. The Director of Budget and Management shall					8353
transfer such shares from the Highway Operating Fund (Fund 002) to					8354
the Highway Safety Fund (Fund 036).					8355
Section 13.08. REVENUE DISTRIBUTION					8356
Holding Account Redistribution Fund Group					8357
R24 762-619 Unidentified Motor	\$	1,850,000	\$	1,850,000	8358
Vehicle Receipts					
R27 764-608 Patrol Fee Refunds	\$	35,000	\$	35,000	8359
R52 762-623 Security Deposits	\$	250,000	\$	250,000	8360
TOTAL 090 Holding Account					8361
Redistribution Fund Group	\$	2,135,000	\$	2,135,000	8362

TOTAL ALL BUDGET FUND GROUPS -				8363
Revenue Distribution	\$	2,135,000	\$ 2,135,000	8364
TOTAL Department of Public Safety				8365
TOTAL HSF State Highway Safety				8366
Fund Group	\$	433,262,417	\$ 449,298,898	8367
TOTAL SSR State Special Revenue				8368
Fund Group	\$	2,228,523	\$ 2,295,523	8369
TOTAL LCF Liquor Control				8370
Fund Group	\$	9,644,288	\$ 9,825,597	8371
TOTAL GSF General Services				8372
Fund Group	\$	8,928,600	\$ 8,933,656	8373
TOTAL FED Federal Revenue Special				8374
Fund Group	\$	135,191,504	\$ 133,200,504	8375
TOTAL AGY Agency Fund Group	\$	100,000	\$ 100,000	8376
TOTAL 090 Holding Account				8377
Redistribution				
Fund Group	\$	2,135,000	\$ 2,135,000	8378
TOTAL ALL BUDGET FUND GROUPS	\$	591,490,332	\$ 605,789,178	8379

Section 13.09. CASH BALANCE FUND REVIEW 8381

Not later than the first day of April in each fiscal year of 8382
the biennium, the Director of Budget and Management shall review 8383
the cash balances for each fund, except the State Highway Safety 8384
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4) 8385
in the State Highway Safety Fund Group, and shall recommend to the 8386
Controlling Board an amount to be transferred to the credit of the 8387
State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, 8388
as appropriate. 8389

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND 8390

The Director of Budget and Management, pursuant to a plan 8391
submitted by the Department of Public Safety or as otherwise 8392
determined by the Director, shall set a cash transfer schedule 8393

totaling \$140,137,500 in fiscal year 2004 and \$94,359,250 in 8394
fiscal year 2005 from the Highway Operating Fund, established in 8395
section 5735.291 of the Revised Code, to the State Highway Safety 8396
Fund, established in section 4501.06 of the Revised Code. The 8397
director shall transfer the cash at such times as is determined by 8398
the transfer schedule. 8399

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 8400

The Director of Budget and Management shall transfer cash in 8401
eleven equal increments totaling \$46,712,500 from August 15, 2003, 8402
through June 30, 2004, and \$94,359,250 in equal monthly increments 8403
in fiscal year 2005 from the Highway Operating Fund, established 8404
in section 5735.291 of the Revised Code, to the Gasoline Excise 8405
Tax Fund established in division (A) of section 5735.27 of the 8406
Revised Code. The monthly amounts transferred pursuant to this 8407
section shall be distributed as follows: forty-two and eighty-six 8408
hundredths (42.86) per cent shall be distributed among the 8409
municipal corporations within the state in accordance with 8410
division (A)(2) of section 5735.27 of the Revised Code; 8411
thirty-seven and fourteen hundredths (37.14) per cent shall be 8412
distributed among the counties within the state in accordance with 8413
division (A)(3) of section 5735.27 of the Revised Code; and twenty 8414
(20) per cent shall be distributed among the townships within the 8415
state in accordance with division (A)(5)(b) of section 5735.27 of 8416
the Revised Code. 8417

Section 14. DEV DEPARTMENT OF DEVELOPMENT 8418

State Special Revenue Fund Group 8419
4W0 195-629 Roadwork Development \$ 12,699,900 \$ 12,699,900 8420
TOTAL SSR State Special Revenue 8421
Fund Group \$ 12,699,900 \$ 12,699,900 8422
TOTAL ALL BUDGET FUND GROUPS \$ 12,699,900 \$ 12,699,900 8423

ROADWORK DEVELOPMENT FUND 8424

The Roadwork Development Fund shall be used for road 8425
improvements associated with economic development opportunities 8426
that will retain or attract businesses for Ohio. "Road 8427
improvements" are improvements to public roadway facilities 8428
located on, or serving or capable of serving, a project site. 8429

The Department of Transportation, under the direction of the 8430
Department of Development, shall provide these funds in accordance 8431
with all guidelines and requirements established for Department of 8432
Development appropriation item 195-412, Business Development, 8433
including Controlling Board review and approval as well as the 8434
requirements for usage of gas tax revenue prescribed in Section 5a 8435
of Article XII, Ohio Constitution. Should the Department of 8436
Development require the assistance of the Department of 8437
Transportation to bring a project to completion, the Department of 8438
Transportation shall use the authority under Title LV of the 8439
Revised Code to provide such assistance and enter into contracts 8440
on behalf of the Department of Development. In addition, these 8441
funds may be used in conjunction with appropriation item 195-412, 8442
Business Development, or any other state funds appropriated for 8443
infrastructure improvements. 8444

The Director of Budget and Management, pursuant to a plan 8445
submitted by the Department of Development or as otherwise 8446
determined by the Director of Budget and Management, shall set a 8447
cash transfer schedule to meet the cash needs of the Department of 8448
Development's Roadwork Development Fund (Fund 4W0), less any other 8449
available cash. The director shall transfer to the Roadwork 8450
Development Fund from the Highway Operating Fund (Fund 002), 8451
established in section 5735.291 of the Revised Code, such amounts 8452
at such times as determined by the transfer schedule. 8453

