



**H.B. 87\***

125th General Assembly  
(As Introduced)

**Rep. Buehrer (by request)**

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**BILL SUMMARY**

- Imposes new fees for the purpose of defraying the Department of Public Safety's costs associated with the administration and enforcement of motor vehicle and traffic laws at the rates of \$15 for certificates of title, \$5 for driver's licenses, and \$5 for vehicle registrations.
- Increases one component of the motor vehicle fuel tax, which is currently at 2¢ per gallon, by 2¢ per gallon effective August 15, 2003, an additional 2¢ per gallon effective August 15, 2004, and an additional 2¢ per gallon effective August 15, 2005.
- Provides that a portion of this motor vehicle fuel tax component, which currently goes entirely for state purposes, be distributed to municipal corporations, counties, and townships according to a distribution formula to pay for local highway-related purposes.
- Increases the commercial bus safety inspection fee from not more than \$100 to not more than \$200 and authorizes the Director of Budget and Management to reimburse the State Highway Safety Fund from the GRF up to the annual amount of bus safety inspection fees certified by the Director of Public Safety as having been collected.
- Eliminates the requirement for annual reimbursement from the General Revenue Fund to the Auto Registration Distribution Fund and the State Highway Safety Fund of the amount of revenue lost because boat trailers owned and registered by disabled veterans, Congressional Medal of

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\* *This analysis was prepared before the introduction of the bill appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Honor winners, and former prisoners of war are exempt from all registration taxes and fees.

- Expands the sources of federal moneys that can be used for payment of bond service charges in connection with the issuance of State Infrastructure Bank obligations.
- Makes permanent the pilot program of ODOT whereby the Director of Transportation may combine the design and construction elements of a highway or bridge project into a single "design-build" contract.
- Limits the total dollar value of such ODOT design-build contracts to \$250 million per biennium.
- Permits a county engineer to utilize one contract that combines the design and construction elements of a bridge, highway, or safety project, but only if the cost of the project as bid does not exceed \$1.5 million.
- Permits the Director of Transportation to pay a contractor a lump sum under an incentive provision in a construction contract for completing critical work ahead of schedule.
- Allows the Director of Transportation to convey or transfer unneeded highway lands to, or permit their use by, the federal government.
- Requires the Director of Transportation's conveyances, transfers, or grants, of unneeded highway lands to be (1) by deed, or in certain instances, by plat, (2) executed by the Director, and (3) in a form prescribed by the Attorney General.
- Requires the Director of Transportation to keep a record of all conveyances, transfers, grants, and permits to use pertaining to unneeded highway lands.
- Subjects permits to use unneeded highway lands issued by the Director of Transportation to the conditions generally applicable to all permits to use highway lands.
- Clarifies the requirements for conveyances by the Director of Transportation of real property no longer required for highway purposes.

- Makes the Career Professional Service pilot program of ODOT permanent.
- Modifies the civil and criminal liability of state and local government employees when driving snow removal and road surface maintenance equipment.
- Eliminates 13 separate special license plate funds and creates one combined License Plate Contribution Fund.
- Requires all contributions that motor vehicle registrants pay when receiving special license plates and that currently are deposited into their respective separate funds to be paid into the new Contribution Fund and provides for contributions to be distributed in the same amounts as provided in current law.
- Creates in codified law the Emergency Management Agency Service and Reimbursement Fund, and requires money in the Fund to be used to pay the costs of administering programs of the Emergency Management Agency.
- Creates the Public Safety Investigative Unit Salvage and Exchange Fund, and provides that money the Department of Public Safety's Investigative Unit receives from the sale of motor vehicles and other related equipment must be deposited into the Fund to be used solely for the purchase of replacement motor vehicles and other equipment for the Investigative Unit.

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## CONTENT AND OPERATION

### *New fees for defraying costs of enforcing motor vehicle and traffic laws*

(R.C. 4503.042, 4503.10 (and future version of 4503.10), 4505.09, 4506.08, 4507.23, and 5502.02)

For the purpose of defraying the Department of Public Safety's costs associated with the administration and enforcement of motor vehicle and traffic laws, the bill imposes several new fees for various motor vehicle-related transactions. Each of the new fees is deposited into the existing State Highway Safety Fund. The rates of the new fees and transactions to which the new fees apply are as follows:

(1) \$15 for certificates of titles, including a new certificate of title, duplicate certificate of title, and notation of any lien on a certificate of title; this new fee is collected by the clerk of a court of common pleas and paid to the Registrar of Motor Vehicles.

