

AN ACT

To amend sections 723.52, 723.53, 1547.11, 3704.14, 3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 4503.173, 4503.182, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 4503.75, 4506.08, 4507.23, 4511.04, 4511.19, 4511.191, 4511.197, 4513.111, 4513.52, 4513.53, 4921.02, 5501.20, 5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 5525.20, 5531.10, 5543.19, 5575.01, 5577.042, 5728.06, 5735.142, 5735.23, 5735.27, 5735.29, and 5735.291, to enact sections 117.16, 117.161, 4501.21, 4921.30, 5501.53, 5502.39, 5535.16, 5543.22, and 5735.292, and to repeal sections 4501.20, 4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 4501.61, 4501.71, and 4503.251 of the Revised Code, to amend Sections 78 and 78.02 of Am. Sub. H.B. 94 of the 124th General Assembly, and to amend Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2003, and ending June 30, 2005, to provide authorization and conditions for the operation of those programs, and to amend the versions of sections 1547.11, 4503.10, 4503.11, 4503.182, 4511.19, and 4513.111 of the Revised Code that are scheduled to take effect January 1, 2004.

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

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

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

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

(2) Make the form available to public offices by any cost-effective, convenient method accessible to the auditor of state and the public offices;

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

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

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

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

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

(c) For a municipal corporation, the limit shall be ten thousand dollars for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way.

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

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

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

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

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

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

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

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

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

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

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

Sec. 723.52. Before letting or making any contract for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way, the director of public service in a city, or the legislative authority in a village, shall make an estimate of the cost of such work, ~~which estimate shall include labor, materials, freight, fuel, hauling, overhead expense, workers' compensation premiums, use of machinery and equipment, and all other items of cost and expense~~ using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. In municipal corporations having an engineer, or an officer having a different title but the duties and functions of an engineer, the estimate shall be made by the engineer or other officer. Where the total estimated cost of any such work is thirty thousand dollars or less, the proper officers may proceed by force account.

Where the total estimated cost of any such work exceeds ~~ten~~ thirty thousand dollars, the proper officers of the municipal corporation shall be required to invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, after newspaper advertisement as provided by law, ~~and to~~. The officers shall consider and may reject such bids before ordering. If the bids are rejected, the officers may order the work done by force account or direct labor. When such bids are received, considered, and rejected, and the work done by force account or direct labor, such work shall be performed in compliance with the plans and specifications upon which the bids were based. It shall be unlawful to

divide a street or connecting streets into separate sections for the purpose of defeating this section and section 723.53 of the Revised Code.

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

Sec. 723.53. Where the proper officers of any municipal corporation construct, reconstruct, widen, resurface, or repair a street or other public way by force account or direct labor, and the estimated cost of the work as defined in section 723.52 of the Revised Code exceeds ~~ten~~ thirty thousand dollars, such municipal authorities shall cause to be kept by the engineer of the municipal corporation, or other officer or employee of the municipal corporation in charge of such work, a complete and accurate account, in detail, of the cost of doing the work. The account shall include labor, materials, freight, fuel, hauling, overhead expense, workers' compensation premiums, and all other items of cost and expense, including a reasonable allowance for the use of all tools and equipment used on or in connection with such work and for the depreciation on the tools and equipment. The engineer or other officer or employee shall keep such account, and within ninety days after the completion of any such work ~~he~~ shall prepare a detailed and itemized statement of such cost and file the statement with the officer or board vested with authority to direct the doing of the work in question. Such officer or board shall thereupon examine the statement, correct it if necessary, and file it in ~~his or its~~ the office of the officer or board. Such statement shall be kept on file for not less than two years and shall be open to public inspection.

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

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

(1) The person is under the influence of alcohol or a drug of abuse, or the combined influence of alcohol and a drug of abuse;₂

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

(3) The person has a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine;₂

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

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

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

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

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

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

(D)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the blood, breath, or urine, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, urine, or breath at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, or breath taken within two hours of the time of the alleged violation.

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

The blood, urine, or breath shall be analyzed in accordance with

methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to section 3701.143 of the Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, of a municipal ordinance relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance substantially equivalent to division (A) of this section relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the blood, breath, or urine, if there was at the time the bodily substance was taken a concentration of less than ~~ten-hundredths~~ eight-hundredths of one per cent by weight of alcohol in the defendant's blood, less than ~~fourteen-hundredths~~ eleven-hundredths of one gram by weight of alcohol per one hundred ~~milliliters~~ milliliters of the defendant's urine, or less than ~~ten-hundredths~~ eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the defendant's breath, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or of a municipal ordinance substantially equivalent to division (B) of this section relating to operating or being in physical control of a vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the blood, breath, or urine.

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

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

A physician, registered nurse, or qualified technician or chemist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person

pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person.

(E)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or the combined influence of alcohol and a drug of abuse, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the national highway traffic safety administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

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

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

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

(2) Division (E)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division,

from considering evidence or testimony that is not otherwise disallowed by division (E)(1) of this section.

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

(2) For the purposes of this section, "operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.

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

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

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

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

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

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

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

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

(8) "Motor vehicle" and "vehicle" have the same meanings as in section 4501.01 of the Revised Code.

(9) "Waiver limit" means the cost of repairs needed for a motor vehicle to pass a motor vehicle emissions inspection under this section above which the owner of the motor vehicle need not have the repairs performed on the

vehicle and may receive a waiver under division (F) of this section. For a motor vehicle the district of registration of which is in a county classified as moderate nonattainment that is subject to a basic or an enhanced motor vehicle inspection and maintenance program, "waiver limit" means more than one hundred dollars for a vehicle of a 1980 or earlier model year and more than two hundred dollars for a vehicle of a 1981 or later model year. For a motor vehicle the district of registration of which is in a county classified as serious, severe, or extreme nonattainment and that is subject to an enhanced motor vehicle inspection and maintenance program, "waiver limit" means more than four hundred fifty dollars. "Waiver limit" also includes the cumulative amount of the annual adjustments to each of the amounts specified in this division made by the director pursuant to regulations adopted under section 502(b)(3)(B)(v) of the "Clean Air Act Amendments." "Waiver limit" does not include the cost of any repairs performed on a vehicle for the purpose of restoring the vehicle in accordance with the findings of the visual anti-tampering portion of a motor vehicle emissions inspection conducted under this section.

(B) The director of environmental protection shall implement and supervise a motor vehicle inspection and maintenance program in any county classified as moderate, serious, severe, or extreme nonattainment for carbon monoxide or ozone in accordance with the "Clean Air Act Amendments." The director shall implement and supervise a basic or an enhanced motor vehicle inspection and maintenance program in a county that is within an area classified as nonattainment for carbon monoxide or ozone when such a program is included in the air quality maintenance plan or contingency plan for the nonattainment area that includes the county and that is submitted to the United States environmental protection agency by the director as required under section 175A of the "Clean Air Act Amendments" as part of a request for redesignation of the nonattainment area as attainment for carbon monoxide or ozone under section 107(d) of that act, and the director determines that the conditions requiring implementation of such a program and set forth in either such plan have been met. The director shall implement and supervise the enhanced program in any county as required under section 3704.142 of the Revised Code. The director may terminate the program in any county that is subject to this section in accordance with division (K)(2) of this section. The director shall adopt, and may amend or rescind, rules to facilitate the implementation, supervision, administration, operation, and enforcement of the program, including, without limitation, rules providing for all of the following:

- (1) The form of all inspection certificates, distribution of inspection

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

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

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

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

(5) The manner of identifying exempt vehicles;

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

(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 census in the United States department of commerce, eighty per cent of the population that is subject to this section be no more than five miles from an inspection station and one hundred per cent of that population be no more than ten miles from an inspection station;

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

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

(14) A requirement that any contractor hired to conduct inspections

under this section not allow vehicle waiting time to exceed an average of fifteen minutes and the establishment of minimum performance penalties for failure to comply with that requirement;

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

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

(17) The commencement date of the basic motor vehicle inspection and maintenance program established under this section shall be July 1, 1994, in all affected counties classified as moderate nonattainment for carbon monoxide or ozone under the "Clean Air Act Amendments" on ~~the effective date of this amendment~~ September 27, 1993, other than Cuyahoga county. The commencement date of the enhanced program in a county so classified as moderate nonattainment for carbon monoxide or ozone on ~~the effective date of this amendment~~ September 27, 1993, for which the implementation and supervision of the enhanced program was requested under section 3704.142 of the Revised Code shall be January 1, 1995. The commencement date of the program in any other affected counties, other than Cuyahoga county, shall be the date established by the director.

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

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

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

(C)(1) The director of environmental protection shall issue licenses for reinspection stations for the purposes of the basic motor vehicle inspection and maintenance program established under this section for two-year periods, except that for the initial license period for any station, the director may issue the license for a period not to exceed five years. The director may

include terms and conditions as part of any license issued to ensure compliance with this section and rules adopted under it.

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

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

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

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

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

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

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

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

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

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

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

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

A contractor shall be paid from moneys generated by the applicable inspection fee established by the director of environmental protection under division (D)(7) of this section. No general revenue funds shall be used to pay any contractor. A contractor shall assume, or in accordance with a lease required under division (E) of this section shall provide for the assumption of, all initial capital investment costs of the motor vehicle inspection and maintenance program established under this section with regard to the initial inspections and reinspections required to be conducted by a contractor under this section and shall amortize, or in accordance with such a lease shall provide for the amortization of, those costs over the period of the initial contract.

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

(a) The financial condition of the potential contractor;

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

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

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

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

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

(i) Any specialized experience and technical competence of the person;

(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;

(iii) Names of individuals who will serve as references concerning the quality of the person's work;

(iv) The capacity of the person to perform the work within the specified time limitations.

(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.

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.

(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.

(4)(a) The director of administrative services shall review all information submitted with proposals under division (D)(2) of this section for compliance with proposal specifications. The director may require any potential contractor to supplement the potential contractor's proposal with oral commentary for clarification of the proposal document and to determine the qualifications of the potential contractor. Any clarification of information included in the proposal also shall be in writing. The director shall reject the proposal of any potential contractor whom the director determines to be unqualified.

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

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

~~(b) If the implementation and supervision of the enhanced motor vehicle inspection and maintenance program in Cuyahoga county is requested under~~

~~section 3704.142 of the Revised Code and the initial contract for the operation of the motor vehicle inspection and maintenance program in that county is modified to provide for the operation of the enhanced program in that county, the initial contract for the operation of the motor vehicle inspection and maintenance program in that county that is in effect on the effective date of this amendment, as so modified, may be renewed for a period of not more than ten years so that the first renewal of that contract will expire on the same date as the initial contract for the operation of the enhanced program in the other counties in the same nonattainment area as Cuyahoga county. That first renewal shall be made by mutual agreement of the director and the contractor and is subject to the approval of the controlling board. Any subsequent renewals of the contract for the operation of the program in Cuyahoga county are subject to division (D)(5)(a) of this section.~~

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

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

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

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

entered into a lease in accordance with division (E) of this section.

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

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

(7) The director of environmental protection shall establish inspection and reinspection fees to be paid by owners of motor vehicles inspected under this section, provided that an owner shall pay the inspection fee for the initial, annual, or biennial inspection, as appropriate, only if the owner's vehicle passes that inspection. The fees shall be sufficient to provide the contractor's compensation identified in any contract entered into under division (D) of this section plus the costs of the environmental protection agency in implementing and administering the motor vehicle inspection and maintenance program established in this section. The inspection and reinspection fees shall not differ in amount and shall not exceed ten dollars and fifty cents under the basic motor vehicle inspection and maintenance program or twenty-five dollars under the enhanced program. The director, during the term of a contract or renewal, may increase the inspection and reinspection fees if the director determines that it is necessary to cover costs of the program, including increased costs resulting from any upgrading of testing equipment pursuant to division (D)(6)(e) of this section, or to prevent a possible breach of contract, but shall not increase the fees above ten dollars and fifty cents under the basic program or twenty-five dollars under the enhanced program.

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

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

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

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

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

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

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

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

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

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

(E)(1) Notwithstanding section 3704.01 of the Revised Code, as used in division (E) of this section, "person" has the same meaning as in section 1.59 of the Revised Code.

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

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

(F)(1)(a) Except as otherwise provided in this section and rules adopted under it, the owner of any self-propelled motor vehicle the district of registration of which is or is located in a county that is subject to this section shall have the vehicle inspected annually, within three hundred sixty-five days prior to the registration deadline established pursuant to rules adopted under section 4503.101 of the Revised Code, by a contractor in accordance with rules adopted under division (B)(3) of this section if that county is subject to the basic motor vehicle inspection and maintenance program pursuant to rules adopted under that division or shall have the vehicle so inspected biennially within three hundred sixty-five days prior to the registration deadline so established if that county is subject to the enhanced program pursuant to those rules. If the district of registration of the motor vehicle is or is located in a county that is subject to the enhanced program pursuant to rules adopted under division (B)(3) of this section, the owner of the motor vehicle shall have it inspected and, if necessary, reinspected only in a county that is subject to the enhanced program under those rules. Any motor vehicle that fails the inspection shall be reinspected in accordance with rules adopted under that division. If the owner's vehicle passes the inspection or any reinspection, the owner, at the time of the inspection or reinspection, shall pay the applicable fee established under division (D)(7) of this section. ~~An~~

An owner of a motor vehicle the district of registration of which is or is located in a county that is subject to the basic program under this section

and for which a multi-year registration is in effect under division (A)(1)(a) of section 4503.103 of the Revised Code or rules adopted under it, in each of the years intervening between the year of the issuance of that registration and its expiration, shall have the vehicle inspected annually within the three hundred sixty-five days prior to the anniversary of the registration deadline applicable in the year in which the multi-year registration was issued. An owner of a motor vehicle the district of registration of which is or is located in a county that is subject to the enhanced program under this section for which a multi-year registration is in effect under division (A)(1)(a) of section 4503.103 of the Revised Code or rules adopted under it, biennially during the years intervening between the year of issuance of that registration and its expiration, shall have the vehicle inspected within three hundred sixty-five days prior to each of the biennial anniversaries of the registration deadline applicable in the year in which the multi-year registration was issued. ~~An~~

An owner of a motor vehicle the district of registration of which is or is located in a county that is subject to a basic or enhanced program under this section who has voluntarily chosen to register the vehicle biennially in accordance with division (A)(1)(b) of section 4503.103 of the Revised Code shall have the vehicle inspected annually or biennially, as applicable, in accordance with rules adopted under this section.

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

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

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

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

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

(c) The contractor shall include as part of the inspection required under

this section a visual anti-tampering inspection that meets the requirements established by rules adopted under division (B)(3) of this section. If the visual anti-tampering inspection indicates that any emission control device has been removed, modified, or impaired, the owner shall have performed on the vehicle whatever repairs are necessary to pass the visual anti-tampering inspection and to restore the vehicle to its proper condition, including, without limitation, the restoration of any emission control device that was removed, modified, or impaired. 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, the owner then shall take the vehicle to a contractor or a licensee. 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, the owner then shall take the vehicle to a contractor. If the contractor or licensee determines that the vehicle has been restored to its proper condition and the vehicle then passes the tailpipe emissions inspection required under this section, the contractor or licensee shall give the owner an inspection certificate for the vehicle.