TRANSPORTATION IMPROVEMENT DISTRICTS 8454

Of the foregoing appropriation item 195-629, Roadwork 8455

Development, \$250,000 in each fiscal year of the biennium shall be 8456
paid by the Director of Development to each of the transportation 8457
improvement districts of Butler, Hamilton, Medina, and Stark 8458
counties. The transportation improvement districts may use the 8459
payments for any purpose authorized under Chapter 5540. of the 8460
Revised Code, including administrative activities and the purchase 8461
of property and rights for the construction, maintenance, or 8462
operation of a project. These payments shall not be subject to the 8463
restrictions of appropriation item 195-629, Roadwork Development. 8464

Section 15. PWC PUBLIC WORKS COMMISSION 8465

Local Transportation Improvements Fund Group 8466

052 150-402 LTIP - Operating \$ 291,946 \$ 298,441 8467

052 150-701 Local Transportation \$ 67,500,000 \$ 67,500,000 8468

Improvement Program

TOTAL 052 Local Transportation 8469

Improvements Fund Group \$ 67,791,946 \$ 67,798,441 8470

Local Infrastructure Improvements Fund Group 8471

038 150-321 SCIP - Operating \$ 884,239 \$ 906,324 8472

Expenses

TOTAL LIF Local Infrastructure 8473

Improvements Fund Group \$ 884,239 \$ 906,324 8474

TOTAL ALL BUDGET FUND GROUPS \$ 68,676,185 \$ 68,704,765 8475

DISTRICT ADMINISTRATION COSTS 8476

The Director of the Public Works Commission is authorized to 8477

create a District Administration Costs Program from interest 8478

earnings of the Capital Improvements Fund and Local Transportation 8479

Improvement Program Fund proceeds. This program shall be used to 8480

provide for administration costs of the nineteen public works 8481

districts for the direct costs of district administration. 8482

Districts choosing to participate in this program shall only 8483

expend Capital Improvements Fund moneys for Capital Improvements 8484

Fund costs and Local Transportation Improvement Program Fund 8485
moneys for Local Transportation Improvement Program Fund costs. 8486
The account shall not exceed \$760,000 per fiscal year. Each public 8487
works district may be eligible for up to \$40,000 per fiscal year 8488
from its district allocation as provided in sections 164.08 and 8489
164.14 of the Revised Code. 8490

The director, by rule, shall define allowable and 8491
nonallowable costs for the purpose of the District Administration 8492
Costs Program. Nonallowable costs include indirect costs, elected 8493
official salaries and benefits, and project-specific costs. No 8494
district public works committee may participate in the District 8495
Administration Costs Program without the approval of those costs 8496
by the district public works committee pursuant to section 164.04 8497
of the Revised Code. 8498

REAPPROPRIATIONS 8499

All capital appropriations from the Local Transportation 8500
Improvement Program Fund (Fund 052) in Sub. H.B. 73 of the 124th 8501
General Assembly remaining unencumbered as of June 30, 2003, are 8502
reappropriated for use during the period July 1, 2003, through 8503
June 30, 2004, for the same purpose. 8504

Notwithstanding division (B) of section 127.14 of the Revised 8505
Code, all capital appropriations and reappropriations from the 8506
Local Transportation Improvement Program Fund (Fund 052) in this 8507
act remaining unencumbered as of June 30, 2004, are reappropriated 8508
for use during the period July 1, 2004, through June 30, 2005, for 8509
the same purpose, subject to the availability of revenue as 8510
determined by the Director of the Public Works Commission. 8511

Section 16. (A) The Chief of the Division of Forestry may 8512
salvage and sell timber and other forest products from the state 8513
forests with the exception of the Shawnee Wilderness Area, as 8514
defined in section 1503.43 of the Revised Code, that have been 8515

felled or damaged by weather, natural forces, or other conditions 8516
with the approval of the Attorney General and the Director of 8517
Natural Resources. 8518

(B) Except as otherwise provided in this section, a sale that 8519
is authorized under division (A) of this section shall be executed 8520
in compliance with the terms and conditions set forth in section 8521
1503.05 of the Revised Code. 8522

(C) All moneys received from the salvage and sale of timber 8523
and forest products from these lands shall be paid into the state 8524
treasury. Twenty per cent of the moneys received shall be credited 8525
to the State Forest Fund for the purposes of restoring public 8526
access to and within state forests, which shall include highway 8527
and road cleaning, reconstruction, and maintenance. That portion 8528
of moneys received also may be used for forest management 8529
programs, including re-forestation, forest reclamation, and forest 8530
management practices. Ten per cent of the moneys received shall be 8531
credited to the General Revenue Fund. The remaining seventy per 8532
cent of the moneys received shall be credited to the State Forest 8533
Fund for distribution under division (D) of this section. 8534

(D) At the time of making such a payment or deposit, the 8535
Chief shall determine the amount and gross value of all such 8536
timber and forest products sold from lands in each county, each 8537
township within the county, and each school district within the 8538
county. Afterward, the Chief shall send to each county treasurer a 8539
copy of the determination and shall provide for payment to the 8540
county treasurer, for general use of the general fund of that 8541
county from the amount so received as provided in this division, 8542
an amount equal to seventy per cent of the gross value of the 8543
timber and forest products sold in that county. The county auditor 8544
shall do all of the following: 8545

(1) Retain for the use of the general fund of the county 8546
one-fourth of the amount received by the county; 8547