(2) \$5 for driver's licenses, including, a temporary instruction permit, driver's license, motorcycle operator's endorsement, driver's license renewal, duplicate driver's license, motorized bicycle license or duplicate, commercial driver's license (CDL), CDL temporary instruction permit, CDL renewal, and duplicate CDL; this fee is collected by a deputy registrar and transmitted to the Registrar in accordance with existing procedures, but, in the same manner as existing driver's license fees, is not charged if the applicant for a driver's license is a totally disabled veteran.

(3) \$5 for registration of a motor vehicle or commercial motor vehicle, including registration and registration renewal, and transfer of a registration (R.C. 4507.12, not in the bill); this fee is collected by a deputy registrar and transmitted to the Registrar in accordance with existing procedures.

The bill also modifies language of current law that specifies the expenditures of the Department of Public Safety that are to be paid from fees and taxes relating to the registration, operation, or use of vehicles on public highways. Under the bill, the Department's expenditures for the *administration and enforcement of motor vehicle and traffic laws*, rather than the Department's "operation and maintenance" expenses as under current law, are to be paid from these fees. The bill also acknowledges that these fees and taxes are constitutionally restricted and must be used for specified highway purposes (Ohio Constitution, Article XII, Section 5a).

### **Increase in one component of the motor vehicle fuel tax**

(R.C. 5735.29 and 5735.291)

#### **Current tax**

The state motor vehicle fuel tax, which is levied on all dealers in motor vehicle fuel, is an excise tax on the use, distribution, and sale within the state of fuel used in the operation of motor vehicles. Currently totaling 22¢ per gallon, it is composed of one levy of 1¢ per gallon, three levies each of 2¢ per gallon, and one levy of 15¢ per gallon. Expenses such as highway bond payments and other specified payments are paid first; thereafter, the state retains a portion of the balance and distributes the remainder to local governments according to statutory formulas.

One of the three 2¢ levies is imposed by R.C. 5735.29. All of the revenue raised by this component of the fuel tax currently is used only for state purposes such as state highway bond retirement; repairing and erecting traffic signs and control devices; enforcing state vehicle registration and operation laws; and other purposes related to the state highway system.

#### **Operation of the bill**

The bill modifies the stated highway-related purposes contained in R.C. 5735.29 by adding provisions relating to local governments, thus permitting the revenue raised by that component to be distributed to local governments for expenditure by those entities. In addition, the proceeds of this component may be used for constructing certain railroad crossing devices. Specifically, the additional purposes are:

(1) To enable the counties, townships, and municipal corporations to properly plan, construct, widen, reconstruct, and maintain their public highways, roads, and streets;

(2) To enable counties and municipal corporations to pay principal, interest, and charges on bonds and other obligations issued for highway improvements;

(3) To provide revenue for the installation of certain railroad crossing protective devices (R.C. 4907.47, not in the bill).

The bill provides that the tax of 2¢ per gallon levied by this tax component will increase to 4¢ per gallon on August 15, 2003, 6¢ per gallon on August 15, 2004, and 8¢ per gallon on August 15, 2005.

**Distribution of the tax money raised by affected component**

Under current law, the Treasurer of State first transfers to the Tax Refund Fund the amount of money generated by the 2¢ tax necessary to pay certain tax refunds. Next, 7/8 of 1% of the total amount generated is credited to the Waterways Safety Fund and 1/8 of 1% is credited to the Wildlife Boater Angler Fund.<sup>1</sup> Finally, any amounts needed for highway bond debt service are transferred to the proper funds or accounts. The remaining balance is credited to the Highway Operating Fund, which is used solely by the state.

As noted above, the bill modifies the permissible uses of the revenue raised by this tax component to include expenditures by local governments of revenue raised by that component. Under the bill, after the above mandatory transfers are made, a "specified portion" of the remaining balance of the taxes collected under the relevant motor fuel tax component is credited to the Gasoline Excise Tax Fund.<sup>2</sup> This "specified portion" is a percentage of that remaining balance that increases (as the tax increases) each of the three fiscal years beginning August 15, 2003. The following chart illustrates the percentages and amounts prescribed by the bill:

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<sup>1</sup> Under R.C. 5735.051, the General Assembly has found as a fact that of the revenues raised by the motor vehicle fuel tax, 1% is attributable to the operation of motor vehicles upon Ohio waters.

<sup>2</sup> The Gasoline Excise Tax Fund (R.C. 5735.27, not in the bill), contains local government motor fuel tax distribution formulas.