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

If the vehicle passes the reinspection, the contractor or licensee shall give the owner an inspection certificate for the vehicle. If the vehicle fails the reinspection, and the cost of the repairs already performed on the vehicle is less than the applicable waiver limit, the owner shall have additional repairs performed on the vehicle in order to enable it to pass another reinspection. If, after repairs costing at least the applicable waiver limit have been performed on the vehicle under division (F)(1)(d) of this section, the vehicle fails the reinspection, but the reinspection indicates an improvement

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

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

(i) Issue inspection certificates that include waivers;

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

(e) Except as otherwise provided in division (F)(1)(f) of this section, if the cost of the repairs that are necessary for the vehicle to pass the tailpipe emissions inspection is estimated to be more than the applicable waiver limit, the owner need not have all of those repairs performed on the vehicle, but shall have an engine tune-up performed on the vehicle that meets the standards established by rules adopted under division (B)(3) of this section as well as any other necessary repairs the cost of which, together with the cost of the engine tune-up, equals at least the applicable waiver limit. Upon the owner's presentation of original repair receipts attesting that repairs costing at least the applicable waiver limit, including, without limitation, the engine tune-up required under division (F)(1)(e) of this section, have been performed on the vehicle, the contractor or licensee shall reinspect the vehicle to determine the effectiveness of the required engine tune-up. If the reinspection indicates an improvement in tailpipe emissions of the pollutant concerning which the vehicle initially failed the inspection as specified in rules adopted under division (B)(3) of this section and if, following the engine tune-up, 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 complied with all requirements governing waivers.

(f) If a vehicle required to be inspected under this section fails the inspection, and the contractor's visual anti-tampering inspection conducted under division (F)(1)(c) of this section does not reveal any removal,

modification, or impairment of an emission control device or, if the original visual anti-tampering inspection revealed such a removal, modification, or impairment, the vehicle again fails the tailpipe emissions inspection after the owner has performed all necessary repairs to restore the vehicle to its proper condition, the owner may perform the repairs necessary for the vehicle to pass the tailpipe emissions inspection. The owner shall keep a detailed record of the costs incurred in performing those repairs. After performing repairs on the vehicle costing not more than the applicable waiver limit, the owner shall have the vehicle reinspected by the contractor or a licensee.

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

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

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 for registration of the vehicles under this section and Chapter 4503. of the Revised Code;

(b) Vehicles registered to military personnel assigned to military reservations outside this state, the district of registration of which is or is located in any county that is subject to this section;

(c) Passenger cars and noncommercial motor vehicles, as defined in section 4501.01 of the Revised Code, that weigh over ten thousand pounds gross vehicle weight;

(d) Commercial cars, as defined in section 4501.01 of the Revised Code, having a taxable gross vehicle weight of more than ten thousand pounds as provided in section 4503.042 of the Revised Code;

(e) Historical vehicles registered under section 4503.181 of the Revised Code;

(f) Licensed collector's vehicles as defined in section 4501.01 of the Revised Code;

(g) Parade and exhibition vehicles registered under section 4503.18 of the Revised Code;

(h) Motorcycles as defined in section 4511.01 of the Revised Code;

(i) Electrically powered and alternatively fueled vehicles, including at least those that are equipped to operate using primarily one hundred per cent propane, butane, hydrogen, alcohol, or natural gas as fuel;

(j) Recreational vehicles as defined in section 4501.01 of the Revised Code.

(4) A motor vehicle, the legal title to which has never been transferred

by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of one year commencing on 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) of this section applies to motor vehicles that are subject to a motor vehicle inspection and maintenance program conducted in accordance with a contract entered into under this section prior to the effective date of this amendment. Division (F)(4) of this section shall have no legal effect on and after the effective date of this amendment.

(G) The owner of a fleet of twenty-five or more vehicles required to be inspected under this section, instead of having the owner's motor vehicles inspected by a contractor or reinspected by a contractor or a licensee, may conduct self-inspection of those vehicles in accordance with rules adopted by the director of environmental protection under this section. The rules shall establish, without limitation, requirements governing inspections and

reinspections conducted by any such owner, any inspection stations owned and operated by any such owner for that purpose, and inspection equipment used for that purpose; an annual reporting requirement to assist the director in determining compliance with this division; and the method of and procedures for payment of a fee that shall not exceed three dollars for each vehicle that is included in the self-inspection program.

(H) The federal government, the state, any political subdivision, and any agency or instrumentality of those entities, in accordance with rules adopted by the director of environmental protection under this section, shall have inspected by a contractor or reinspected by a contractor or a licensee or shall self-inspect any motor vehicles that they own and operate in any county that is subject to this section. The director shall adopt rules under this section for the purposes of this division. The rules shall establish, without limitation, an annual reporting requirement to assist the director in determining compliance with this division. The director may issue a notice of violation to a governmental entity that the director finds has violated any specific prohibition or has failed to comply with any affirmative requirement of this section or any rule adopted under it. The notice of violation shall set forth the specific violation or failure to comply allegedly committed by the governmental entity and shall be accompanied by an order requiring the governmental entity to pay to the director the appropriate civil penalty prescribed in this division. A governmental entity that receives a notice of violation and order under this division for a violation or failure to comply is liable for a civil penalty of two hundred fifty dollars. The director may request the attorney general to take appropriate action to effect compliance. Notwithstanding division (A) of this section, as used in this division, "motor vehicle" has the same meaning as in section 4511.01 of the Revised Code.

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

(J) The director periodically shall review the information submitted to the director by licensed reinspection stations pursuant to rules adopted under division (C)(6) of this section, information submitted to the director by any contractor under division (D)(10) of this section, annual reports submitted by motor vehicle fleet owners under division (G) of this section and rules adopted under that division, and the list of motor vehicles for which multi-year registrations are in effect provided to the director under division

(I)(2)(b) of section 4503.10 of the Revised Code, as necessary to determine whether owners of motor vehicles who have obtained multi-year registrations under section 4503.103 of the Revised Code or rules adopted under it have complied with the requirement of division (F)(1)(a) of this section to have their vehicles inspected and obtain inspection certificates for them annually or biennially, whichever is applicable. If the director finds from that information that, in a year intervening between the years of issuance and expiration of a multi-year registration in which an owner is required to have a vehicle inspected and obtain an inspection certificate for it under that division, the owner has not done so within the applicable three hundred sixty-five day period, the director immediately shall send written notice of that fact to the registrar of motor vehicles. Upon receipt of information submitted pursuant to rules adopted under division (C)(6) of this section, information submitted under division (D)(10) of this section, or the annual report of a fleet owner submitted pursuant to rules adopted under division (G) of this section indicating that an owner who was the subject of an earlier notice to the registrar under this division has had the vehicle named in the notice inspected and has obtained an inspection certificate for it in compliance with division (F)(1)(a) of this section, the director immediately shall send written notice of that fact to the registrar.

(K)(1)(a) If a redesignation request demonstrating compliance with the national ambient air quality standard for carbon monoxide or ozone in a county designated as nonattainment for carbon monoxide or ozone and demonstrating that operation of a motor vehicle inspection and maintenance program is not necessary for attainment and maintenance of those standards in that county has been submitted to and is pending before the United States environmental protection agency under the "Clean Air Act Amendments," and if no release and permit has been issued to the environmental protection agency under division (D)~~(14)~~(15) of this section and section 125.06 of the Revised Code, the director of environmental protection may submit a written request to the director of administrative services to indefinitely delay the issuance of a request for proposals or the award of a contract under division (D) of this section for the operation of a motor vehicle inspection and maintenance program in that county or, if such a request for proposals has been issued under that division, to withdraw it. Upon receipt of such a written request from the director of environmental protection, the director of administrative services shall take the requested actions.

(b) If a release and permit has been issued to the environmental protection agency under division (D)~~(14)~~(15) of this section and section 125.06 of the Revised Code, the director of environmental protection may

indefinitely delay the issuance of a request for proposals and award of a contract under division (D) of this section for the operation of a motor vehicle inspection and maintenance program or may withdraw any such request that has been issued under that division in connection with a county for which a redesignation request making the demonstrations described in division (K)(1)(a) of this section has been submitted to and is pending before the United States environmental protection agency under the "Clean Air Act Amendments."

(c) If no release and permit has been issued to the environmental protection agency under division (D)~~(14)~~(15) of this section and section 125.06 of the Revised Code, the director of environmental protection may submit a written request to the director of administrative services to proceed with the issuance of a request for proposals and the award of a contract for the operation of a motor vehicle inspection and maintenance program under division (D) of this section in a county for which a redesignation request described in division (K)(1)(a) of this section was submitted to the United States environmental protection agency or, if such a release and permit has been issued to the environmental protection agency, the director of environmental protection may proceed with the issuance of such a request under either of the following circumstances:

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

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

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

(2) If at any time air quality monitoring data in any county where a motor vehicle inspection and maintenance program is required under this section and rules adopted under it demonstrate that that county has attained and maintained compliance for three consecutive years with the national ambient air quality standard for carbon monoxide or ozone under the "Clean Air Act Amendments," the director, at the earliest possible date, shall prepare and submit to the administrator of the United States environmental protection agency a demonstration that such attainment has been so

achieved and maintained in that county. If the administrator approves the director's submittal as demonstrating that compliance with the national ambient air quality standard for carbon monoxide or ozone under that act has been achieved and maintained in the county and if the director determines that continued operation of a motor vehicle inspection and maintenance program in the county is not necessary to protect and maintain compliance with the national ambient air quality standard for carbon monoxide or ozone, the director may rescind the rules adopted under division (B) of this section requiring implementation and operation of the program in that county. A rescission shall take effect in such a county on the date of the expiration of the contract or renewal thereof provided for in division (D) of this section that next succeeds the administrator's approval of the demonstration in that county.

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

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

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

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

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

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

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

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

(D) Notwithstanding section 3704.14 of the Revised Code or any other section of the Revised Code that requires emissions inspections to be conducted or proof of such inspections to be provided, if the general assembly authorizes any program for the inspection of motor vehicle

emissions under division (C) of this section after all contracts for a motor vehicle inspection and maintenance program that are in existence on September 5, 2001, terminate or expire, 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, shall be exempt from any emissions inspections that are required under such a program 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 any emissions inspections for a period of five years under this division shall remain exempt during that five-year period regardless of whether legal title to the motor vehicle is transferred during that period.

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

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

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

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

(B) The registrar shall disburse the contributions the registrar collects in

the fund as follows:

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

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

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(12) The registrar shall pay the contributions the registrar receives pursuant to section 4503.73 of the Revised Code to Wright B. Flyer, incorporated, which shall deposit the contributions into its general account to be used for purposes of Wright B. Flyer, incorporated.

(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.

(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.

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

(1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of the vehicle, the year's model, and, in the case of commercial cars, the gross weight of the vehicle

fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

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

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

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

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

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

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

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

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

(B) Each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a physical certificate of title or a memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. 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, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is

presented at the time of registration of the vehicle as required under this division.

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

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

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

(E) Upon the certification of the registrar, the county sheriff or local

police officials shall recover license plates erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the funds collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

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

(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.

(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.

(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.

(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 also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

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

- (1) A uniform mileage schedule;
- (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

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

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

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

(C) The registrar shall adopt rules to assign and reassign all commercial cars, buses, trailers, and semitrailers taxed under section 4503.042 of the Revised Code and all rental vehicles owned by motor vehicle renting dealers to a system of registration so that the registrations of approximately one-twelfth of all such vehicles expire on the last day of each month of a calendar year. To effect a reassignment from the registration period in effect on the effective date of this amendment to the new registration periods established by the rules adopted under this section as amended, the rules may require the motor vehicle to be registered for more or less than a twelve-month period at the time the motor vehicle's registration is subject to its initial renewal following the effective date of such rules. If necessary to effect an efficient transition, the rules may provide that the registration reassignments take place over two consecutive registration periods. The registration taxes to be charged shall be determined by the registrar on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered, except that the fee established by division (C)(1) of section 4503.10 of the Revised Code shall be collected in full for each renewal that occurs during the transition period and shall not be prorated.

(D) The registrar shall adopt rules to permit any ~~person~~ commercial motor vehicle owner or motor vehicle renting dealer who owns ~~twenty two~~ or more motor vehicles to ~~select any single date as the date~~ request the registrar to permit the owner to separate the owner's fleet into up to four divisions for assignment to separate dates upon which to register the

vehicles, provided that the registrar may disapprove any ~~selected date~~ such request whenever ~~he~~ the registrar has reason to believe that an uneven distribution of registrations throughout the calendar year has developed or is likely to develop. ~~If the registrar disapproves a date, the motor vehicle owner shall select an alternate date for registration. Upon agreement of the motor vehicle owner, the registrar may require the motor vehicle owner to register the vehicles on a specific date designated by the registrar.~~

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

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

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

(b) The registrar may shall adopt rules to permit any person, other than a person receiving an apportioned license plate under the international registration plan and other than the owner of a commercial car used solely in intrastate commerce, who owns a motor vehicle to file an application for registration for the next two succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C) of section 4503.11 of the Revised Code. A person who is registering a vehicle under division (A)(1)(b) of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay one and one-half times the amount of the deputy registrar service fee specified in division (D) of section

4503.10 of the Revised Code or the bureau of motor vehicles service fee specified in division (G) of that section, as applicable.

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

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

(B) Upon receipt from the director of environmental protection of a notice issued under division (J) of section 3704.14 of the Revised Code indicating that an owner of a motor vehicle that is required to be inspected under that section who obtained a multi-year registration for the vehicle under division (A) of this section or rules adopted under that division has not obtained an inspection certificate for the vehicle in accordance with that section in a year intervening between the years of issuance and expiration of the multi-year registration in which the owner is required to have the vehicle inspected and obtain an inspection certificate for it under division (F)(1)(a) of that section, the registrar in accordance with Chapter 119. of the Revised Code shall issue an order to the owner impounding the certificate of registration and identification license plates for the vehicle. The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

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

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

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

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

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

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

(B) Except as provided by sections 4503.12 and 4503.16 of the Revised Code, the taxes payable on all applications made under sections 4503.10 and 4503.102 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:

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

(b) If the application is made during or after the second 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 the tax provided in section 4503.04 of the Revised Code shall be reduced by one-twelfth of the amount of such tax, rounded upward to the nearest cent, multiplied by the number of full months that have elapsed in the current registration period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

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

the Revised Code;

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

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

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

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

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

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

(b) A sailboat other than a sailboard;

(c) An inflatable, manually propelled boat having a hull identification number assigned by and meeting the requirements of the United States coast guard;

(d) A canoe or rowboat.

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

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

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

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

(4) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was

captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, the Union of Soviet Socialist Republics, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or enlistment, and was captured, separated, and incarcerated by an enemy of this country during World War II.

(B) Any owner of a boat trailer who is a disabled veteran, congressional medal of honor awardee, or prisoner of war may apply to the registrar of motor vehicles for the registration of the boat trailer without the payment of any registration tax and service fee as required by sections 4503.02, 4503.10, 4503.102, and 4503.12 of the Revised Code and without the payment of any applicable county, township, or municipal motor vehicle license tax levied under Chapter 4504. of the Revised Code. The application shall be accompanied by such evidence of disability or by such documentary evidence in support of a congressional medal of honor as the registrar requires by rule. The application for a registration by any person who has been a prisoner of war shall be accompanied by written evidence in the form of a record of separation, a letter from one of the armed forces of the United States or other country as listed in division (A)(4) of this section, or other evidence as the registrar may require by rule, that the person was a prisoner of war and was honorably discharged or is presently residing in this state on active duty with one of the branches of the armed forces of the United States, or was a prisoner of war and was honorably discharged or received an equivalent discharge or release from one of the armed forces of a country listed in division (A)(4) of this section.

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

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license

placard or windshield sticker for the motor vehicle.