(2) Pay into the general fund of any township located within 8548
the county containing such lands one-fourth of the amount received 8549
by the county from timber and forest products sold from lands 8550
located in the township; 8551

(3) Request the board of education of any school district 8552
located within the county and containing such lands to identify 8553
which fund or funds of the district should receive the moneys 8554
available to the school district under this section. After 8555
receiving notice from the board, the county auditor shall pay into 8556
the fund or funds so identified one-half of the amount received by 8557
the county from timber and forest products sold from lands located 8558
in the school district, distributed proportionately as identified 8559
by the board. 8560

(E) When both damaged and undamaged timber are harvested, the 8561
Chief of the Division of Forestry shall estimate the proportion of 8562
damaged timber to total timber harvested. The Chief shall credit 8563
and allocate the portion of moneys from the sale of undamaged 8564
timber in accordance with section 1503.05 of the Revised Code. The 8565
Chief shall credit and allocate the portion of moneys from the 8566
sale of damaged timber in accordance with this section. 8567

(F) This section shall expire two years after its effective 8568
date. This section is not subject to the referendum. Therefore, 8569
under Ohio Constitution, Article II, Section 1d and section 1.471 8570
of the Revised Code, this section goes into immediate effect when 8571
this act becomes law. 8572

Section 17. That Sections 78 and 78.02 of Am. Sub. H.B. 94 of 8573
the 124th General Assembly be amended to read as follows: 8574

Sec. 78. DNR DEPARTMENT OF NATURAL RESOURCES 8575
General Revenue Fund 8576
GRF 725-401 Wildlife - GRF Central \$ 750,000 \$ 750,000 8577

		Support				
GRF	725-404	Fountain Square Rental	\$	1,092,400	\$	1,089,100 8578
		Payments - OBA				
GRF	725-407	Conservation Reserve	\$	1,920,400	\$	1,920,400 8579
		Enhancement Program				
GRF	725-412	Reclamation Commission	\$	67,123	\$	70,971 8580
GRF	725-413	OPFC Lease Rental	\$	16,211,500	\$	14,279,000 8581
		Payments				
GRF	725-423	Stream and Ground	\$	448,745	\$	478,214 8582
		Water Gauging				
GRF	725-425	Wildlife License	\$	1,000,000	\$	1,000,000 8583
		Reimbursement				
GRF	725-456	Canal Lands	\$	397,811	\$	407,756 8584
GRF	725-502	Soil and Water	\$	12,126,462	\$	12,621,123 8585
		Districts				
GRF	725-903	Natural Resources	\$	19,001,100	\$	22,101,900 8586
		General Obligation				
		Debt Service				
GRF	727-321	Division of Forestry	\$	10,209,173	\$	10,888,345 8587
GRF	728-321	Division of Geological	\$	2,269,911	\$	2,432,974 8588
		Survey				
GRF	729-321	Office of Information	\$	1,072,960	\$	1,985,667 8589
		Technology				
GRF	730-321	Division of Parks and	\$	35,651,542	\$	37,972,382 8590
		Recreation				
GRF	733-321	Division of Water	\$	4,035,213	\$	4,234,581 8591
GRF	736-321	Division of	\$	3,709,501	\$	3,918,766 8592
		Engineering				
GRF	737-321	Division of Soil and	\$	4,675,812	\$	4,879,744 8593
		Water				
GRF	738-321	Division of Real	\$	2,540,554	\$	2,669,042 8594
		Estate and Land				
		Management				

GRF 741-321	Division of Natural Areas and Preserves	\$ 3,439,427	\$ 3,616,940	8595
GRF 744-321	Division of Mineral Resources Management	\$ 3,946,725	\$ 4,162,882	8596
TOTAL GRF	General Revenue Fund	\$ 124,566,359	\$ 131,479,787	8597
	General Services Fund Group			8598
155 725-601	Departmental Projects	\$ 2,216,594	\$ 1,913,242	8599
157 725-651	Central Support Indirect	\$ 8,009,551	\$ 8,423,094	8600
158 725-604	Natural Resources Publication Center Intrastate	\$ 94,198	\$ 94,595	8601
161 725-635	Parks Facilities Maintenance	\$ 2,993,169	\$ 3,063,124	8602
162 725-625	Civilian Conservation Corps Operations	\$ 7,885,349		8603
204 725-687	Information Services	\$ 3,010,774	\$ 3,971,856	8604
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000	8605
207 725-690	Real Estate Services	\$ 50,000	\$ 54,000	8606
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000	8607
4S9 725-622	NatureWorks Personnel	\$ 759,143	\$ 832,528	8608
4X8 725-662	Water Resources Council	\$ 275,633	\$ 282,524	8609
430 725-671	Canal Lands	\$ 1,215,441	\$ 1,259,511	8610
508 725-684	Natural Resources Publication Center Interstate	\$ 239,538	\$ 245,808	8611
510 725-631	Maintenance - state-owned residences	\$ 224,926	\$ 229,710	8612
516 725-620	Water Management	\$ 2,459,256	\$ 2,522,146	8613
635 725-664	Fountain Square Facilities Management	\$ 2,755,109	\$ 2,821,999	8614
697 725-670	Submerged Lands	\$ 589,315	\$ 615,000	8615