<b>Total amount of tax per gallon</b>	<b>"Specified portion" (fractional amount of the total tax credited to the Gasoline Excise Tax Fund)<sup>3</sup></b>	<b>Amount in cents credited to the Gasoline Excise Tax Fund (for distribution to local governments)</b>	<b>Total amount of new tax money (in cents) for use by the state</b>	<b>Approximate percentages of the total new increases that go to local governments/to the state</b>
Two cents (existing tax)	None	None	Not applicable	Not applicable
Four cents (after first two-cent increase of 8/15/03)	One-eighth	One-half cent	One and one-half cents	25/75
Six cents (after second two-cent increase of 8/15/04)	One-sixth	One cent	Three cents	25/75
Eight cents (after third two-cent increase of 8/15/05)	Three-sixteenths	One and one-half cents	Four and one-half cents	25/75

Under the bill, the specified portions in the Gasoline Excise Tax Fund, irrespective of amount, are distributed in the following manner:

(1) Forty-two and eighty-six hundredths percent (42.86%) is distributed among municipal corporations in accordance with one of the formulas in the Gasoline Excise Tax Fund law.

(2) Thirty-seven and fourteen hundredths percent (37.14%) is distributed among the counties in accordance with one of the formulas in the Gasoline Excise Tax Fund.

<sup>3</sup> Amounts are approximate because it is not known how much of the increases, if any, will be credited to the Tax Refund Fund, etc.

(3) Twenty percent (20.00%) is distributed among municipal corporations in accordance with one of the formulas in the Gasoline Excise Tax Fund.

The state's share of the increases must be expended in the manner prescribed in current law for revenues raised by the affected tax component.

**Commercial bus safety inspection fees**

(R.C. 4513.52 and 4513.53)

The commercial bus safety inspection program was established in October of 2000; it applies to most commercial buses, but does not apply to church buses or school buses unless those buses also are used for commercial purposes. The State Highway Patrol conducts the inspections and collects a fee for each inspection in an amount not to exceed \$100, as established by the Director of Public Safety by rule. Current law specifies that the fees collected by the patrol be paid into the GRF.<sup>4</sup>

Under the bill, the Director of Public Safety may establish a fee not to exceed \$200 for each bus inspected. The bill continues the requirement that bus inspection fees be paid to the GRF, but requires the Director of Public Safety, annually on the first day of June, to determine the amount of bus inspection fees collected and certify the amount to the Director of Budget and Management. The Director of Budget and Management then is authorized by the bill to transfer cash from the GRF to the State Highway Safety Fund in an amount "up to" the amount certified.

**Elimination of the annual reimbursement from the General Revenue Fund to the Auto Registration Distribution Fund and the State Highway Safety Fund**

Under current law, any owner of a boat trailer who is a disabled veteran, has been awarded the Congressional Medal of Honor, or was a 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, service fee, or any applicable local motor vehicle license tax. Every year by January 15, the Registrar must determine the amount of taxes and fees so exempted from payment and certify the amount to the Director of Budget and Management for reimbursement. The Director then must transfer the amount certified from the General Revenue Fund (GRF) to the Auto Registration Distribution Fund and the State Highway Safety Fund in the

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<sup>4</sup> Section 5a of Article XII of the Ohio Constitution requires that moneys derived from fees relating to the operation or use of vehicles on public highways be expended only for specified highway purposes. The fees for bus inspections may be subject to this constitutional restriction.



same proportions as would be the case if the boat trailer registrations were not so exempted.

The bill eliminates this reimbursement from the GRF to the Auto Registration Distribution Fund and the State Highway Safety Fund. (R.C. 4503.173.)

**Payment of bond service charges on State Infrastructure Bank obligations**

(R.C. 5531.10(A)(6))

Continuing law authorizes the issuance of obligations of the state for any of the purposes for which the Department of Transportation's State Infrastructure Bank may be used. Bond service charges on the obligations are to be paid from pledged receipts and any applicable special funds. **"Pledged receipts"** is defined as (1) moneys accruing to the state from the disposition or use of qualified projects and from the repayment of loans made from proceeds received from the sale of obligations, (2) accrued interest received from the sale of obligations, (3) income from the investment of the special funds, (4) any donations available for the payment of bond service charges, and (5) any amounts in the State Infrastructure Bank pledged to the payment of such charges.

The bill adds that, if the amounts in the State Infrastructure Bank are insufficient for the payment of such bond service charges, **"pledged receipts"** also means moneys that are apportioned by the United States Secretary of Transportation under Title 23 of the United States Code (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 the bond service charges.