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

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

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

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

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

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

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

(D) In addition to the fees charged under divisions (A) and (B) of this section, commencing on October 1, 2003, the registrar and each deputy registrar shall collect a fee of five dollars for each temporary license placard issued. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of

the motor vehicle and traffic laws of Ohio. Each deputy registrar shall transmit the fees collected under this division in the same manner as provided for transmission of fees collected under division (A) of this section. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

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

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

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

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

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

(B) The future farmers of America license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of

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

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

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

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

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

In addition to the letters and numbers ordinarily inscribed thereon, collegiate license plates shall be inscribed with the name of a university or college that is participating with the registrar in the issuance of collegiate license plates, or any other identifying marking or design selected by such a

university or college and approved by the registrar. Collegiate license plates shall bear county identification stickers that identify the county of registration by name or number.

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

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

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

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

(E) As used in this section, "university or college" means a state university or college or a private university or college located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code. "University or college" also includes community colleges created pursuant to Chapter

3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.

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

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

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

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

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

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

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

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

(C) For each application for registration and registration renewal the registrar receives under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the ~~ducks unlimited~~ license plate contribution

fund created in section ~~4501.33~~ 4501.21 of the Revised Code.

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

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

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

(B) The professional sports team license plates and validation sticker, or validation sticker alone, as the case may be, shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of professional sports team license plates, and compliance with all other applicable laws relating to the registration of motor vehicles. If the

application for a professional sports team license plate is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker, or validation sticker alone, shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of professional sports team license plates, the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles.

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

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

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

necessary to issue license plates bearing the logo of that team.

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

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

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

(F) For purposes of this section:

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

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

Such a commission shall consist of twenty-one members. Seven

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

Sec. 4503.67. (A) If the national organization of the boy scouts of America desires to have its logo appear on license plates issued by this state, a representative of the Dan Beard council shall enter into a contract with the registrar of motor vehicles as provided in division (D) of this section 4501.41 of the Revised Code. The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar may apply to the registrar for the registration of the vehicle and issuance of license plates bearing the logo of the boy scouts of America if the council representative has entered into such a contract. An application made under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of license plates bearing the logo of the boy scouts of America and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

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

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

plates and validation sticker, or validation sticker alone, shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a fee of ten dollars for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of the plates, the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles.

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

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

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

Sec. 4503.68. (A) If the national organization of the girl scouts of the United States of America desires to have its logo appear on license plates issued by this state, a representative of the Great River council shall enter into a contract with the registrar of motor vehicles as provided in division (D) of this section 4501.61 of the Revised Code. The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar may apply to the registrar for the registration of the vehicle and issuance of license plates bearing the logo of the girl scouts of United States of America if the council representative has entered into such a contract. An application made under this section may be

combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of license plates bearing the logo of the girl scouts of the United States of America and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

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

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

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

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

(D) If the national organization of the girl scouts of the United States of

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

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

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

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

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

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

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

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

Sec. 4503.71. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles who also is a member in good standing of the fraternal order of police may apply to the registrar for the registration of the vehicle and issuance of fraternal order of police license plates. The application for fraternal order of police license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application, presentation by the applicant of the required

evidence that the applicant is a member in good standing of the fraternal order of police, and compliance by the applicant with this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of fraternal order of police license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

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

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

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

Sec. 4503.711. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles who is a member in good standing of the fraternal order of police associates of Ohio, inc., may apply to the registrar for the registration of the vehicle and issuance of fraternal order of police associate license plates. The application for fraternal order of police associate license plates may be combined with a request for a special

reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application, presentation by the applicant of the required evidence that the applicant is a member in good standing of the fraternal order of police associates of Ohio, inc., and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of fraternal order of police associate license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

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

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

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

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

Sec. 4503.72. (A) The owner or lessee of any passenger car,

noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of Ohio court-appointed special advocate/guardian ad litem license plates. The application for Ohio court-appointed special advocate/guardian ad litem license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of Ohio court-appointed special advocate/guardian ad litem license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

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

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

(C) For each application for registration and registration renewal the registrar receives under this section, the registrar shall collect a contribution in an amount not to exceed forty dollars as determined by the board of directors of the Ohio CASA/GAL association. The registrar shall transmit this contribution to the treasurer of state for deposit in the Ohio

~~court-appointed special advocate/guardian ad litem~~ license plate contribution fund created in section ~~4501.28~~ 4501.21 of the Revised Code.

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

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

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

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

(C) For each application for registration and registration renewal

received under this section, the registrar shall collect a contribution of fifteen dollars. The registrar shall transmit this contribution to the treasurer of state for deposit in the ~~leader in flight~~ license plate contribution fund created in section ~~4501.39~~ 4501.21 of the Revised Code.

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

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

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

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

and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

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

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

Sec. 4506.08. (A) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars; except as provided in division (B) of this section, each application for a commercial driver's license, restricted commercial driver's license, or renewal of such a license shall be accompanied by a fee of twenty-five dollars; and each application for a duplicate commercial driver's license shall be accompanied by a fee of ten dollars. In addition, the registrar of motor vehicles or deputy registrar may collect and retain an additional fee of no more than two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each application for a commercial driver's license temporary instruction permit, commercial driver's license, renewal of a commercial driver's license, or duplicate commercial driver's license received by the registrar or deputy. No fee shall be charged for the annual issuance of a waiver for farm-related service industries pursuant to section 4506.24 of the Revised Code.

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

(B) In addition to the fees imposed under division (A) of this section, the registrar of motor vehicles or deputy registrar shall collect a fee of twelve dollars commencing on October 1, 2003, for each application for a commercial driver's license temporary instruction permit, commercial driver's license, or duplicate commercial driver's license and for each application for renewal of a commercial driver's license with an expiration date on or after that date received by the registrar or deputy registrar. The

additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. Each deputy registrar shall transmit the fees collected under division (B) of this section in the time and manner prescribed by the registrar. The registrar shall deposit all moneys received under division (B) of this section into the state highway safety fund established in section 4501.06 of the Revised Code.

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

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

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

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

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

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

- (1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;
- (2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;
- (3) If the person is eighteen years of age or older, but less than nineteen

years of age, a fee of four dollars and seventy-five cents;

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

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

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

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

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

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

- (1) A temporary instruction permit and examination;
- (2) A new, renewal, or duplicate driver's or commercial driver's license;
- (3) A motorcycle operator's endorsement;
- (4) A motorized bicycle license or duplicate thereof;

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

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

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

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

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

~~(B)~~ ~~The drivers driver of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles, and other vehicles utilized in snow and ice removal or road surface~~ a highway maintenance vehicle owned by this state or any political subdivision of this state, while

the driver is engaged in work the performance of official duties upon a street or highway, provided such vehicles are the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law; and such lights are in operation when the vehicles driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of sections 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, and 4511.66, 4513.02, and 5577.01 to 5577.09 of the Revised Code. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This

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

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

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

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

(1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;.

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

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

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

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

(6) The person has a concentration of seventeen-hundredths of one gram

or more by weight of alcohol per two hundred ten liters of the person's breath;.

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

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

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

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

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

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

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

When a person submits to a blood test at the request of a police officer under section 4511.191 of the Revised Code, only a physician, a registered nurse, or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse, or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in the opinion of the physician,

nurse, technician, or chemist the physical welfare of the person would be endangered by the withdrawing of blood.

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

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

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

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

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance

relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

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

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

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

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

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

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

influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine. The chemical test or tests shall be administered at the request of a police officer having reasonable grounds to believe the person to have been operating a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking in 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. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

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

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

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

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

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

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

"You now are under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or both alcohol and a drug of abuse

and will be requested by a police officer to submit to a chemical test to determine the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in your blood, breath, or urine.

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

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

If a person under arrest as described in division (C)(1) of this section is asked by a police officer to submit to a chemical test designated as provided in division (A) of this section and is advised of the consequences of the person's refusal or submission as provided in division (C) of this section and if the person either refuses to submit to the designated chemical test or the person submits to the designated 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 the person's urine contained a concentration of

~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the arresting officer shall do all of the following:

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

(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 the person's urine contained a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense;

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

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

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

(E)(1) Upon receipt of the sworn report of an arresting officer completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this section and the period of the suspension, as determined under divisions (E)(1)(a) to (d) of this section.

The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods applies:

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

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

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

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

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

(F) Upon receipt of the sworn report of an arresting officer completed and sent to the registrar and a court pursuant to divisions (D)(1)(c) and (D)(2) of this section in regard to a person whose 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 the person's urine contained a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense, the registrar shall enter into the registrar's records the fact

that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under division (D)(1)(a) of this section and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in this section and shall be for whichever of the following periods that applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

(H)(1) If a person is arrested for operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or for operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine and if the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended under division (E) or (F) of this section, the person may appeal the suspension at the person's initial appearance on the charge resulting from the arrest in the court in which the person will appear on that charge. If the person appeals the suspension at the person's initial appearance, the appeal does not stay the operation of the suspension. Subject to division (H)(2) of this section, no court has jurisdiction to grant a stay of a suspension imposed under division (E) or (F) of this section, and any order issued by any court that purports to grant a stay of any suspension imposed under either of those divisions shall not be given administrative effect.

If the person appeals the suspension at the person's initial appearance, either the person or the registrar may request a continuance of the appeal. Either the person or the registrar shall make the request for a continuance of the appeal at the same time as the making of the appeal. If either the person or the registrar requests a continuance of the appeal, the court may grant the continuance. The court also may continue the appeal on its own motion. The granting of a continuance applies only to the conduct of the appeal of the

suspension and does not extend the time within which the initial appearance must be conducted, and the court shall proceed with all other aspects of the initial appearance in accordance with its normal procedures. Neither the request for nor the granting of a continuance stays the operation of the suspension that is the subject of the appeal.

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

(a) Whether the law enforcement officer had reasonable ground to believe 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 and whether the arrested person was in fact placed under arrest;

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

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

(d) Whichever of the following is applicable:

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

(ii) Whether the chemical test results indicate that the arrested 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 the person's urine contained a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

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

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

If, during the appeal at the initial appearance, the judge or referee of the trial court or the mayor of the mayor's court determines that one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met, the judge, referee, or mayor shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 4511.196 of the Revised Code; shall notify the registrar of the decision on a form approved by the registrar; and, except as provided in division (B) of section 4511.196 of the Revised Code, shall order the registrar to return the driver's or commercial driver's license or permit to the person or to take such measures as may be necessary, if the license or permit was destroyed under section 4507.55 of the Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period of time.

If the person appeals the suspension at the initial appearance, the registrar shall be represented by the prosecuting attorney of the county in which the arrest occurred if the initial appearance is conducted in a juvenile court or county court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the appeal is conducted, the city director of law or village solicitor of that city or village shall represent the registrar. If the appeal is conducted in a municipal court,

the registrar shall be represented as provided in section 1901.34 of the Revised Code. If the appeal is conducted in a mayor's court, the registrar shall be represented by the city director of law, village solicitor, or other chief legal officer of the municipal corporation that operates that mayor's court.

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

- (i) Division (A) or (B) of section 4511.19 of the Revised Code;
- (ii) A municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;
- (iv) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;
- (v) Division (A)(1) of section 2903.06 or division (A)(1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;
- (vi) Division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (vii) A statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code.

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

date on which the notice of suspension is served upon the arrested person. The person shall pay the costs of the proceeding, notify the registrar of the filing of the petition, and send the registrar a copy of the petition.

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

The court, if it finds reasonable cause to believe that suspension would seriously affect the person's ability to continue in the person's employment, may grant the person occupational driving privileges during the period of suspension imposed pursuant to division (E) of this section, subject to the limitations contained in this division and division (I)(2) of this section. The court may grant the occupational driving privileges, subject to the limitations contained in this division and division (I)(2) of this section, regardless of whether the person appeals the suspension at the person's initial appearance under division (H)(1) of this section or appeals the decision of the court made pursuant to the appeal conducted at the initial appearance, and, if the person has appealed the suspension or decision, regardless of whether the matter at issue has been heard or decided by the court. The court shall not grant occupational driving privileges for employment as a driver of commercial motor vehicles to any person who is disqualified from operating a commercial motor vehicle under section 3123.611 or 4506.16 of the Revised Code or whose commercial driver's license or commercial driver's temporary instruction permit has been suspended under section 3123.58 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

(K) A suspension of the driver's or commercial driver's license or permit of a resident, a suspension of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit pursuant to division (E) or (F) of this section shall be terminated by the registrar upon receipt of notice of the person's entering a plea of guilty to, or of the person's conviction of, operating a vehicle 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, if the offense for which the plea is entered or that resulted in the conviction arose from the same incident that led to the suspension or denial.

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

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

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

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

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

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

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as

otherwise provided in division (L)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (N) of this section, and shall be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for attendance at the program or to pay the costs specified in division (N)(4) of this section in accordance with that division. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (N) of this section because the director of alcohol and drug addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of alcohol and drug addiction services.

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

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

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

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

(3) If a person's driver's or commercial driver's license or permit is suspended under division (E) or (F) of this section, section 4511.196, or

division (B) of section 4507.16 of the Revised Code, or any combination of the suspensions described in division (L)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (L)(2) of this section.

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

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

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

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

treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (L) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in accordance with division (N)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or division (B)(2) of section 4507.02 of the Revised Code, and that are required under division (A)(1), (2), (5), or (6) of section 4511.99 or division (B)(5) of section 4507.99 of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division.

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

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

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

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

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

(b) If the suspension in question was imposed under division (B) of

section 4507.16 of the Revised Code, that portion of the fee shall be deposited as follows:

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

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

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of attendance at the treatment program or for payment of the costs specified in division (N)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug

addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (N)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

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

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

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

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

(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the

following conditions have not been met:

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

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

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

(4) Whichever of the following is applicable:

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

(b) Whether the arrest was for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance and, if it was, whether the chemical test results indicate that the arrested person's whole blood contained a concentration of ~~ten-hundredths~~ eight-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of ~~twelve-hundredths~~ ninety-six-thousandths 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 the person's urine contained a concentration of ~~fourteen-hundredths~~ eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

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

Except as otherwise provided in this section, if a suspension imposed under section 4511.191 of the Revised Code is upheld on appeal or if the subject person does not appeal the suspension under division (A) of this

section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits or terminated pursuant to law. If the suspension was imposed under division (B)(1) of section 4511.191 of the Revised Code and it is continued under this section, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of section 4511.191 of the Revised Code does not terminate or otherwise affect the suspension. If the suspension was imposed under division (C) of section 4511.191 of the Revised Code in relation to an alleged misdemeanor violation of division (A) or (B) of section 4511.19 of the Revised Code or of a municipal OVI ordinance and it is continued under this section, the suspension shall terminate if, for any reason, the person subsequently is found not guilty of the charge that resulted in the person taking the chemical test or tests.

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

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

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

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

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

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

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

(I) When it finally has been determined under the procedures of this

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

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

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

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

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

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

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or

highway in violation of division (A) or (B) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Engaged in the distribution of newspapers;

(7) Engaged in the transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;

~~(8) Engaged in the towing of disabled or wrecked motor vehicles;~~

~~(9)~~ Engaged in the transportation of injured, ill, or deceased persons by hearse or ambulance;

~~(10)~~(9) Engaged in the transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;

~~(11)~~(10) 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.

(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.

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

(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.

(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 motor transportation service.

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

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

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

Sec. 4921.30. Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, that is engaged in the towing of motor vehicles is subject to regulation by the public utilities commission as a for-hire motor carrier under this chapter. Such an entity is not subject to any ordinance, rule, or

resolution of a municipal corporation, county, or township that provides for the licensing, registering, or regulation of entities that tow motor vehicles.