TOTAL GSF General Services				8616
Fund Group	\$	33,302,996	\$ 34,912,852	8617
Federal Special Revenue Fund Group				8618
3B3 725-640 Federal Forest	\$	55,000	\$ 55,000	8619
Pass-Thru				
3B4 725-641 Federal Flood	\$	190,000	\$ 190,000	8620
Pass-Thru				
3B5 725-645 Federal Abandoned Mine	\$	9,908,408	\$ 10,125,056	8621
Lands				
3B6 725-653 Federal Land and Water	\$	3,559,697	\$ 3,689,697	8622
Conservation Grants				
3B7 725-654 Reclamation -	\$	1,788,579	\$ 1,799,459	8623
Regulatory				
3P0 725-630 Natural Areas and	\$	230,000	\$ 230,000	8624
Preserves - Federal				
3P1 725-632 Geological Survey -	\$	381,910	\$ 366,303	8625
Federal				
3P2 725-642 Oil and Gas-Federal	\$	189,701	\$ 190,289	8626
3P3 725-650 Real Estate and Land	\$	2,980,975	\$ 3,184,300	8627
Management - Federal				
3P4 725-660 Water - Federal	\$	180,000	\$ 180,000	8628
3R5 725-673 Acid Mine Drainage	\$	600,000	\$ 613,200	8629
Abatement/Treatment				
328 725-603 Forestry Federal	\$	1,200,000	\$ 1,200,000	8630
332 725-669 Federal Mine Safety	\$	136,423	\$ 141,880	8631
Grant				
TOTAL FED Federal Special Revenue				8632
Fund Group	\$	21,400,693	\$ 21,965,184	8633
State Special Revenue Fund Group				8634
4J2 725-628 Injection Well Review	\$	51,742	\$ 61,638	8635
4M7 725-631 Wildfire Suppression	\$	150,310	\$ 150,000	8636
4U6 725-668 Scenic Rivers	\$	500,000	\$ 510,000	8637

		Protection				
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000 8638
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000 8639
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000 8640
		Administration				
509	725-602	State Forest	\$	1,489,013	\$	1,536,595 8641
						<u>2,536,595</u>
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899 8642
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146 8643
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305 8644
518	725-643	Oil and Gas Permit	\$	1,821,252	\$	1,821,325 8645
		Fees				
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000 8646
		Plugging				
521	725-627	Off-Road Vehicle	\$	66,213	\$	68,490 8647
		Trails				
522	725-656	Natural Areas Checkoff	\$	1,508,080	\$	1,860,670 8648
		Funds				
526	725-610	Strip Mining	\$	1,480,566	\$	1,449,459 8649
		Administration Fees				
527	725-637	Surface Mining	\$	2,963,272	\$	3,093,938 8650
		Administration				
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327 8651
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087 8652
532	725-644	Litter Control and	\$	13,137,680	\$	13,311,365 8653
		Recycling				
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000 8654
615	725-661	Dam Safety	\$	244,442	\$	259,758 8655
TOTAL SSR State Special Revenue						8656
Fund Group			\$	61,594,456	\$	63,822,002 8657
						<u>64,822,002</u>
Wildlife Fund Group						8658
015	740-401	Division of Wildlife	\$	46,177,752	\$	48,713,747 8659

		Conservation					
815	725-636	Cooperative Management	\$	156,536	\$	160,449	8660
		Projects					
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885	8661
817	725-655	Wildlife Conservation	\$	1,435,567	\$	1,472,755	8662
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	964,470	\$	988,582	8663
		Research					
819	725-685	Ohio River Management	\$	125,448	\$	128,584	8664
TOTAL	WLF	Wildlife Fund Group	\$	49,803,076	\$	52,431,002	8665
		Waterways Safety Fund Group					8666
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	8667
086	725-416	Natural Areas Marine	\$	25,000	\$	0	8668
		Patrol					
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	8669
086	725-418	Buoy Placement	\$	41,153	\$	42,182	8670
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	8671
086	725-506	Watercraft Marine	\$	562,100	\$	576,153	8672
		Patrol					
086	725-513	Watercraft Educational	\$	357,700	\$	366,643	8673
		Grants					
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158	8674
TOTAL	WSF	Waterways Safety Fund					8675
Group			\$	21,026,671	\$	21,969,500	8676
		Holding Account Redistribution Fund Group					8677
R17	725-659	Performance Cash Bond	\$	251,500	\$	252,000	8678
		Refunds					
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	8679
TOTAL	090	Holding Account					8680
Redistribution		Fund Group	\$	2,001,500	\$	2,002,000	8681
		Accrued Leave Liability Fund Group					8682
4M8	725-675	FOP Contract	\$	19,609	\$	20,844	8683

TOTAL ALF Accrued Leave				8684
Liability Fund Group	\$	19,609	\$ 20,844	8685
TOTAL ALL BUDGET FUND GROUPS	\$	313,715,360	\$ 328,603,171	8686
			<u>329,603,171</u>	

The review and acceptance of amended articles of dedication 8687
under section 1517.05 of the Revised Code, as amended by ~~this act~~ 8688
Am. Sub. H.B. 94 of the 124th General Assembly, is an 8689
administrative function that is performed by the Department of 8690
Natural Resources. The amendments to that section clarify the 8691
manner in which such reviews are to be conducted. The reviews 8692
contemplated by section 1517.05 of the Revised Code, as amended by 8693
~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly, shall be 8694
funded by the general appropriation to the Department of Natural 8695
Resources under this section. 8696

Sec. 78.02. CENTRAL SUPPORT INDIRECT 8697

With the exception of the Division of Wildlife, whose 8698
indirect central support charges shall be paid out of the General 8699
Revenue Fund from the foregoing appropriation item 725-401, 8700
Wildlife - GRF Central Support, the Department of Natural 8701
Resources, with the approval of the Director of Budget and 8702
Management, shall utilize a methodology for determining each 8703
division's payments into the Central Support Indirect Fund (Fund 8704
157). The methodology used shall contain the characteristics of 8705
administrative ease and uniform application. Payments to the 8706
Central Support Indirect Fund shall be made using an intrastate 8707
transfer voucher. 8708