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

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

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

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

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

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

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

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

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

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

(E) An employee in the career professional service with restoration rights has restoration rights if demoted because of performance that hinders or restricts fulfillment of the mission, business objectives, or strategies stated in the department's business plan, but not if involuntarily demoted or removed for any of the reasons described in section 124.34 or for a violation of section 124.57 of the Revised Code. The director shall demote an employee who has restoration rights of that nature to a position in the classified service that in the director's judgment is similar in nature to the position the employee held immediately prior to being appointed to the position in the career professional service. The director shall assign to an employee who is demoted to a position in the classified service as provided

in this division a wage rate that equals, or that is not more than twenty per cent less than, the wage rate assigned to the employee in the career professional service immediately prior to the employee's demotion.

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

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

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

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

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

(D) If real property no longer required for highway purposes is

appraised or reappraised as having a fair market value of two thousand dollars or less, and no sale has been effected after an effort to sell to the abutting owner or owners, the director may advertise the sale of ~~such~~ the real property in accordance with division (B) of this section. The director may sell the land at public auction to the highest bidder without regard to its appraised value, but the director may reject all bids that are less than the full appraised value of the real property.

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

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

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

Sec. 5501.45. (A) The director of transportation may convey or transfer the fee simple estate or any lesser estate or interest in, or permit the use of, for such period as the director shall determine, any lands owned by the state and acquired or used for the state highway system or for highways or in connection with highways or as incidental to the acquisition of land for highways, provided that the director determines, after consulting with the director of natural resources, that the property or interest conveyed or made subject to a permit to use is not needed by the state for highway or recreation purposes. Such conveyance, transfer, or permit to use may be to

the grantee or permittee or to the grantee or permittee and the grantee's or its successors and assigns and shall be of such portion of such lands as the director shall determine, which shall be described in the deed, transfer, or other instrument or conveyance and in any permit to use, and may include or be limited to areas or space on, above, or below the surface, and also may include the grant of easements or other interests in any such lands for use by the grantee for buildings or structures or for other uses and purposes, and for the support of buildings or structures constructed or to be constructed on or in the lands or areas or space conveyed or made subject to a permit to use.

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

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

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

(E)(1) All such conveyances, transfers, grants, or permits to use that are made to state institutions, agencies, commissions, instrumentalities, political subdivisions, or taxing districts of the state, ~~and to~~ institutions receiving financial assistance from the state, or to the federal government shall be upon such consideration as shall be determined by the director to be fair and reasonable, without competitive bidding, ~~and sections.~~ Conveyances of real property under this section shall be by deed executed by the director and shall be in the form prescribed by the attorney general. Sections 5301.13 and

5515.01 of the Revised Code, relating to the sale or use of public lands, shall not apply to conveyances, grants, transfers, or permits to use made pursuant to this division. An institution receiving financial assistance from the state shall provide the director with acceptable documentary evidence of the state loan, grant, or other state financial assistance. The director shall keep a record of all such conveyances.

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

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

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

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

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

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

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

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

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

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

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

Sec. 5517.011. (A)(4) Notwithstanding section 5517.01 of the Revised

Code, the director of transportation may establish a ~~pilot~~ program to expedite the sale and construction of ~~no more than six~~ special projects by combining the design and construction elements of a highway or bridge project into a single contract. The director shall prepare and distribute a scope of work document upon which the bidders shall base their bids. Except in regard to those requirements relating to providing plans, the director shall award contracts under this section in accordance with ~~section 5525.01 Chapter 5525.~~ of the Revised Code.

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

~~(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.~~

~~(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.~~

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

~~(b) After the director selects the three finalists, the finalists shall prepare both a technical proposal and a price proposal. The technical proposal shall state the finalist's qualifications and experience, including prior performance by the design-build team on similar projects, the identity of the members of each team, and a detailed project approach and schedule. The technical proposal also may include innovative design and construction techniques, aesthetics, environmental protection, a maintenance of traffic plan, and the type and duration of warranty coverage. The finalists shall submit the price proposal separately as requested by the director.~~

~~The director first shall review the submitted technical proposals and ascribe a numerical score to each proposal. The technical numerical scores shall be equated to a percentage adjustment to be applied to the finalists' price proposals, using a predetermined schedule of adjustment made known to the finalists at the time of advertising. In no case shall the technical proposal rating exceed twenty-five per cent of the value-based technical and price selection criteria. The director shall reserve the right to consider a technical proposal as being nonresponsive, thereby eliminating that finalist from further consideration.~~

~~Upon completion of the rating of technical proposals, the director shall apply to the price proposals the percentage adjustments predetermined from the numerical scores assigned to the technical proposals. Unless all proposals are rejected, the director shall select the finalist with the lowest~~

~~adjusted price. The adjusted price shall be used for selection only. The contract shall be based on the price proposal as submitted.~~

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

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

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

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

(3) The director may proceed by furnishing equipment, purchasing materials, and employing labor in the erection of temporary bridges or the making of temporary repairs to a highway or bridge rendered necessary by

flood, landslide, or other extraordinary emergency. If the director determines ~~that he is unable~~ inability to complete such emergency work by force account, ~~then he~~ the director may contract for any part of the work, with or without advertising for bids, as ~~he~~ the director considers for the best interest of the department of transportation.

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

- (1) A major bridge out of service;
- (2) A lengthy detour;
- (3) Excessive disruption to traffic;
- (4) A significant impact on public safety;
- (5) A link that completes a segment of a highway.

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

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

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

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

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued

pursuant to this section, and the provisions contained in such obligations.

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

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

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

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

(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts in the state infrastructure bank pledged to the payment of such charges. If the amounts in the state infrastructure bank are insufficient for the payment of such charges, "pledged receipts" also means moneys that are apportioned by the United States secretary of transportation under United States Code, Title XXIII, as amended, or any successor legislation, or under any other federal law relating to aid for highways, and that are to be received as a grant by the state, to the extent the state is not prohibited by state or federal law from using such moneys and the moneys are pledged to the payment of such bond service charges.

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

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

Code.

(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure bank created by section 5531.09 of the Revised Code. The issuing authority may appoint trustees, paying agents, transfer agents, and authenticating agents, and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from funds of the state infrastructure bank.

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

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

for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state immediately are subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

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

- (1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;
- (2) Other terms of the obligations;
- (3) Limitations on the issuance of additional obligations;
- (4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

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

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

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

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

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

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into

obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

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

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

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

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

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

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code;

to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

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

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

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

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

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

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

(N) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds

of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation in accordance with the investment policy established by the workers' compensation oversight commission pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division (J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds as defined in division (A) of section 1111.01 of the Revised Code and consisting exclusively of any such securities. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order

is required for the payment from the bond service fund when due of bond service charges on obligations.

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

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

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

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

The director of transportation shall include with such requests a recommendation that the payment of the bond service charges and the replenishment of the reserves be made in the interest of maximizing the benefits of the state infrastructure bank. Any such covenant shall not

obligate or purport to obligate the state to pay the bond service charges on such bonds or notes or to deposit moneys in a reserve established for such payments other than from moneys that may be lawfully available and appropriated for that purpose during the then-current biennium.

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

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

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

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

In determining whether ~~he may undertake~~ construction or reconstruction, including widening and resurfacing, of roads may be undertaken by force account, the county engineer shall first cause to be made an estimate of the cost of such work, ~~which estimate shall include labor, material, freight, fuel, hauling, use of machinery and equipment, and all other items of cost~~ using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. When the total estimated cost of the work exceeds ~~ten~~ thirty thousand

dollars per mile, the county commissioners shall invite and receive competitive bids for furnishing all the labor, materials, and equipment necessary to complete the work in accordance with sections 307.86 to 307.92, ~~inclusive~~, of the Revised Code.

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

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

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

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

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

When required to use competitive bidding, the county engineer shall award a design-build contract in accordance with sections 307.86 to 307.92

of the Revised Code. In lieu of the requirement for plans, the county engineer shall prepare and distribute a scope of work document upon which bidders shall base their bids.

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

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

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

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

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

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

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

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

(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:

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

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

Sec. 5728.06. (A) For the following purposes, an excise tax is hereby

imposed on the use of motor fuel to operate on the public highways of this state a commercial car with three or more axles operated alone or as part of a commercial tandem, a commercial car with two axles operated as part of a commercial tandem having a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds, or a commercial tractor operated alone or as part of a commercial tractor combination or commercial tandem: to provide revenue for maintaining the state highway system, to widen existing surfaces on such highways, to resurface such highways, to enable the counties of the state properly to plan for, maintain, and repair their roads, to enable the municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to pay that portion of the construction cost of a highway project that a county, township, or municipal corporation normally would be required to pay, but that the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs apportioned to the public under section 4907.47 of the Revised Code; and to supplement revenue already available for such purposes, to distribute equitably among those persons using the privilege of driving motor vehicles upon such highways and streets the cost of maintaining and repairing the same, and to pay the interest, principal, and charges on bonds and other obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code. The tax is imposed in the same amount as the motor fuel tax imposed under Chapter 5735. of the Revised Code plus an additional tax of three cents per gallon of motor fuel used before July 1, 2004, and an additional tax of two cents per gallon of motor fuel used before July 1, 2005, as determined by the gallons consumed while operated on the public highways of this state. Subject to section 5735.292 of the Revised Code, on and after July 1, 2005, the tax shall be imposed in the same amount as the motor fuel tax imposed under Chapter 5735. of the Revised Code. Payment of the fuel use tax shall be made by the purchase of motor fuel within Ohio of such gallons as is equivalent to the gallons consumed while operating such a motor vehicle on the public highways of this state, or by direct remittance to the treasurer of state with the fuel use tax return filed pursuant to section 5728.08 of the Revised Code.

Any person subject to the tax imposed under this section who purchases motor fuel in this state for use in another state in excess of the amount

consumed while operating such motor vehicle on the public highways of this state shall be allowed a credit against the tax imposed by this section or a refund equal to the motor fuel tax paid to this state on such excess. No such credit or refund shall be allowed for taxes paid to any state that imposes a tax on motor fuel purchased or obtained in this state and used on the highways of such other state but does not allow a similar credit or refund for the tax paid to this state on motor fuel purchased or acquired in the other state and used on the public highways of this state.

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

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

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

An owner who is a person regularly engaged, for compensation, in the business of leasing or renting motor vehicles without furnishing drivers may designate that the lessee of a motor vehicle leased for a period of thirty days or more shall report and pay the tax incurred during the duration of the lease. An owner who is an independent contractor that furnishes both the driver and motor vehicle, may designate that the person so furnished with the driver and motor vehicle for a period of thirty days or more shall report and pay the tax incurred during that period. An independent contractor that is not an owner, but that furnishes both the driver and motor vehicle and that has been designated by the owner of the motor vehicle to report and pay the tax, may designate that the person so furnished with driver and motor vehicle for a period of thirty days or more shall report and pay the tax incurred during that period.

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

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

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

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

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

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

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

Sec. 5735.23. (A) Out of receipts from the tax levied by section 5735.05

of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund and the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund.

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

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

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

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

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

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

(C) From the balance in the state and local government highway distribution fund on the last day of each month there shall be paid the following amounts:

(1) To the local transportation improvement program fund created by section 164.14 of the Revised Code, an amount equal to a fraction of the balance in the state and local government highway distribution fund, the numerator of which fraction is one and the denominator of which fraction is

that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code;

(2) An amount equal to five cents multiplied by the number of gallons of motor fuel sold at stations operated by the Ohio turnpike commission, such gallonage to be certified by the commission to the treasurer of state not later than the last day of the month following. The funds paid to the commission pursuant to this section shall be expended for the construction, reconstruction, maintenance, and repair of turnpike projects, except that the funds may not be expended for the construction of new interchanges. The funds also may be expended for the construction, reconstruction, maintenance, and repair of those portions of connecting public roads that serve existing interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike and those public roads.

The remainder of the balance shall be distributed as follows on the fifteenth day of the following month:

(a) Ten and seven-tenths per cent shall be paid to municipal corporations for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code and may be used for any purpose for which payments received under that division may be used. Beginning August 15, 2004, the sum of two hundred forty-eight thousand six hundred twenty-five dollars shall be annually subtracted from the amount so computed and credited to the highway operating fund.

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

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

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

(D) Beginning on the first day of September each fiscal year, any

amounts required to be credited or transferred to the highway operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this section shall be credited or transferred to the highway capital improvement bond service fund created in section 151.06 of the Revised Code, until such time as the office of budget and management receives certification from the treasurer of state or the treasurer of state's designee that sufficient money has been credited or transferred to the bond service fund to meet in full all payments of debt service and financing costs due during the fiscal year from that fund.

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

(1) The amount credited pursuant to divisions (B)(2)(a) and (C)(2)(a) of section 5735.23 of the Revised Code shall be distributed among municipal corporations. The amount paid to each municipal corporation shall be that proportion of the amount to be so distributed that the number of motor vehicles registered within such municipal corporation bears to the total number of motor vehicles registered within all the municipal corporations of this state during the preceding motor vehicle registration year. When a new village is incorporated, the registrar of motor vehicles shall determine from the applications on file in the bureau of motor vehicles the number of motor vehicles located within the territory comprising the village during the entire registration year in which such municipal corporation was incorporated. The registrar shall forthwith certify the number of motor vehicles so determined to the tax commissioner for use in distributing motor vehicle fuel tax funds to such village until such village is qualified to participate in the distribution of such funds pursuant to this division. The number of such motor vehicle registrations shall be determined by the official records of the bureau of motor vehicles. The amount received by each municipal corporation shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to pay the costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for such purposes.

(2) The amount credited pursuant to division (B) of section 5735.26 of the Revised Code shall be distributed among the municipal corporations

within the state, in the proportion which the number of motor vehicles registered within each municipal corporation bears to the total number of motor vehicles registered within all the municipal corporations of the state during the preceding calendar year, as shown by the official records of the bureau of motor vehicles, and shall be expended by each municipal corporation to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for such purposes.

(3) The amount credited pursuant to divisions (B)(2)(b) and (C)(2)(c) of section 5735.23 of the Revised Code shall be paid in equal proportions to the county treasurer of each county within the state and shall be used only for the purposes of planning, maintaining, and repairing the county system of public roads and highways within such county; the planning, construction, and repair of walks or paths along county roads in congested areas; the planning, construction, purchase, lease, and maintenance of suitable buildings for the housing and repair of county road machinery, housing of supplies, and housing of personnel associated with the machinery and supplies; the payment of costs apportioned to the county under section 4907.47 of the Revised Code; the payment of principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under that chapter; and the purchase, installation, and maintenance of traffic signal lights.

(4) The amount credited pursuant to division (C) of section 5735.26 of the Revised Code shall be paid in equal proportions to the county treasurer of each county for the purposes of planning, maintaining, constructing, widening, and reconstructing the county system of public roads and highways; paying principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or

acquiring or making other highway improvements for which the board of county commissioners may issue bonds under such chapter; and paying costs apportioned to the county under section 4907.47 of the Revised Code.

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

(b) As used in division (A)(5)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the amount 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 counties. The county treasurer shall pay to each township within the county its ~~equal~~ proportional share of the funds, which shall be expended by each township for the sole purpose of planning, constructing, maintaining, widening, and reconstructing the public roads and highways within such township, and paying costs apportioned to the township under section 4907.47 of the Revised Code.

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

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

(B) Amounts credited to the highway operating fund pursuant to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and division (A) of section 5735.26 of the Revised Code shall be expended in the following manner:

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

(2) The amount credited pursuant to division (A) of section 5735.26 of the Revised Code shall be used for paying the state's share of the cost of planning, constructing, widening, maintaining, and reconstructing the state highways; paying that portion of the construction cost of a highway project

which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; and also for supplying the state's share of the cost of eliminating railway grade crossings upon such highways and costs apportioned to the state under section 4907.47 of the Revised Code. The director of transportation may expend portions of such amount upon extensions of state highways within municipal corporations or upon portions of state highways within municipal corporations, as is provided by law.

Sec. 5735.29. To provide revenue for supplying the state's share of the cost of constructing, widening, maintaining, and reconstructing the state highways; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the expense of administering and enforcing the state law relative to the registration and operation of motor vehicles; to make road improvements associated with retaining or attracting business for this state, to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code; and to supplement revenue already available for such purposes, to pay the expenses of the department of taxation incident to the administration of the motor fuel laws, to supplement revenue already available for such purposes; and to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code; to enable the counties and townships of the state to properly plan, construct, widen, reconstruct, and maintain their public highways, roads, and streets; to enable counties to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; to enable municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to enable municipal corporations to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for highway improvements; and to pay the costs apportioned to the public under section 4907.47 of the Revised Code, a motor fuel excise tax is hereby imposed on all motor fuel

dealers upon their receipt of motor fuel within the state at the rate of two cents on each gallon so received; provided, that effective July 1, 2003, the motor fuel excise tax imposed by this section shall be at the rate of four cents on each gallon so received; effective July 1, 2004, the motor fuel excise tax imposed by this section shall be at the rate of six cents on each gallon so received; and, subject to section 5735.292 of the Revised Code, effective July 1, 2005, the motor fuel excise tax imposed by this section shall be at the rate of eight cents on each gallon so received. This tax is subject to the specific exemptions set forth in this chapter of the Revised Code. It shall be reported, computed, paid, collected, administered, enforced, and refunded, and the failure properly and correctly to report and pay the tax shall be penalized, in exactly the same manner as is provided in this chapter. Such sections relating to motor fuel excise taxes are reenacted and incorporated as if specifically set forth in this section. The tax levied by this section is in addition to any other taxes imposed under this chapter.

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

Sec. 5735.291. (A) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by section 5735.29 of the Revised Code, amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.142 and 5735.29 of the Revised Code. The refunds provided for by sections 5735.142 and 5735.29 of the Revised Code shall be paid from such fund. The treasurer of state shall transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund. The specified portion of the balance of taxes collected under section 5735.29 of the Revised Code after the credits to the tax refund fund, and after the transfer to the waterways safety fund, shall be credited to the gasoline excise tax fund. Subject to division (B) of this section, forty-two and eighty-six hundredths per cent of the specified portion shall be distributed among the municipal corporations within the state in accordance with division (A)(2) of section 5735.27 of the Revised Code, thirty-seven and fourteen hundredths per cent of the specified portion shall be distributed among the counties within the state in accordance with division (A)(3) of section 5735.27 of the Revised Code, and twenty per cent of the specified portion

shall be combined with twenty per cent of any amounts transferred from the highway operating fund to the gasoline excise tax fund through biennial appropriations acts of the general assembly pursuant to the planned phase-in of a new source of funding for the state highway patrol and shall be distributed among the townships within the state in accordance with division (A)(5)(b) of section 5735.27 of the Revised Code. Subject to division (B) of this section, the remainder of the tax levied by section 5735.29 of the Revised Code after receipt by the treasurer of state of certifications from the commissioners of the sinking fund certifying, as required by sections 5528.15 and 5528.35 of the Revised Code, there are sufficient moneys to the credit of the highway improvement bond retirement fund created by section 5528.12 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be credited to the highway operating fund, which is hereby created in the state treasury and shall be used solely for the purposes enumerated in section 5735.29 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. That existing sections 723.52, 723.53, 1547.11, 3704.14, 3704.143, 4501.10, 4503.10, 4503.101, 4503.103, 4503.11, 4503.173, 4503.182, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 4503.75, 4506.08, 4507.23, 4511.04, 4511.19, 4511.191, 4511.197, 4513.111, 4513.52, 4513.53, 4921.02, 5501.20, 5501.34, 5501.45, 5502.02, 5517.011, 5517.02, 5525.20, 5531.10, 5543.19, 5575.01, 5577.042, 5728.06, 5735.142, 5735.23, 5735.27, 5735.29, and 5735.291, and sections 4501.20, 4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 4501.61,

4501.71, and 4503.251 of the Revised Code are hereby repealed.

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

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

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

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

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

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

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

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

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

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

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

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

~~eleven-hundredths~~ of one gram by weight of alcohol per one hundred milliliters of the person's urine.

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

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

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

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

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

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

(3) Upon the request of the person who was tested, the results of the

chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis.

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

(E)(1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent violation, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the national highway traffic safety administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

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

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

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

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

(F)(1) Subject to division (F)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of this section or for an equivalent violation, the court shall admit as prima-facie evidence a laboratory report from any forensic laboratory certified by the department of health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:

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

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

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

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

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

(3) A report of the type described in division (F)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(G) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and a hospital,

first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

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

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

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

(3) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.

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 or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times

established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

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

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

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

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

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

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

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

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

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

(B) Each time an applicant first registers a motor vehicle in the applicant's name, the applicant shall present for inspection a physical certificate of title or memorandum certificate showing title to the motor vehicle to be registered in the name of the applicant if a physical certificate of title or memorandum certificate has been issued by a clerk of a court of common pleas. 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 4510.22, 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, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by

other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

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

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

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

(D) Each deputy registrar shall be allowed a fee of two dollars and

seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each application for registration and registration renewal notice the deputy registrar receives, which shall be for the purpose of compensating the deputy registrar for the deputy registrar's services, and such office and rental expenses, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and renewal notices and the issuing of registrations.

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

(F) Each deputy registrar, upon receipt of any application for registration or registration renewal notice, together with the license fee and any local motor vehicle license tax levied pursuant to Chapter 4504. of the Revised Code, shall transmit that fee and tax, if any, in the manner provided in this section, together with the original and duplicate copy of the application, to the registrar. The registrar, subject to the approval of the director of public safety, may deposit the funds collected by those deputies in a local bank or depository to the credit of the "state of Ohio, bureau of motor vehicles." Where a local bank or depository has been designated by the registrar, each deputy registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

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

(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.

(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.

(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.

(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 also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was

issued, and the registration deadline for renewal of the multi-year registration.

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

- (1) A uniform mileage schedule;
- (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;
- (3) Any other information the registrar requires by rule.

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

(B) Except as provided by sections 4503.12 and 4503.16 of the Revised Code, the taxes payable on all applications made under sections 4503.10 and 4503.102 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:

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

(b) If the application is made during or after the second 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 the tax provided in section 4503.04 of the Revised Code shall be reduced by one-twelfth of the amount of such tax, rounded upward to the nearest cent, multiplied by the number of full months that have elapsed in the current registration period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

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

(b) If the application is made during or after the sixth month of the

current registration period to which the motor vehicle is assigned as provided in section 4503.101 of the Revised Code and prior to the beginning of the next such registration period, the amount of tax due is one-half of the amount of local motor vehicle license taxes levied under Chapter 4504. of the Revised Code.

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

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

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

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

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

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

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

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

manner prescribed by the registrar.

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

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

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

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

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

~~(F)~~(G) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree.

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

Sec. 4511.19. (A) No person shall operate any vehicle, streetcar, or

trackless trolley within this state, if, at the time of the operation, any of the following apply:

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

(2) The person has a concentration of ~~ten-hundredths~~ eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood;

(3) The person has a concentration of ~~twelve-hundredths~~ ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma;

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

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

(6) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood;

(7) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma;

(8) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath;

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

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

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

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

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

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

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

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

When a person submits to a blood test at the request of a law enforcement officer under section 4511.191 of the Revised Code, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

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

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(2), (3), (4), and (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for an equivalent

offense that is substantially equivalent to that division.

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

The person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

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

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

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

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

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact

considers to be appropriate.

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

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(2), (3), (4), (5), (6), (7), (8), or (9) or (B)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any forensic laboratory certified by the department of health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

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

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

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

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

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

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any

substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

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

(G)(1) Whoever violates any provision of divisions (A)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under Chapter 2929. of the Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender on probation for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may

require the offender, as a condition of probation and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of probation that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(iii) In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars;

(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or

one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than three hundred fifty and not more than one thousand five hundred dollars;

(iv) In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit,

probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The

court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days of imprisonment in accordance with division (G)(2) of that section. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months, the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code, and no term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, in the discretion of the court, either a mandatory term of local incarceration of one hundred twenty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of that section. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the one hundred twenty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year,

and no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months, the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code, and no term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of electronically monitored house arrest. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree. The court shall sentence the offender to all of the following:

(i) If the offender is being sentenced for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the sixty-day mandatory prison term. The cumulative total of the mandatory prison term and the additional prison term for the offense shall not exceed five years. No term of local incarceration, community residential sanction,

or nonresidential sanction is authorized for the offense.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code. The court may impose a prison term in addition to the one hundred twenty-day mandatory prison term. The cumulative total of the mandatory prison term and the additional prison term for the offense shall not exceed five years. No term of local incarceration, community residential sanction, or nonresidential sanction is authorized for the offense.

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the

Revised Code.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of electronically monitored house arrest. The cumulative total of the five consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of electronically monitored house arrest. The cumulative total of the ten consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of electronically monitored house arrest. The cumulative total of the fifteen consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the

Revised Code, except as provided in division (B) of that section.

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as follows:

(a) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii), thirty-five dollars of the fine imposed under division (G)(1)(b)(iii), one hundred twenty-three dollars of the fine imposed under division (G)(1)(c)(iii), and two hundred ten dollars of the fine imposed under division (G)(1)(d)(iii) or (e)(iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G)(1)(a)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of division (A)(1), (2), (3), (4), or (5) of this section and was confined as a result of the offense prior to being sentenced for the offense but is not sentenced to a term of incarceration, the fifty dollars shall be paid to the political subdivision that paid the cost of housing the offender during that period of confinement. The political subdivision shall use the share under this division to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs of any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(c) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii) and fifty dollars of the fine imposed under division (G)(1)(b)(iii) of this section shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (N) of section 4511.191 of the Revised Code.

(d) One hundred fifteen dollars of the fine imposed under division (G)(1)(b)(iii), two hundred seventy-seven dollars of the fine imposed under division (G)(1)(c)(iii), and four hundred forty dollars of the fine imposed

under division (G)(1)(d)(iii) or (e)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. The political subdivision shall use this share to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(e) The balance of the fine imposed under division (G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this section shall be disbursed as otherwise provided by law.

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c), (d), or (e) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(I)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the

minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(K) All terms defined in sections 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(L)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (L)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

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

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

(3) The lamps and reflectors required by division (A)(1) of this section and their placement shall meet standards and specifications contained in rules adopted by the director of public safety in accordance with Chapter

119. of the Revised Code. The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

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

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

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

(E) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

SECTION 5. That the existing versions of sections 1547.11, 4503.10, 4503.11, 4503.182, 4511.19, and 4513.111 of the Revised Code that are scheduled to take effect January 1, 2004, are hereby repealed.

SECTION 6. Sections 4 and 5 of this act take effect January 1, 2004.

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 items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund, which are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2004 and the amounts in the second column are for fiscal year 2005.

SECTION 11. DOT DEPARTMENT OF TRANSPORTATION

FUND	TITLE	FY 2004	FY 2005
Transportation Planning and Research			
Highway Operating Fund Group			
002 771-411	Planning and Research - State	\$ 14,548,950	\$ 15,070,100
002 771-412	Planning and Research - Federal	\$ 35,193,300	\$ 35,644,900
TOTAL HOF Highway Operating Fund Group		\$ 49,742,250	\$ 50,715,000
TOTAL ALL BUDGET FUND GROUPS - Transportation Planning and Research		\$ 49,742,250	\$ 50,715,000

Highway Construction

Highway Operating Fund Group

002	772-421	Highway Construction - State	\$	485,577,430	\$	442,367,300
002	772-422	Highway Construction - Federal	\$	762,964,700	\$	766,001,700
002	772-424	Highway Construction - Other	\$	70,000,000	\$	51,000,000
212	770-005	Infrastructure Debt Service - Federal	\$	72,064,200	\$	78,696,100
212	772-423	Infrastructure Lease Payments - Federal	\$	12,537,800	\$	12,537,300
212	772-426	Highway Infrastructure Bank - Federal	\$	2,740,000	\$	2,620,000
212	772-427	Highway Infrastructure Bank - State	\$	11,000,000	\$	11,000,000

TOTAL HOF Highway Operating Fund Group \$ 1,416,884,130 \$ 1,364,222,400

Highway Capital Improvement Fund Group

042	772-723	Highway Construction - Bonds	\$	220,000,000	\$	220,000,000
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TOTAL 042 Highway Capital Improvement Fund Group \$ 220,000,000 \$ 220,000,000

Infrastructure Bank Obligations Fund Group

045	772-428	Highway Infrastructure Bank - Bonds	\$	40,000,000	\$	40,000,000
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TOTAL 045 Infrastructure Bank Obligations Fund Group \$ 40,000,000 \$ 40,000,000

TOTAL ALL BUDGET FUND GROUPS - Highway Construction \$ 1,678,384,130 \$ 1,627,222,400

Highway Maintenance

Highway Operating Fund Group

002	773-431	Highway Maintenance - State	\$	394,605,100	\$	413,082,600
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TOTAL HOF Highway Operating Fund Group \$ 394,605,100 \$ 413,082,600

TOTAL ALL BUDGET FUND GROUPS - Highway Maintenance \$ 394,605,100 \$ 413,082,600

Public Transportation

Highway Operating Fund Group

002	775-452	Public Transportation - Federal	\$	27,000,000	\$	27,000,000
002	775-454	Public Transportation - Other	\$	1,500,000	\$	1,500,000
002	775-459	Elderly and Disabled Special Equipment - Federal	\$	4,230,000	\$	4,230,000

TOTAL HOF Highway Operating Fund Group \$ 32,730,000 \$ 32,730,000

TOTAL ALL BUDGET FUND GROUPS - Public Transportation \$ 32,730,000 \$ 32,730,000

Rail Transportation

Highway Operating Fund Group

002	776-462	Grade Crossings - Federal	\$	15,000,000	\$	15,000,000
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TOTAL HOF Highway Operating Fund Group \$ 15,000,000 \$ 15,000,000

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State Special Revenue Fund Group

4A3 776-665 Railroad Crossing Safety Devices	\$	1,000,000	\$	0
TOTAL SSR State Special Revenue Fund Group	\$	1,000,000	\$	0
TOTAL ALL BUDGET FUND GROUPS - Rail Transportation	\$	16,000,000	\$	15,000,000

Aviation

Highway Operating Fund Group

002 777-472 Airport Improvements - Federal	\$	405,000	\$	405,000
002 777-475 Aviation Administration	\$	4,064,700	\$	4,139,000
TOTAL HOF Highway Operating Fund Group	\$	4,469,700	\$	4,544,000
TOTAL ALL BUDGET FUND GROUPS - Aviation	\$	4,469,700	\$	4,544,000

Administration

State Special Revenue Fund Group

4T5 770-609 Administration Memorial Fund	\$	5,000	\$	5,000
TOTAL SSR State Special Revenue Fund Group	\$	5,000	\$	5,000

Highway Operating Fund Group

002 779-491 Administration - State	\$	116,449,900	\$	121,986,500
TOTAL HOF Highway Operating Fund Group	\$	116,449,900	\$	121,986,500
TOTAL ALL BUDGET FUND GROUPS - Administration	\$	116,454,900	\$	121,991,500

Debt Service

Highway Operating Fund Group

002 770-003 Administration - State - Debt Service	\$	13,802,600	\$	13,395,900
TOTAL HOF Highway Operating Fund Group	\$	13,802,600	\$	13,395,900
TOTAL ALL BUDGET FUND GROUPS - Debt Service	\$	13,802,600	\$	13,395,900

TOTAL Department of Transportation

TOTAL HOF Highway Operating Fund Group	\$	2,043,683,680	\$	2,015,676,400
TOTAL 042 Highway Capital Improvement Fund Group	\$	220,000,000	\$	220,000,000
TOTAL 045 Infrastructure Bank Obligations Fund Group	\$	40,000,000	\$	40,000,000
TOTAL SSR State Special Revenue Fund Group	\$	1,005,000	\$	5,000
TOTAL ALL BUDGET FUND GROUPS	\$	2,304,688,680	\$	2,275,681,400

SECTION 11.01. ISSUANCE OF BONDS

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, repairing, lighting, and removing snow and ice from the interstate system.