WILDLIFE LICENSE REIMBURSEMENT 8709

Notwithstanding the limits of the transfer from the General 8710
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 8711
of the Revised Code, up to the amount available in appropriation 8712
item 725-425, Wildlife License Reimbursement, may be transferred 8713

from the General Revenue Fund to the Wildlife Fund (Fund 015). 8714
Pursuant to the certification of the Director of Budget and 8715
Management of the amount of foregone revenue in accordance with 8716
section 1533.15 of the Revised Code, the foregoing appropriation 8717
item in the General Revenue Fund, appropriation item 725-425, 8718
Wildlife License Reimbursement, shall be used to reimburse the 8719
Wildlife Fund (Fund 015) for the cost of hunting and fishing 8720
licenses and permits issued after June 30, 1990, to individuals 8721
who are exempted under the Revised Code from license, permit, and 8722
stamp fees. 8723

SOIL AND WATER DISTRICTS 8724

In addition to state payments to soil and water conservation 8725
districts authorized by section 1515.10 of the Revised Code, the 8726
Department of Natural Resources may pay to any soil and water 8727
conservation district, from authority in appropriation item 8728
725-502, Soil and Water Districts, an annual amount not to exceed 8729
\$30,000, upon receipt of a request and justification from the 8730
district and approval by the Ohio Soil and Water Conservation 8731
Commission. The county auditor shall credit the payments to the 8732
special fund established under section 1515.10 of the Revised Code 8733
for the local soil and water conservation district. Moneys 8734
received by each district shall be expended for the purposes of 8735
the district. 8736

Of the foregoing appropriation item 725-502, Soil and Water 8737
Districts, \$150,000 in each fiscal year shall be distributed to 8738
the Muskingum Watershed Conservancy District and \$50,000 in each 8739
fiscal year shall be distributed to the Livestock Assurance 8740
Program. 8741

Of the foregoing appropriation 725-502, Soil and Water 8742
Districts, \$136,000 shall be earmarked in fiscal year 2002 for 8743
Indian Lake, \$56,000 per fiscal year for the Conservation Action 8744
Program, \$48,000 in fiscal year 2002 for Millcreek Valley 8745

Conservation District, \$40,000 per fiscal year for Wills Creek 8746
Reservoir, \$120,000 in fiscal year 2002 for the relocation of 8747
Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and 8748
Rush Creek Flood Control project, and \$100,000 per fiscal year for 8749
Rush Creek Conservancy District. Of the foregoing appropriation 8750
item 725-502, Soil and Water Districts, \$150,000 shall be 8751
earmarked in each fiscal year for the Loramie Lake Project. 8752

DIVISION OF SOIL AND WATER 8753

Of the foregoing appropriation item 737-321, Division of Soil 8754
and Water, \$220,000 in each fiscal year shall be distributed to 8755
the Water Quality Laboratory located at Heidelberg College. 8756

CANAL LANDS 8757

The foregoing appropriation item 725-456, Canal Lands, shall 8758
be used to transfer funds to the Canal Lands Fund (Fund 430) to 8759
provide operating expenses for the State Canal Lands Program. The 8760
transfer shall be made using an intrastate transfer voucher and 8761
shall be subject to the approval of the Director of Budget and 8762
Management. 8763

STATE FOREST 8764

Of the foregoing appropriation item 725-602, State Forest, 8765
\$285,000 shall be used in fiscal year 2003 for the Civilian 8766
Conservation Corps' Camp Riffe facility in southern Ohio to aid in 8767
forestry cleanup and road clearing. This shall be the final state 8768
assistance to the Civilian Conservation Corps' Camp Riffe 8769
facility. 8770

WATERCRAFT MARINE PATROL 8771

Of the foregoing appropriation item 739-401, Division of 8772
Watercraft, not more than \$200,000 in each fiscal year shall be 8773
expended for the purchase of equipment for marine patrols 8774
qualifying for funding from the Department of Natural Resources 8775

pursuant to section 1547.67 of the Revised Code. Proposals for 8776
equipment shall accompany the submission of documentation for 8777
receipt of a marine patrol subsidy pursuant to section 1547.67 of 8778
the Revised Code and shall be loaned to eligible marine patrols 8779
pursuant to a cooperative agreement between the Department of 8780
Natural Resources and the eligible marine patrol. 8781

FUND CONSOLIDATION 8782

On July 15, 2001, or as soon thereafter as possible, the 8783
Director of Budget and Management shall transfer the cash balances 8784
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 8785
any amounts that accrue to that fund after that date, to the 8786
Wildlife Education Fund (Fund 015). The Director shall cancel any 8787
remaining outstanding encumbrances against appropriation item 8788
725-612, Wildlife Education, and reestablish them against 8789
appropriation item 740-401, Division of Wildlife Conservation. The 8790
amounts of any encumbrances canceled and reestablished are 8791
appropriated. 8792

On July 15, 2001, or as soon thereafter as possible, the 8793
Director of Budget and Management shall transfer the cash balances 8794
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 8795
30, 2001, and any amounts that accrue to that fund after that 8796
date, to the Waterways Safety Fund (Fund 086). The director shall 8797
cancel any remaining outstanding encumbrances against 8798
appropriation item 725-614, Cooperative Boat Harbor Projects, and 8799
reestablish them against appropriation item 739-401, Division of 8800
Watercraft. The amounts of any encumbrances canceled and 8801
reestablished are hereby appropriated. 8802

On July 15, 2001, or as soon thereafter as possible, the 8803
Director of Budget and Management shall transfer the cash balances 8804
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 8805
and any amounts that accrue to that fund after that date, to the 8806
State Forest Fund (Fund 509). The director shall cancel any 8807

remaining outstanding encumbrances against appropriation item 8808
725-617, Forestry Development Fund, and reestablish them against 8809
appropriation item 725-602, State Forest. The amounts of any 8810
encumbrances canceled and reestablished are appropriated. No 8811
interest shall be credited to Fund 4B8 after June 30, 2001. 8812