SECTION 11.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, RAIL, AVIATION, AND ADMINISTRATION

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of Fund 002 appropriations for highway planning and research (appropriation items 771-411 and 771-412), highway construction (appropriation items 772-421, 772-422, and 772-424), highway maintenance (appropriation item 773-431), rail grade crossings

(appropriation item 776-462), aviation (appropriation item 777-475), and administration (appropriation item 779-491). Transfers of appropriations may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at the next regularly scheduled meeting of the board.

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

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL TRANSIT

The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations between appropriation items 772-422, Highway Construction - Federal, and 775-452, Public Transportation - Federal, based upon transit capital projects meeting Federal Highway Administration and Federal Transit Administration funding guidelines. Transfers between these appropriation items may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2004 and 2005. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and projected debt, rental, or lease payments.

Should the appropriation and any reappropriations from prior years in appropriation item 770-005 and appropriation item 772-423 exceed the actual and projected debt, rental, or lease payments for fiscal year 2004 or 2005, then prior to June 30, 2005, the balance may be transferred to appropriation item 772-422. Such transfer may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Transfers shall be reported to the

Controlling Board at its next regularly scheduled meeting.

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

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase appropriation authority in the manner prescribed in section 131.35 of the Revised Code.

REAPPROPRIATIONS

All appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2003, are hereby reappropriated for the same purpose in fiscal year 2004.

All appropriations of the Highway Operating Fund (Fund 002) and the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code remaining unencumbered on June 30, 2004, are hereby reappropriated for the same purpose in fiscal year 2005.

Any balances of prior years' appropriations to the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code that are unencumbered on June 30, 2003, subject to the availability of

revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2004 upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board.

Any balances of prior years' appropriations to the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code that are unencumbered on June 30, 2004, subject to the availability of revenue as determined by the Director of Transportation, are hereby reappropriated for the same purpose in fiscal year 2005 upon the request of the Director of Transportation and with the approval of the Director of Budget and Management. Such reappropriations shall be reported to the Controlling Board.

SECTION 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES

Of the foregoing appropriation item 772-421, Highway Construction - State, \$3,145,500 is to be used each fiscal year during the 2003-2005 biennium by the Department of Transportation for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources, as requested by the Director of Natural Resources.

Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772-421, Highway Construction - State, \$2,228,000 in each fiscal year of the 2003-2005 biennium shall be used by the Department of Transportation for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

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

LIQUIDATION OF UNFORESEEN LIABILITIES

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

RUMBLE STRIPS AT RAILROAD CROSSINGS

Of the foregoing appropriation item 776-665, Railroad Crossing Safety

Devices, \$1,000,000 in fiscal year 2004 shall be used by the Department of Transportation to fund competitive grants to political subdivisions for the cost of putting rumble strips at active railroad crossings without gates or lights. The maximum amount of a competitive grant is \$50,000 for any single crossing. Each political subdivision with jurisdiction over a crossing may apply to the Department for a competitive grant for the costs of putting rumble strips at crossings. Those political subdivisions awarded grants shall install the rumble strips by December 1, 2004. Those political subdivisions awarded such grants shall not use the moneys as matching funds for any other state rail safety programs.

If rumble strips are not appropriate for a crossing, the Department may allow the political subdivision which is awarded the grant to use the funding for a safety device or technology more appropriate for the crossing.

The Department shall notify each political subdivision with jurisdiction over a crossing of the requirements of this section that funding is available for rumble strips at crossings and for other rail crossing safety improvements. The Department also shall notify associations representing political subdivisions of the availability of the funding.

The Department shall spend no more than five per cent of the appropriation item on Department administrative expenses.

The Department shall issue a report on or before June 30, 2005, describing the activities carried out by the Department to comply with the provisions of this section. The report shall include the number of crossings at which rumble strip installation was completed, the cost of each installation to date, the number of active crossings without gates or lights that still do not have rumble strips, and a geographic breakdown of where the crossings are that have and have not yet received rumble strips.

All appropriations in Fund 4A3, appropriation item 776-665, Railroad Crossing Safety Devices, remaining unencumbered on June 30, 2004, are hereby reappropriated for the same purpose in fiscal year 2005. The Department shall report all such appropriations to the Controlling Board.

SECTION 11.05. RENTAL PAYMENTS - OBA

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

such capital facilities shall be at the request of the Director of Transportation. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Transportation.

The Director of Transportation shall hold title to any land purchased and any resulting structures that are attributable to appropriation item 770-003. Notwithstanding section 152.18 of the Revised Code, the Director of Transportation shall administer any purchase of land and any contract for construction, reconstruction, and rehabilitation of facilities as a result of this appropriation.

Should the appropriation and any reappropriations from prior years in appropriation item 770-003 exceed the rental payments for fiscal year 2004 or 2005, then prior to June 30, 2005, the balance may be transferred to appropriation item 772-421, 773-431, or 779-491. Such transfer may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

SECTION 11.06. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS

The Director of Transportation may use revenues from the state motor vehicle fuel tax to match approved federal grants awarded to the Department of Transportation, regional transit authorities, or eligible public transportation systems, for public transportation highway purposes, or to support local or state funded projects for public transportation highway purposes. Public transportation highway purposes include: the construction or repair of high-occupancy vehicle traffic lanes, the acquisition or construction of park-and-ride facilities, the acquisition or construction of public transportation vehicle loops, the construction or repair of bridges used by public transportation vehicles or that are the responsibility of a regional transit authority or other public transportation system, or other similar construction that is designated as an eligible public transportation highway purpose. Motor vehicle fuel tax revenues may not be used for operating assistance or for the purchase of vehicles, equipment, or maintenance facilities.

SECTION 12. PAVEMENT-SELECTION PROCESS ANALYSIS

The Ohio Department of Transportation shall contract with a neutral third-party entity to conduct an analysis of the Department's

pavement-selection process including but not limited to life cycle cost analysis; user delay; constructability and environment factors. The Department of Transportation shall hold the contract with the neutral third party entity, and the contract shall be subject to Controlling Board approval under division (C)(8) of section 5526.01 of the Revised Code. The entity shall be an individual or an academic, research, or professional association with an expertise in pavement-selection decisions and shall not be a research center for concrete or asphalt pavement. The analysis shall compare and contrast the Department's pavement-selection process with those of other states and with model selection processes as described by the American Association of State Highway and Transportation Officials and the Federal Highway Administration.

An advisory council shall be appointed to approve the scope of study and to select the neutral third-party entity. The advisory council shall consist of the following members:

- (1) The director of the Ohio Department of Transportation, who shall act as Chairman of the council;
- (2) A member of the Ohio Society of Certified Public Accountants;
- (3) A member of a statewide business organization representing major corporate entities from a list of three names submitted to and appointed by the Speaker of the House of Representatives;
- (4) A member of the Ohio Society of Professional Engineers;
- (5) A member of a business organization representing small or independent businesses from a list of three names submitted to and appointed by the President of the Senate;
- (6) A representative of the Ohio Concrete Construction Association;
- (7) A representative of Flexible Pavements Association of Ohio, Inc.

Members of the advisory council representing the Ohio Society of Certified Public Accountants, the Ohio Society of Professional Engineers, the small or independent businesses and the major corporate entities shall have no conflict of interest with the position. For purposes of this section, "conflict of interest" means taking any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

The advisory council shall be appointed no later than July 31, 2003. The council shall select the neutral third party entity and shall determine the scope of the study not later than September 1, 2003. Once appointed, the council shall meet, at a minimum, every thirty days to direct and monitor the work of the neutral third party entity, including responding to any questions raised by the neutral third party entity. The council shall publish a schedule of meetings and provide adequate public notice of these meetings. The

meetings are also subject to the applicable public meeting requirements. The council shall allow a comment period of not less than thirty days before issuing its final report. The advisory council shall allow a comment period of not less than 30 days before a final report is issued. The report shall be issued on or before December 31, 2003. Upon issuing its final report, the council shall cease to exist.

The Department shall make changes to its pavement-selection process based on the recommendations included in the third-party entity's report.

The Department shall make the changes to its pavement-selection process based on the recommendations included in the neutral third-party entity's report.

**SECTION 13. DHS DEPARTMENT OF PUBLIC SAFETY
Highway Safety Information and Education**

State Highway Safety Fund Group

036	761-321	Operating Expense - Information and Education	\$	2,900,702	\$	3,030,054
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137
831	761-610	Information and Education - Federal	\$	468,982	\$	468,982
83N	761-611	Elementary School Seat Belt Program	\$	447,895	\$	447,895
832	761-612	Traffic Safety-Federal	\$	16,577,565	\$	16,577,565
844	761-613	Seat Belt Education Program	\$	463,760	\$	482,095
846	761-625	Motorcycle Safety Education	\$	1,780,507	\$	1,827,868
847	761-622	Film Production Reimbursement	\$	22,000	\$	22,000
TOTAL HSF State Highway Safety Fund Group			\$	22,938,548	\$	23,133,596
Agency Fund Group						
5J9	761-678	Federal Salvage/GSA	\$	100,000	\$	100,000
TOTAL AGY Agency			\$	100,000	\$	100,000
TOTAL ALL BUDGET FUND GROUPS - Highway Safety Information and Education			\$	23,038,548	\$	23,233,596

FEDERAL HIGHWAY SAFETY PROGRAM MATCH

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

SECTION 13.01. BUREAU OF MOTOR VEHICLES

State Special Revenue Fund Group

539 762-614	Motor Vehicle Dealers Board	\$	239,902	\$	239,902
TOTAL SSR State Special Revenue Fund Group					
		\$	239,902	\$	239,902

State Highway Safety Fund Group

4W4 762-321	Operating Expense-BMV	\$	73,385,912	\$	70,152,893
4W4 762-410	Registrations Supplement	\$	34,588,363	\$	32,480,610
5V1 762-682	License Plate Contributions	\$	2,388,568	\$	2,388,568
83R 762-639	Local Immobilization Reimbursement	\$	850,000	\$	850,000
835 762-616	Financial Responsibility Compliance	\$	6,303,125	\$	6,551,535
849 762-627	Automated Title Processing Board	\$	16,800,620	\$	26,076,349
TOTAL HSF State Highway Safety Fund Group					
		\$	134,316,588	\$	138,499,955
TOTAL ALL BUDGET FUND GROUPS - Bureau of Motor Vehicles					
		\$	134,556,490	\$	138,739,857

MOTOR VEHICLE REGISTRATION

The Registrar of Motor Vehicles may deposit revenues to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W4) established in section 4501.25 of the Revised Code, obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this section shall support, in part, appropriations for operating expenses and defray the cost of manufacturing and distributing license plates and license plate stickers and enforcing the law relative to the operation and registration of motor vehicles. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into the State Bureau of Motor Vehicles Fund before any revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

CAPITAL PROJECTS

The Registrar of Motor Vehicles may transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W4) to the State Highway Safety Fund (Fund 036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building, CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop.

TRANSFER OF FUNDS TO FUND 5V1

On July 1, 2003, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances in the Collegiate, Football Hall of Fame, Ohio Casa/GAL, Rotary International, Pro Sports Teams, Boy Scouts, Girl Scouts, Eagle Scouts, FOP, FOP Associates, Ducks Unlimited, FFA, and Leader in Flight Funds to the License Plate Contribution Fund (Fund 5V1). The spending authority to honor encumbrances established in the prior fiscal year is hereby appropriated.

SECTION 13.02. ENFORCEMENT

State Highway Safety Fund Group

036 764-033	Minor Capital Projects	\$	1,775,667	\$	1,779,664
036 764-321	Operating Expense - Highway Patrol	\$	208,447,118	\$	217,516,933
036 764-605	Motor Carrier Enforcement Expenses	\$	2,544,319	\$	2,603,697
83C 764-630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894
83F 764-657	Law Enforcement Automated Data System	\$	6,425,009	\$	7,111,198
83G 764-633	OMVI Fines	\$	820,927	\$	820,927
831 764-610	Patrol - Federal	\$	2,371,659	\$	2,407,585
831 764-659	Transportation Enforcement - Federal	\$	4,635,684	\$	4,738,515
837 764-602	Turnpike Policing	\$	9,648,265	\$	9,653,030
838 764-606	Patrol Reimbursement	\$	222,108	\$	222,108
840 764-607	State Fair Security	\$	1,462,774	\$	1,496,283
840 764-617	Security and Investigations	\$	8,653,390	\$	8,145,192
840 764-626	State Fairgrounds Police Force	\$	788,375	\$	788,375
841 764-603	Salvage and Exchange - Highway Patrol	\$	1,274,101	\$	1,274,101
TOTAL HSF State Highway Safety Fund Group		\$	249,692,290	\$	259,180,502
General Services Fund Group					
4S2 764-660	MARCS Maintenance	\$	232,154	\$	237,210
TOTAL GSF General Services Fund Group		\$	232,154	\$	237,210
TOTAL ALL BUDGET FUND GROUPS - Enforcement		\$	249,924,444	\$	259,417,712

COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the

Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

SECTION 13.03. EMERGENCY MEDICAL SERVICES

State Highway Safety Fund Group

83M 765-624	Operating Expenses - EMS	\$	2,519,883	\$	2,587,627
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 Fund Group					
		\$	8,938,634	\$	9,006,378
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services					
		\$	8,938,634	\$	9,006,378

SECTION 13.04. INVESTIGATIVE UNIT

State Highway Safety Fund Group

831 767-610	Liquor Enforcement - Federal	\$	514,184	\$	514,184
831 769-610	Food Stamp Trafficking Enforcement - Federal	\$	817,177	\$	817,177
TOTAL HSF State Highway Safety Fund Group					
		\$	1,331,361	\$	1,331,361

Liquor Control Fund Group

043 767-321	Liquor Enforcement - Operations	\$	9,644,288	\$	9,825,597
TOTAL LCF Liquor Control Fund Group					
		\$	9,644,288	\$	9,825,597

State Special Revenue Fund Group

622 767-615	Investigative Contraband and Forfeiture	\$	404,111	\$	404,111
850 767-628	Investigative Unit Salvage	\$	120,000	\$	120,000
TOTAL SSR State Special Revenue Fund Group					
		\$	524,111	\$	524,111
TOTAL ALL BUDGET FUND GROUPS - Special Enforcement					
		\$	11,499,760	\$	11,681,069

LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS EQUIPMENT

The Director of Public Safety, using intrastate transfer vouchers, shall make cash transfers to the State Highway Safety Fund (Fund 036) from other funds to reimburse the State Highway Safety Fund for the share of lease rental payments to the Ohio Building Authority that are associated with appropriation item CAP-076, Investigative Unit MARCS Equipment.

SECTION 13.05. EMERGENCY MANAGEMENT

Federal Special Revenue Fund Group

3N5 763-644	U.S. DOE Agreement	\$	266,000	\$	275,000
329 763-645	Individual/Family Grant - Fed	\$	303,504	\$	303,504

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337	763-609	Federal Disaster Relief	\$	5,000,000	\$	3,000,000
339	763-647	Emergency Management Assistance and Training	\$	129,622,000	\$	129,622,000
TOTAL FED Federal Special Revenue Fund Group			\$	135,191,504	\$	133,200,504
General Services Fund Group						
4V3	763-662	EMA Service and Reimbursement	\$	696,446	\$	696,446
533	763-601	State Disaster Relief	\$	7,500,000	\$	7,500,000
TOTAL GSF General Services Fund Group			\$	8,196,446	\$	8,196,446
State Special Revenue Fund Group						
657	763-652	Utility Radiological Safety	\$	1,200,000	\$	1,260,000
681	763-653	SARA Title III HAZMAT Planning	\$	264,510	\$	271,510
TOTAL SSR State Special Revenue Fund Group			\$	1,464,510	\$	1,531,510
TOTAL ALL BUDGET FUND GROUPS - Emergency Management			\$	144,852,460	\$	142,928,460

SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 681) shall receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

STATE DISASTER RELIEF

The foregoing appropriation item 763-601, State Disaster Relief, may accept transfers of cash and appropriations from Controlling Board appropriation items to reimburse eligible local governments and private nonprofit organizations for costs related to disasters that have been declared by local governments or the Governor. The Ohio Emergency Management Agency shall publish and make available an application packet outlining eligible items and application procedures for entities requesting state disaster relief.

Individuals may be eligible for reimbursement of costs related to disasters that have been declared by the Governor and the Small Business Administration. The funding in appropriation item 763-601, State Disaster Relief, shall be used in accordance with the principles of the federal Individual and Family Grant Program, which provides grants to households that have been affected by a disaster to replace basic living items. The Ohio Emergency Management Agency shall publish and make available an application procedure for individuals requesting assistance under the state Individual Assistance Program.

EMA SERVICE AND REIMBURSEMENT FUND

On July 1, 2003, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balances in the EMA Utility

Payment Fund (Fund 4Y0) and the Salvage and Exchange-EMA Fund (Fund 4Y1) to the EMA Service and Reimbursement Fund (Fund 4V3), created in section 5502.39 of the Revised Code. Upon the completion of the transfer, notwithstanding any other provision of law to the contrary, the EMA Utility Payment Fund (Fund 4Y0) and the Salvage and Exchange-EMA Fund (Fund 4Y1) are abolished. The director shall cancel any existing encumbrances against appropriation items 763-654, EMA Utility Payment, and 763-655, Salvage and Exchange-EMA, and reestablish them against appropriation item 763-662, EMA Service and Reimbursement. The amounts of the reestablished encumbrances are hereby appropriated.

SECTION 13.06. ADMINISTRATION

State Highway Safety Fund Group

036	766-321	Operating Expense - Administration	\$	4,346,226	\$	4,461,836
830	761-603	Salvage and Exchange - Administration	\$	22,070	\$	22,070
TOTAL HSF State Highway Safety Fund Group			\$	4,368,296	\$	4,483,906
General Services Fund Group						
4S3	766-661	Hilltop Utility Reimbursement	\$	500,000	\$	500,000
TOTAL GSF General Services Fund Group			\$	500,000	\$	500,000
TOTAL ALL BUDGET FUND GROUPS - Administration			\$	4,868,296	\$	4,983,906

SECTION 13.07. DEBT SERVICE

State Highway Safety Fund Group

036	761-401	Lease Rental Payments	\$	11,676,700	\$	13,663,200
TOTAL HSF State Highway Safety Fund Group			\$	11,676,700	\$	13,663,200
TOTAL ALL BUDGET FUND GROUPS - Debt Service			\$	11,676,700	\$	13,663,200

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS

The foregoing appropriation item 761-401, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2003, to June 30, 2005, pursuant to the primary leases and agreements for buildings made under Chapter 152. of the Revised Code that are pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Director of Budget and Management, lease capital facilities to the Department of Public Safety.

HILLTOP TRANSFER

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

SECTION 13.08. REVENUE DISTRIBUTION**Holding Account Redistribution Fund Group**

R24 762-619	Unidentified Motor Vehicle Receipts	\$ 1,850,000	\$ 1,850,000
R27 764-608	Patrol Fee Refunds	\$ 35,000	\$ 35,000
R52 762-623	Security Deposits	\$ 250,000	\$ 250,000
TOTAL 090 Holding Account Redistribution Fund Group		\$ 2,135,000	\$ 2,135,000
TOTAL ALL BUDGET FUND GROUPS - Revenue Distribution		\$ 2,135,000	\$ 2,135,000

TOTAL Department of Public Safety

TOTAL HSF State Highway Safety Fund Group	\$ 433,262,417	\$ 449,298,898
TOTAL SSR State Special Revenue Fund Group	\$ 2,228,523	\$ 2,295,523
TOTAL LCF Liquor Control Fund Group	\$ 9,644,288	\$ 9,825,597
TOTAL GSF General Services Fund Group	\$ 8,928,600	\$ 8,933,656
TOTAL FED Federal Revenue Special Fund Group	\$ 135,191,504	\$ 133,200,504
TOTAL AGY Agency Fund Group	\$ 100,000	\$ 100,000
TOTAL 090 Holding Account Redistribution Fund Group	\$ 2,135,000	\$ 2,135,000
TOTAL ALL BUDGET FUND GROUPS	\$ 591,490,332	\$ 605,789,178

SECTION 13.09. CASH BALANCE FUND REVIEW

Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4) in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of the State Highway Safety Fund, or the Bureau of Motor Vehicles Fund, as appropriate.

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND

The Director of Budget and Management, pursuant to a plan submitted by the Department of Public Safety or as otherwise determined by the Director, shall set a cash transfer schedule totaling \$140,137,500 in fiscal year 2004 and \$94,359,250 in fiscal year 2005 from the Highway Operating Fund, established in section 5735.291 of the Revised Code, to the State Highway Safety Fund, established in section 4501.06 of the Revised Code. The director shall transfer the cash at such times as is determined by the transfer schedule.

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND

The Director of Budget and Management shall transfer cash in eleven equal increments totaling \$46,712,500 from August 15, 2003, through June 30, 2004, and \$94,359,250 in equal monthly increments in fiscal year 2005 from the Highway Operating Fund, established in section 5735.291 of the Revised Code, to the Gasoline Excise Tax Fund established in division (A) of section 5735.27 of the Revised Code. The monthly amounts transferred pursuant to this section shall be distributed as follows: forty-two and eighty-six hundredths (42.86) per cent shall be distributed among the municipal corporations within the state in accordance with division (A)(2) of section 5735.27 of the Revised Code; thirty-seven and fourteen hundredths (37.14) per cent shall be distributed among the counties within the state in accordance with division (A)(3) of section 5735.27 of the Revised Code; and twenty (20) per cent shall be distributed among the townships within the state in accordance with division (A)(5)(b) of section 5735.27 of the Revised Code.

SECTION 14. DEV DEPARTMENT OF DEVELOPMENT

State Special Revenue Fund Group

4W0 195-629 Roadwork Development	\$	12,699,900	\$	12,699,900
TOTAL SSR State Special Revenue Fund Group	\$	12,699,900	\$	12,699,900
TOTAL ALL BUDGET FUND GROUPS	\$	12,699,900	\$	12,699,900

ROADWORK DEVELOPMENT FUND

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

The Department of Transportation, under the direction of the Department of Development, shall provide these funds in accordance with

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

The Director of Budget and Management, pursuant to a plan submitted by the Department of Development or as otherwise determined by the Director of Budget and Management, shall set a cash transfer schedule to meet the cash needs of the Department of Development's Roadwork Development Fund (Fund 4W0), less any other available cash. The director shall transfer to the Roadwork Development Fund from the Highway Operating Fund (Fund 002), established in section 5735.291 of the Revised Code, such amounts at such times as determined by the transfer schedule.

TRANSPORTATION IMPROVEMENT DISTRICTS

Of the foregoing appropriation item 195-629, Roadwork Development, \$250,000 in each fiscal year of the biennium shall be paid by the Director of Development to each of the transportation improvement districts of Butler, Hamilton, Medina, and Stark counties. The transportation improvement districts may use the payments for any purpose authorized under Chapter 5540. of the Revised Code, including administrative activities and the purchase of property and rights for the construction, maintenance, or operation of a project. These payments shall not be subject to the restrictions of appropriation item 195-629, Roadwork Development.

SECTION 15. PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group

052	150-402	LTIP - Operating	\$	291,946	\$	298,441
052	150-701	Local Transportation Improvement Program	\$	67,500,000	\$	67,500,000

TOTAL 052 Local Transportation Improvements Fund Group \$ 67,791,946 \$ 67,798,441

Local Infrastructure Improvements Fund Group

038	150-321	SCIP - Operating Expenses	\$	884,239	\$	906,324
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TOTAL LIF Local Infrastructure Improvements Fund Group \$ 884,239 \$ 906,324

TOTAL ALL BUDGET FUND GROUPS \$ 68,676,185 \$ 68,704,765

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from interest earnings of the Capital Improvements Fund and Local Transportation Improvement Program Fund proceeds. This program shall be used to provide for administration costs of the nineteen public works districts for the direct costs of district administration. Districts choosing to participate in this program shall only expend Capital Improvements Fund moneys for Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The account shall not exceed \$760,000 per fiscal year. Each public works district may be eligible for up to \$40,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The director, by rule, shall define allowable and nonallowable costs for the purpose of the District Administration Costs Program. Nonallowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee pursuant to section 164.04 of the Revised Code.

REAPPROPRIATIONS

All capital appropriations from the Local Transportation Improvement Program Fund (Fund 052) in Sub. H.B. 73 of the 124th General Assembly remaining unencumbered as of June 30, 2003, are reappropriated for use during the period July 1, 2003, through June 30, 2004, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 052) in this act remaining unencumbered as of June 30, 2004, are reappropriated for use during the period July 1, 2004, through June 30, 2005, for the same purpose, subject to the availability of revenue as determined by the Director of the Public Works Commission.

SECTION 16. (A) The Chief of the Division of Forestry may salvage and sell timber and other forest products from the state forests with the exception of the Shawnee Wilderness Area, as defined in section 1503.43 of the Revised Code, that have been felled or damaged by weather, natural forces, or other conditions with the approval of the Attorney General and the Director of Natural Resources.

(B) Except as otherwise provided in this section, a sale that is authorized

under division (A) of this section shall be executed in compliance with the terms and conditions set forth in section 1503.05 of the Revised Code.

(C) All moneys received from the salvage and sale of timber and forest products from these lands shall be paid into the state treasury. Twenty per cent of the moneys received shall be credited to the State Forest Fund for the purposes of restoring public access to and within state forests, which shall include highway and road cleaning, reconstruction, and maintenance. That portion of moneys received also may be used for forest management programs, including re-forestation, forest reclamation, and forest management practices. Ten per cent of the moneys received shall be credited to the General Revenue Fund. The remaining seventy per cent of the moneys received shall be credited to the State Forest Fund for distribution under division (D) of this section.

(D) At the time of making such a payment or deposit, the Chief shall determine the amount and gross value of all such timber and forest products sold from lands in each county, each township within the county, and each school district within the county. Afterward, the Chief shall send to each county treasurer a copy of the determination and shall provide for payment to the county treasurer, for general use of the general fund of that county from the amount so received as provided in this division, an amount equal to seventy per cent of the gross value of the timber and forest products sold in that county. The county auditor shall do all of the following:

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county;

(2) Pay into the general fund of any township located within the county containing such lands one-fourth of the amount received by the county from timber and forest products sold from lands located in the township;

(3) Request the board of education of any school district located within the county and containing such lands to identify which fund or funds of the district should receive the moneys available to the school district under this section. After receiving notice from the board, the county auditor shall pay into the fund or funds so identified one-half of the amount received by the county from timber and forest products sold from lands located in the school district, distributed proportionately as identified by the board.

(E) When both damaged and undamaged timber are harvested, the Chief of the Division of Forestry shall estimate the proportion of damaged timber to total timber harvested. The Chief shall credit and allocate the portion of moneys from the sale of undamaged timber in accordance with section 1503.05 of the Revised Code. The Chief shall credit and allocate the portion of moneys from the sale of damaged timber in accordance with this section.

(F) This section shall expire two years after its effective date. This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

SECTION 17. That Sections 78 and 78.02 of Am. Sub. H.B. 94 of the 124th General Assembly be amended to read as follows:

Sec. 78. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF 725-401	Wildlife - GRF Central Support	\$	750,000	\$	750,000
GRF 725-404	Fountain Square Rental Payments - OBA	\$	1,092,400	\$	1,089,100
GRF 725-407	Conservation Reserve Enhancement Program	\$	1,920,400	\$	1,920,400
GRF 725-412	Reclamation Commission	\$	67,123	\$	70,971
GRF 725-413	OPFC Lease Rental Payments	\$	16,211,500	\$	14,279,000
GRF 725-423	Stream and Ground Water Gauging	\$	448,745	\$	478,214
GRF 725-425	Wildlife License Reimbursement	\$	1,000,000	\$	1,000,000
GRF 725-456	Canal Lands	\$	397,811	\$	407,756
GRF 725-502	Soil and Water Districts	\$	12,126,462	\$	12,621,123
GRF 725-903	Natural Resources General Obligation Debt Service	\$	19,001,100	\$	22,101,900
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345
GRF 728-321	Division of Geological Survey	\$	2,269,911	\$	2,432,974
GRF 729-321	Office of Information Technology	\$	1,072,960	\$	1,985,667
GRF 730-321	Division of Parks and Recreation	\$	35,651,542	\$	37,972,382
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581
GRF 736-321	Division of Engineering	\$	3,709,501	\$	3,918,766
GRF 737-321	Division of Soil and Water	\$	4,675,812	\$	4,879,744
GRF 738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042
GRF 741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940
GRF 744-321	Division of Mineral Resources Management	\$	3,946,725	\$	4,162,882
TOTAL GRF General Revenue Fund		\$	124,566,359	\$	131,479,787

General Services Fund Group

155	725-601	Departmental Projects	\$	2,216,594	\$	1,913,242
157	725-651	Central Support Indirect	\$	8,009,551	\$	8,423,094
158	725-604	Natural Resources Publication Center Intrastate	\$	94,198	\$	94,595
161	725-635	Parks Facilities Maintenance	\$	2,993,169	\$	3,063,124
162	725-625	Civilian Conservation Corps Operations	\$	7,885,349		
204	725-687	Information Services	\$	3,010,774	\$	3,971,856