On July 15, 2001, or as soon thereafter as possible, the 8813
Director of Budget and Management shall transfer the cash balance 8814
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 8815
the repeal of section 1507.12 of the Revised Code in this act, to 8816
the Burr Oak Regional Water District. 8817

PARKS FACILITIES MAINTENANCE 8818

Notwithstanding section 1541.221 of the Revised Code, the 8819
first \$1,100,000 that would be transferred to the Parks Facilities 8820
Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained 8821
by the State Park Fund (Fund 512). The difference between ten per 8822
cent of the receipts from revenue-producing facilities of the 8823
division of parks and recreation and \$1,100,000 shall be 8824
transferred to the Parks Facilities Maintenance Fund in fiscal 8825
year 2002. 8826

OIL AND GAS WELL PLUGGING 8827

The foregoing appropriation item 725-677, Oil and Gas Well 8828
Plugging, shall be used exclusively for the purposes of plugging 8829
wells and to properly restore the land surface of idle and orphan 8830
oil and gas wells pursuant to section 1509.071 of the Revised 8831
Code. No funds from the appropriation item shall be used for 8832
salaries, maintenance, equipment, or other administrative 8833
purposes, except for those costs directly attributed to the 8834
plugging of an idle or orphan well. Appropriation authority from 8835
this line item shall not be transferred to any other fund or line 8836
item. 8837

Section 18. That existing Sections 78 and 78.02 of Am. Sub. 8838
H.B. 94 of the 124th General Assembly are hereby repealed. 8839

Section 19. That Section 25 of Am. Sub. H.B. 524 of the 124th 8840
General Assembly be amended to read as follows: 8841

Sec. 25. All items set forth in this section are hereby 8842
appropriated out of any moneys in the state treasury to the credit 8843
of the Parks and Recreation Improvement Fund (Fund 035) and 8844
derived from the proceeds of obligations heretofore authorized to 8845
pay costs of capital facilities, as defined in section 154.01 of 8846
the Revised Code, for parks and recreation. 8847

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 8848

CAP-005	Cowan Lake State Park	\$	51,964	8849
CAP-011	Findley State Park	\$	22,856	8850
CAP-012	Land Acquisition	\$	586,825	8851
CAP-016	Hueston Woods State Park	\$	4,467	8852
CAP-017	Indian Lake State Park	\$	5,288	8853
CAP-019	Lake Hope State Park	\$	500	8854
CAP-025	Punderson State Park	\$	7,763	8855
CAP-026	Pymatuning State Park	\$	80,000	8856
CAP-051	Buck Creek State Park	\$	3,050	8857
CAP-064	Geneva State Park	\$	750	8858
CAP-069	Hocking Hills State Park	\$	400	8859
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	8860
CAP-162	Shawnee State Park	\$	750	8861
CAP-205	Deer Creek State Park	\$	18,800	8862
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	12,564,460	8863
CAP-331	Park Boating Facilities	\$	1,061,800	8864

CAP-390	State Park Maintenance Facility Development	\$	488,801	8865
CAP-701	Buckeye Lake Dam Rehabilitation	\$	1,033,254	8866
CAP-702	Upgrade Underground Storage Tanks	\$	1,933,783	8867
CAP-703	Cap Abandoned Water Wells	\$	250,000	8868
CAP-718	Grand Lake St. Mary's State Park	\$	157,532	8869
CAP-719	Indian Lake State Park	\$	11,945	8870
CAP-727	Riverfront Improvements	\$	1,000,000	8871
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	8872
CAP-748	Local Parks Projects	\$	1,572,000	8873
CAP-787	Scioto Riverfront Improvements	\$	7,750,000	8874
CAP-789	Great Miami Riverfront Improvements	\$	2,000,000	8875
CAP-821	State Park Dredging and Shoreline Protection	\$	300,000	8876
CAP-827	Cuyahoga Valley Scenic Railroad	\$	3,716,666	8877
CAP-836	State Parks Renovation/Upgrading	\$	350	8878
CAP-876	Statewide Trails Program	\$	1,272,680	8879
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000	8880
CAP-927	Mohican State Park	\$	50,571	8881
CAP-928	Handicapped Accessibility	\$	498,089	8882
CAP-929	Hazardous Waste/Asbestos Abatement	\$	785,978	8883
CAP-931	Wastewater/Water Systems Upgrade	\$	3,507,391	8884
	Total Department of Natural Resources	\$	46,703,443	8885
	Total Parks and Recreation Improvement Fund	\$	46,703,443	8886

LOCAL PARKS PROJECTS 8887

The following projects shall be funded from the foregoing 8888
reappropriation item CAP-748, Local Parks Projects: \$500,000 for 8889
Erie Metro Parks Land Acquisition; \$40,000 for Grove City Fryer 8890
Park Improvements; \$12,500 for ~~Big Prairie/Lakeville~~ Berlin 8891
Township Park Improvements; \$25,000 for Holmes County Park 8892
Improvements; \$25,000 for Stockport Village Park Improvements; 8893

\$50,000 for Silver Park Improvements, \$6,500 for Crossroads Park 8894
Improvements; \$38,000 for Wauseon Park Land Acquisition; \$150,000 8895
for Black Swamp Land Acquisition; \$75,000 for the Walbridge Parks 8896
Improvements; and \$100,000 by the West Creek Preservation 8897
Committee for a West Creek Watershed Project. 8898