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206	725-689	REALM Support Services	\$	475,000	\$	475,000
207	725-690	Real Estate Services	\$	50,000	\$	54,000
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000
4S9	725-622	NatureWorks Personnel	\$	759,143	\$	832,528
4X8	725-662	Water Resources Council	\$	275,633	\$	282,524
430	725-671	Canal Lands	\$	1,215,441	\$	1,259,511
508	725-684	Natural Resources Publication Center Interstate	\$	239,538	\$	245,808
510	725-631	Maintenance - state-owned residences	\$	224,926	\$	229,710
516	725-620	Water Management	\$	2,459,256	\$	2,522,146
635	725-664	Fountain Square Facilities Management	\$	2,755,109	\$	2,821,999
697	725-670	Submerged Lands	\$	589,315	\$	615,000
TOTAL GSF General Services						
Fund Group			\$	33,302,996	\$	34,912,852
Federal Special Revenue Fund Group						
3B3	725-640	Federal Forest Pass-Thru	\$	55,000	\$	55,000
3B4	725-641	Federal Flood Pass-Thru	\$	190,000	\$	190,000
3B5	725-645	Federal Abandoned Mine Lands	\$	9,908,408	\$	10,125,056
3B6	725-653	Federal Land and Water Conservation Grants	\$	3,559,697	\$	3,689,697
3B7	725-654	Reclamation - Regulatory	\$	1,788,579	\$	1,799,459
3P0	725-630	Natural Areas and Preserves - Federal	\$	230,000	\$	230,000
3P1	725-632	Geological Survey - Federal	\$	381,910	\$	366,303
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289
3P3	725-650	Real Estate and Land Management - Federal	\$	2,980,975	\$	3,184,300
3P4	725-660	Water - Federal	\$	180,000	\$	180,000
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	600,000	\$	613,200
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000
332	725-669	Federal Mine Safety Grant	\$	136,423	\$	141,880
TOTAL FED Federal Special Revenue						
Fund Group			\$	21,400,693	\$	21,965,184
State Special Revenue Fund Group						
4J2	725-628	Injection Well Review	\$	51,742	\$	61,638
4M7	725-631	Wildfire Suppression	\$	150,310	\$	150,000
4U6	725-668	Scenic Rivers Protection	\$	500,000	\$	510,000
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000
5P2	725-634	Wildlife Boater Angler Administration	\$	1,500,000	\$	1,500,000
509	725-602	State Forest	\$	1,489,013	\$	1,536,595 <u>2,536,595</u>
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305
518	725-643	Oil and Gas Permit Fees	\$	1,821,252	\$	1,821,325
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000
521	725-627	Off-Road Vehicle Trails	\$	66,213	\$	68,490

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522	725-656	Natural Areas Checkoff Funds	\$	1,508,080	\$	1,860,670
526	725-610	Strip Mining Administration Fees	\$	1,480,566	\$	1,449,459
527	725-637	Surface Mining Administration	\$	2,963,272	\$	3,093,938
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087
532	725-644	Litter Control and Recycling	\$	13,137,680	\$	13,311,365
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000
615	725-661	Dam Safety	\$	244,442	\$	259,758
TOTAL SSR State Special Revenue Fund Group			\$	61,594,456	\$	<u>63,822,002</u> <u>64,822,002</u>
Wildlife Fund Group						
015	740-401	Division of Wildlife Conservation	\$	46,177,752	\$	48,713,747
815	725-636	Cooperative Management Projects	\$	156,536	\$	160,449
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885
817	725-655	Wildlife Conservation Checkoff Fund	\$	1,435,567	\$	1,472,755
818	725-629	Cooperative Fisheries Research	\$	964,470	\$	988,582
819	725-685	Ohio River Management	\$	125,448	\$	128,584
TOTAL WLF Wildlife Fund Group			\$	49,803,076	\$	52,431,002
Waterways Safety Fund Group						
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497
086	725-416	Natural Areas Marine Patrol	\$	25,000	\$	0
086	725-417	Parks Marine Patrol	\$	25,000	\$	0
086	725-418	Buoy Placement	\$	41,153	\$	42,182
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867
086	725-506	Watercraft Marine Patrol	\$	562,100	\$	576,153
086	725-513	Watercraft Educational Grants	\$	357,700	\$	366,643
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158
TOTAL WSF Waterways Safety Fund Group			\$	21,026,671	\$	21,969,500
Holding Account Redistribution Fund Group						
R17	725-659	Performance Cash Bond Refunds	\$	251,500	\$	252,000
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,001,500	\$	2,002,000
Accrued Leave Liability Fund Group						
4M8	725-675	FOP Contract	\$	19,609	\$	20,844
TOTAL ALF Accrued Leave Liability Fund Group			\$	19,609	\$	20,844
TOTAL ALL BUDGET FUND GROUPS			\$	313,715,360	\$	328,603,171 <u>329,603,171</u>

The review and acceptance of amended articles of dedication under section 1517.05 of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly, is an administrative function that is

performed by the Department of Natural Resources. The amendments to that section clarify the manner in which such reviews are to be conducted. The reviews contemplated by section 1517.05 of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 94 of the 124th General Assembly, shall be funded by the general appropriation to the Department of Natural Resources under this section.

Sec. 78.02. CENTRAL SUPPORT INDIRECT

With the exception of the Division of Wildlife, whose indirect central support charges shall be paid out of the General Revenue Fund from the foregoing appropriation item 725-401, Wildlife - GRF Central Support, the Department of Natural Resources, with the approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 157). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Central Support Indirect Fund shall be made using an intrastate transfer voucher.

WILDLIFE LICENSE REIMBURSEMENT

Notwithstanding the limits of the transfer from the General Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 of the Revised Code, up to the amount available in appropriation item 725-425, Wildlife License Reimbursement, may be transferred from the General Revenue Fund to the Wildlife Fund (Fund 015). Pursuant to the certification of the Director of Budget and Management of the amount of foregone revenue in accordance with section 1533.15 of the Revised Code, the foregoing appropriation item in the General Revenue Fund, appropriation item 725-425, Wildlife License Reimbursement, shall be used to reimburse the Wildlife Fund (Fund 015) for the cost of hunting and fishing licenses and permits issued after June 30, 1990, to individuals who are exempted under the Revised Code from license, permit, and stamp fees.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may pay to any soil and water conservation district, from authority in appropriation item 725-502, Soil and Water Districts, an annual amount not to exceed \$30,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 in each fiscal year shall be distributed to the Muskingum Watershed Conservancy District and \$50,000 in each fiscal year shall be distributed to the Livestock Assurance Program.

Of the foregoing appropriation 725-502, Soil and Water Districts, \$136,000 shall be earmarked in fiscal year 2002 for Indian Lake, \$56,000 per fiscal year for the Conservation Action Program, \$48,000 in fiscal year 2002 for Millcreek Valley Conservation District, \$40,000 per fiscal year for Wills Creek Reservoir, \$120,000 in fiscal year 2002 for the relocation of Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and Rush Creek Flood Control project, and \$100,000 per fiscal year for Rush Creek Conservancy District. Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 shall be earmarked in each fiscal year for the Loramie Lake Project.

DIVISION OF SOIL AND WATER

Of the foregoing appropriation item 737-321, Division of Soil and Water, \$220,000 in each fiscal year shall be distributed to the Water Quality Laboratory located at Heidelberg College.

CANAL LANDS

The foregoing appropriation item 725-456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 430) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

STATE FOREST

Of the foregoing appropriation item 725-602, State Forest, \$285,000 shall be used in fiscal year 2003 for the Civilian Conservation Corps' Camp Riffe facility in southern Ohio to aid in forestry cleanup and road clearing. This shall be the final state assistance to the Civilian Conservation Corps' Camp Riffe facility.

WATERCRAFT MARINE PATROL

Of the foregoing appropriation item 739-401, Division of Watercraft, not more than \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

FUND CONSOLIDATION

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Wildlife Education Fund (Fund 015). The Director shall cancel any remaining outstanding encumbrances against appropriation item 725-612, Wildlife Education, and reestablish them against appropriation item 740-401, Division of Wildlife Conservation. The amounts of any encumbrances canceled and reestablished are appropriated.

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Waterways Safety Fund (Fund 086). The director shall cancel any remaining outstanding encumbrances against appropriation item 725-614, Cooperative Boat Harbor Projects, and reestablish them against appropriation item 739-401, Division of Watercraft. The amounts of any encumbrances canceled and reestablished are hereby appropriated.

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the State Forest Fund (Fund 509). The director shall cancel any remaining outstanding encumbrances against appropriation item 725-617, Forestry Development Fund, and reestablish them against appropriation item 725-602, State Forest. The amounts of any encumbrances canceled and reestablished are appropriated. No interest shall be credited to Fund 4B8 after June 30, 2001.

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Burr Oak Water Plant Fund (Fund 519), which is abolished by the repeal of section 1507.12 of the Revised Code in this act, to the Burr Oak Regional Water District.

PARKS FACILITIES MAINTENANCE

Notwithstanding section 1541.221 of the Revised Code, the first \$1,100,000 that would be transferred to the Parks Facilities Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained by the State Park Fund (Fund 512). The difference between ten per cent of the receipts from revenue-producing facilities of the division of parks and recreation and \$1,100,000 shall be transferred to the Parks Facilities Maintenance Fund in

fiscal year 2002.

OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725-677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. Appropriation authority from this line item shall not be transferred to any other fund or line item.

SECTION 18. That existing Sections 78 and 78.02 of Am. Sub. H.B. 94 of the 124th General Assembly are hereby repealed.

SECTION 19. That Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly be amended to read as follows:

Sec. 25. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) and derived from the proceeds of obligations heretofore authorized to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

		Reappropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-005	Cowan Lake State Park	\$ 51,964
CAP-011	Findley State Park	\$ 22,856
CAP-012	Land Acquisition	\$ 586,825
CAP-016	Hueston Woods State Park	\$ 4,467
CAP-017	Indian Lake State Park	\$ 5,288
CAP-019	Lake Hope State Park	\$ 500
CAP-025	Punderson State Park	\$ 7,763
CAP-026	Pymatuning State Park	\$ 80,000
CAP-051	Buck Creek State Park	\$ 3,050
CAP-064	Geneva State Park	\$ 750
CAP-069	Hocking Hills State Park	\$ 400
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000
CAP-162	Shawnee State Park	\$ 750
CAP-205	Deer Creek State Park	\$ 18,800
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 12,564,460
CAP-331	Park Boating Facilities	\$ 1,061,800
CAP-390	State Park Maintenance Facility Development	\$ 488,801
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 1,033,254
CAP-702	Upgrade Underground Storage Tanks	\$ 1,933,783
CAP-703	Cap Abandoned Water Wells	\$ 250,000
CAP-718	Grand Lake St. Mary's State Park	\$ 157,532
CAP-719	Indian Lake State Park	\$ 11,945

CAP-727	Riverfront Improvements	\$	1,000,000
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000
CAP-748	Local Parks Projects	\$	1,572,000
CAP-787	Scioto Riverfront Improvements	\$	7,750,000
CAP-789	Great Miami Riverfront Improvements	\$	2,000,000
CAP-821	State Park Dredging and Shoreline Protection	\$	300,000
CAP-827	Cuyahoga Valley Scenic Railroad	\$	3,716,666
CAP-836	State Parks Renovation/Upgrading	\$	350
CAP-876	Statewide Trails Program	\$	1,272,680
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000
CAP-927	Mohican State Park	\$	50,571
CAP-928	Handicapped Accessibility	\$	498,089
CAP-929	Hazardous Waste/Asbestos Abatement	\$	785,978
CAP-931	Wastewater/Water Systems Upgrade	\$	3,507,391
	Total Department of Natural Resources	\$	46,703,443
	Total Parks and Recreation Improvement Fund	\$	46,703,443

LOCAL PARKS PROJECTS

The following projects shall be funded from the foregoing reappropriation item CAP-748, Local Parks Projects: \$500,000 for Erie Metro Parks Land Acquisition; \$40,000 for Grove City Fryer Park Improvements; \$12,500 for ~~Big Prairie/Lakeville~~ Berlin Township Park Improvements; \$25,000 for Holmes County Park Improvements; \$25,000 for Stockport Village Park Improvements; \$50,000 for Silver Park Improvements, \$6,500 for Crossroads Park Improvements; \$38,000 for Wauseon Park Land Acquisition; \$150,000 for Black Swamp Land Acquisition; \$75,000 for the Walbridge Parks Improvements; and \$100,000 by the West Creek Preservation Committee for a West Creek Watershed Project.

SCIOTO RIVERFRONT IMPROVEMENTS

Of the foregoing reappropriation item CAP-787, Scioto Riverfront Improvements, \$7,750,000 shall be used for Spring and Long Park.

STATEWIDE TRAILS PROGRAM

Of the foregoing reappropriation item CAP-876, Statewide Trails Program, \$50,000 shall be used for the Lake to River Greenway Bike Path in Trumbull County.

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund.

SECTION 20. That existing Section 25 of Am. Sub. H.B. 524 of the 124th General Assembly is hereby repealed.

SECTION 21. PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Law contained in the main operating appropriations act of the 125th General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act.

SECTION 22. LEASE PAYMENTS TO OBA AND TREASURER

Certain appropriations are in this act for the purpose of lease payments to the Ohio Building Authority or to the Treasurer of State pursuant to leases and agreements relating to bonds or notes issued by the Ohio Building Authority or the Treasurer of State pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SECTION 23. In accordance with the Department of Transportation's existing schedule for reconstruction of Interstate Route 71, the Department shall open and mark the third lane of travel in both the northbound and southbound lanes of Interstate Route 71, from one mile south of State Route 18 to the interchange with State Route 303.

SECTION 24. Sections 1 to 9 of Am.Sub. H.B. 512 of the 124th General Assembly take effect July 1, 2003.

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 25. (A) There is hereby created the Biofuel and Renewable Energy Task Force, which shall consist of eight members as follows:

(1) Two members of the Senate appointed by the President of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party;

(2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority

party;

- (3) One member appointed by the Governor;
- (4) One member appointed by the Director of Agriculture;
- (5) One member appointed by the Director of Development;
- (6) One member appointed by the Chairperson of the Ohio Air Quality

Development Authority.

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.

(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:

- (1) Provide an overview of the industries of biofuel and other renewable energy sources in this state;

- (2) Describe the condition of those industries in this state and describe state programs that are providing aid or financial assistance to those industries;

- (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;

- (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.

Following submission of the report, the Task Force shall cease to exist.

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 or enacted in this act are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified sections of law amended or enacted by this act, and the items of law of which the codified sections of law as amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified section of law as amended or enacted by this act, or against any item of law of which any such codified section of law as amended or enacted by this act is composed, the codified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the

earliest time permitted by law.

SECTION 27. Sections 4501.21, 4503.50, 4503.51, 4503.55, 4503.561, 4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 4503.73, 4503.75, 5502.39, 5531.10, 5728.06, 5735.23, 5735.27, 5735.29, 5735.291, and 5735.292 of the Revised Code, as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as amended or enacted by this act, and the items of law of which such sections as amended or enacted by this act are composed, go into immediate effect when this act becomes law.

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

SECTION 28. The repeal by this act of sections 4501.20, 4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40, 4501.41, 4501.61, 4501.71, and 4503.251 of the Revised Code is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such repeals go into immediate effect when this act becomes law.

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

SECTION 29. Notwithstanding the effective date of the amendments to sections 3704.14, 4503.103, and 4503.11 of the Revised Code relating to a program of biennial motor vehicle registration, the Bureau of Motor Vehicles is not required to have such a program in operation until January 1, 2004.

SECTION 30. If the amendment or enactment in this act of a codified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the amendment, enactment, or repeal by this act of a codified or uncodified section of law is not subject to the referendum,

the corresponding indications in the amending, enacting, or repeal clauses commanding the amendment, enactment, or repeal also are not subject to the referendum, the same as the amendment, enactment, or repeal.

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 31. The items in the uncodified sections of law contained in this act that appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation for the current expenses of state government are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, these items go into immediate effect when this act becomes law.

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

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

SECTION 32. Section 4503.10 of the Revised Code is presented in Section 1 of this act as a composite of the section as amended by Am. Sub. H.B. 94, S.B. 31, and Sub. S.B. 59, all 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 Section 1 of this act.

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 as presented in this act.

(B) Section 5735.23 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 612 and Am. Sub. H.B. 640 of the 123rd 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.

(C) 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 36. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

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.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

This act is not of a general and permanent nature and does not require a code section number.

Director, Legislative Service Commission.

Am. Sub. H. B. No. 87

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Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____