SCIOTO RIVERFRONT IMPROVEMENTS 8899

Of the foregoing reappropriation item CAP-787, Scioto 8900
Riverfront Improvements, \$7,750,000 shall be used for Spring and 8901
Long Park. 8902

STATEWIDE TRAILS PROGRAM 8903

Of the foregoing reappropriation item CAP-876, Statewide 8904
Trails Program, \$50,000 shall be used for the Lake to River 8905
Greenway Bike Path in Trumbull County. 8906

FEDERAL REIMBURSEMENT 8907

All reimbursements received from the federal government for 8908
any expenditures made pursuant to this section shall be deposited 8909
in the state treasury to the credit of the Parks and Recreation 8910
Improvement Fund. 8911

Section 20. That existing Section 25 of Am. Sub. H.B. 524 of 8912
the 124th General Assembly is hereby repealed. 8913

Section 21. PROVISIONS OF LAW GENERALLY APPLICABLE TO 8914
APPROPRIATIONS 8915

Law contained in the main operating appropriations act of the 8916
125th General Assembly that is generally applicable to the 8917
appropriations made in the main operating appropriations act also 8918
is generally applicable to the appropriations made in this act. 8919

Section 22. LEASE PAYMENTS TO OBA AND TREASURER 8920

Certain appropriations are in this act for the purpose of 8921

lease payments to the Ohio Building Authority or to the Treasurer 8922
of State pursuant to leases and agreements relating to bonds or 8923
notes issued by the Ohio Building Authority or the Treasurer of 8924
State pursuant to the Ohio Constitution and acts of the General 8925
Assembly. If it is determined that additional appropriations are 8926
necessary for this purpose, such amounts are hereby appropriated. 8927

Section 23. In accordance with the Department of 8928
Transportation's existing schedule for reconstruction of 8929
Interstate Route 71, the Department shall open and mark the third 8930
lane of travel in both the northbound and southbound lanes of 8931
Interstate Route 71, from one mile south of State Route 18 to the 8932
interchange with State Route 303. 8933

Section 24. Sections 1 to 9 of Am.Sub. H.B. 512 of the 124th 8934
General Assembly take effect July 1, 2003. 8935

This section is not subject to the referendum. Therefore, 8936
under Ohio Constitution, Article II, Section 1d and section 1.471 8937
of the Revised Code, this section goes into immediate effect when 8938
this act becomes law. 8939

Section 25. (A) There is hereby created the Biofuel and 8940
Renewable Energy Task Force, which shall consist of eight members 8941
as follows: 8942

(1) Two members of the Senate appointed by the President of 8943
the Senate, one of whom shall be a member of the majority party 8944
and one of whom shall be a member of the minority party; 8945

(2) Two members of the House of Representatives appointed by 8946
the Speaker of the House of Representatives, one of whom shall be 8947
a member of the majority party and one of whom shall be a member 8948
of the minority party; 8949

(3) One member appointed by the Governor; 8950

(4) One member appointed by the Director of Agriculture;	8951
(5) One member appointed by the Director of Development;	8952
(6) One member appointed by the Chairperson of the Ohio Air Quality Development Authority.	8953 8954
Appointments shall be made and the Task Force shall hold its first meeting not later than September 1, 2003. The member appointed by the Director of Agriculture shall serve as the chairperson and the Task Force shall elect from its members a vice-chairperson.	8955 8956 8957 8958 8959
(B) Not later than March 1, 2004, the Biofuel and Renewable Energy Task Force shall submit a report to the General Assembly and the Governor. The report shall do all of the following:	8960 8961 8962
(1) Provide an overview of the industries of biofuel and other renewable energy sources in this state;	8963 8964
(2) Describe the condition of those industries in this state and describe state programs that are providing aid or financial assistance to those industries;	8965 8966 8967
(3) Provide a comparison of the status of the industries of biofuel and other renewable energy sources in this state and of those of the surrounding states;	8968 8969 8970
(4) Include recommendations to the General Assembly for expanding the industries of biofuel and other renewable energy sources in this state and for providing methods to fund biofuel and renewable energy projects or studies.	8971 8972 8973 8974
Following submission of the report, the Task Force shall cease to exist.	8975 8976
Section 26. Except as otherwise specifically provided in this act, the codified sections of law amended or enacted in this act, and the items of law of which the codified sections of law amended	8977 8978 8979

or enacted in this act are composed, are subject to the 8980
referendum. Therefore, under Ohio Constitution, Article II, 8981
Section 1c and section 1.471 of the Revised Code, the codified 8982
sections of law amended or enacted by this act, and the items of 8983
law of which the codified sections of law as amended or enacted by 8984
this act are composed, take effect on the ninety-first day after 8985
this act is filed with the Secretary of State. If, however, a 8986
referendum petition is filed against any such codified section of 8987
law as amended or enacted by this act, or against any item of law 8988
of which any such codified section of law as amended or enacted by 8989
this act is composed, the codified section of law as amended or 8990
enacted, or item of law, unless rejected at the referendum, takes 8991
effect at the earliest time permitted by law. 8992

Section 27. Sections 4501.21, 4503.50, 4503.51, 4503.55, 8993
4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 8994
4503.72, 4503.73, 4503.75, 5502.39, 5531.10, 5728.06, 5735.23, 8995
5735.27, 5735.29, 5735.291, and 5735.292 of the Revised Code, as 8996
amended or enacted by this act, and the items of law of which such 8997
sections as amended or enacted by this act are composed, are not 8998
subject to the referendum. Therefore, under Ohio Constitution, 8999
Article II, Section 1d and section 1.471 of the Revised Code, such 9000
sections as amended or enacted by this act, and the items of law 9001
of which such sections as amended or enacted by this act are 9002
composed, go into immediate effect when this act becomes law. 9003

This section is not subject to the referendum. Therefore, 9004
under Ohio Constitution, Article II, Section 1d and section 1.471 9005
of the Revised Code, this section goes into immediate effect when 9006
this act becomes law. 9007

Section 28. The repeal by this act of sections 4501.20, 9008
4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 9009
4501.40, 4501.41, 4501.61, 4501.71, and 4503.251 of the Revised 9010

Code is not subject to the referendum. Therefore, under Ohio 9011
Constitution, Article II, Section 1d and section 1.471 of the 9012
Revised Code, such repeals go into immediate effect when this act 9013
becomes law. 9014

This section is not subject to the referendum. Therefore, 9015
under Ohio Constitution, Article II, Section 1d and section 1.471 9016
of the Revised Code, this section goes into immediate effect when 9017
this act becomes law. 9018

Section 29. Notwithstanding the effective date of the 9019
amendments to sections 3704.14, 4503.103, and 4503.11 of the 9020
Revised Code relating to a program of biennial motor vehicle 9021
registration, the Bureau of Motor Vehicles is not required to have 9022
such a program in operation until January 1, 2004. 9023

Section 30. If the amendment or enactment in this act of a 9024
codified section of law is subject to the referendum, the 9025
corresponding indications in the amending, enacting, or existing 9026
repeal clauses commanding the amendment or enactment also are 9027
subject to the referendum, along with the amendment or enactment. 9028
If the amendment, enactment, or repeal by this act of a codified 9029
or uncodified section of law is not subject to the referendum, the 9030
corresponding indications in the amending, enacting, or repeal 9031
clauses commanding the amendment, enactment, or repeal also are 9032
not subject to the referendum, the same as the amendment, 9033
enactment, or repeal. 9034

This section is not subject to the referendum. Therefore, 9035
under Ohio Constitution, Article II, Section 1d and section 1.471 9036
of the Revised Code, this section goes into immediate effect when 9037
this act becomes law. 9038

Section 31. The items in the uncodified sections of law 9039
contained in this act that appropriate money for the current 9040

expenses of state government, earmark this class of 9041
appropriations, or depend for their implementation upon an 9042
appropriation for the current expenses of state government are not 9043
subject to the referendum. Therefore, under Ohio Constitution, 9044
Article II, Section 1d and section 1.471 of the Revised Code, 9045
these items go into immediate effect when this act becomes law. 9046

The items in the uncodified sections of law contained in this 9047
act that appropriate money other than for the current expenses of 9048
state government, earmark this class of appropriations, or do not 9049
depend for their implementation upon an appropriation for the 9050
current expenses of state government are subject to the 9051
referendum. Therefore, under Ohio Constitution, Article II, 9052
Section 1c and section 1.471 of the Revised Code, these items take 9053
effect on the ninety-first day after this act is filed with the 9054
Secretary of State. If, however, a referendum petition is filed 9055
against such an item, the item, unless rejected at the referendum, 9056
takes effect at the earliest time permitted by law. 9057

This section is not subject to the referendum. Therefore, 9058
under Ohio Constitution, Article II, Section 1d and section 1.471 9059
of the Revised Code, this section goes into immediate effect when 9060
this act becomes law. 9061

Section 32. Section 4503.10 of the Revised Code is presented 9062
in Section 1 of this act as a composite of the section as amended 9063
by Am. Sub. H.B. 94, S.B. 31, and Sub. S.B. 59, all of the 124th 9064
General Assembly. The General Assembly, applying the principle 9065
stated in division (B) of section 1.52 of the Revised Code that 9066
amendments are to be harmonized if reasonably capable of 9067
simultaneous operation, finds that the composite is the resulting 9068
version of the section in effect prior to the effective date of 9069
the section as presented in Section 1 of this act. 9070

Section 33. The version of section 4503.10 of the Revised Code that is scheduled to take effect January 1, 2004, is presented in this act as a composite of the section as amended by both Sub. S.B. 59 and Am. Sub. S.B. 123 of the 124th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 34. Section 4503.51 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 210 and Am. Sub. H.B. 224 of the 122nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

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

Section 35. (A) Section 4503.55 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 210 and Am. Sub. H.B. 224 of the 122nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of

the section in effect prior to the effective date of the section 9101
as presented in this act. 9102

(B) Section 5735.23 of the Revised Code is presented in this 9103
act as a composite of the section as amended by both H.B. 612 and 9104
Am. Sub. H.B. 640 of the 123rd General Assembly. The General 9105
Assembly, applying the principle stated in division (B) of section 9106
1.52 of the Revised Code that amendments are to be harmonized if 9107
reasonably capable of simultaneous operation, finds that the 9108
composite is the resulting version of the section in effect prior 9109
to the effective date of the section as presented in this act. 9110

(C) This section is not subject to the referendum. Therefore, 9111
under Ohio Constitution, Article II, Section 1d and section 1.471 9112
of the Revised Code, this section goes into immediate effect when 9113
this act becomes law. 9114

Section 36. If any item of law that constitutes the whole or 9115
part of a codified or uncodified section of law contained in this 9116
act, or if any application of any item of law that constitutes the 9117
whole or part of a codified or uncodified section of law contained 9118
in this act, is held invalid, the invalidity does not affect other 9119
items of law or applications of items of law that can be given 9120
effect without the invalid item of law or application. To this 9121
end, the items of law of which the codified and uncodified 9122
sections contained in this act are composed, and their 9123
applications, are independent and severable. 9124

This section is not subject to the referendum. Therefore, 9125
under Ohio Constitution, Article II, Section 1d and section 1.471 9126
of the Revised Code, this section goes into immediate effect when 9127
this act becomes law. 9128