**Design-build authority of ODOT**

Since 1995, ODOT has had a pilot program whereby each biennium the design and construction elements of a number of highway and bridge projects are combined into a single "design-build" contract. By the end of 2002, the Director of ODOT was to report to the General Assembly. The report was to evaluate the pilot program, including whether the program saved costs and time in the completion of these projects. Under the pilot program, for each biennium, the total dollar value of the design-build contracts is limited to \$250 million. The Director must award these design-build contracts in accordance with ODOT's general competitive bidding law, except that, in lieu of the plans required by that law, the Director must prepare and distribute a "scope of work document" upon which the bidders can base their bids.

The bill makes this pilot program permanent and retains the biennial \$250 million limit and scope of work provision of that program.

**Design-build authority of county engineers**

Under Section 14 of Substitute House Bill 73 of the 124th General Assembly, until July 1, 2003, a county engineer may combine the design and construction elements of a bridge project into one contract. A maximum of 15 bridge projects statewide may be completed using such "design-build" contracts, and the contracts cannot exceed \$2 million each.

Under the bill, notwithstanding current law governing contracts for professional design services, a county engineer may utilize a design-build contract for an unlimited number of bridge, highway, or safety projects, but only if the cost of each project as bid does not exceed \$1.5 million. When a county engineer is required to use competitive bidding, he must award a design-build contract in accordance with the general county competitive bidding law. In lieu of plans, the county engineer must prepare and distribute a scope of work document upon which bidders can 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. Upon such a request, the Director must review and comment on the documents or plans. (R.C. 5543.22.)

**Lump sum payment under an incentive provision in an ODOT construction contract**

(R.C. 5525.20)

Current law permits the Director of Transportation to include incentive and disincentive provisions in contracts for projects or phases of projects that involve factors such as a lengthy detour, excessive disruption to traffic, or a significant impact on public safety. Under an incentive provision, the contractor is compensated a certain amount for each day specified critical work is completed ahead of schedule; under a disincentive provision, the contractor is assessed a deduction for each day the specified critical work is completed behind schedule. Under the bill, the Director may elect to compensate the contractor in the form of a lump sum incentive for completing critical work ahead of schedule.

**Conveyances, transfers, and permits pertaining to unneeded highway lands**

(R.C. 5501.45)

Current law allows the Director of Transportation to convey or transfer, or permit the use of, lands that are owned by the state, that are acquired or used for the state highway system or highways, and that are no longer needed by the state for highway or recreation purposes (R.C. 5501.45(A)). Conveyances, transfers, and grants of and permits to use the unneeded highway lands may be made or provided to state institutions, agencies, commissions, or instrumentalities, to political subdivisions, to taxing districts of the state, or to institutions receiving financial assistance from the state (R.C. 5501.45(E)(1)).

The bill adds the federal government to the list of entities that may receive or use unneeded highway lands (R.C. 5501.45(E)(1)). It also establishes several new requirements for conveyances, transfers, or grants of unneeded highway lands. They are (1) to be by deed or, if a statutory dedication of a public road is included, by plat, (2) executed by the Director, and (3) in the form prescribed by the Attorney General. Additionally, under the bill, the Director must keep a record of each conveyance, transfer, grant, or permit to use pertaining to unneeded highway lands. (R.C. 5501.45(E)(1) and (4).)

Current law also sets forth several requirements that are *generally applicable to all conveyances* of state-owned lands, which technically would include conveyances of unneeded highway lands. Specifically, all conveyances must be (1) drafted by the Auditor of State, (2) executed in the name of the state, (3) signed by the Governor, (4) countersigned by the Secretary of State, and (5) sealed with the Great Seal of the State; the Auditor of State must keep a record of each conveyance. (R.C. 5301.13--not in the bill.) But, current law also provides that the Director's conveyances, transfers, or grants pertaining to unneeded highway lands *are exempt* from these general conveyance requirements (R.C. 5501.45(E)(1)). The bill clarifies this exemption by stating that only the general conveyance requirements that are contrary to the specific requirements for conveyances, transfers, or grants pertaining to unneeded highway lands are inapplicable (R.C. 5501.45(E)(3)). Thus, the only general conveyance requirements that do not appear to apply are that the conveyance has to be drafted and recorded by the Auditor of State, signed by the Governor, and countersigned by the Secretary of State.

Finally, current law also allows the Director to grant a permit to any individual, firm, or corporation to use or occupy a portion of *any* road or highway on the state highway system, which technically would include permits to use unneeded highway lands. These permits are subject to a number of specific conditions such as (1) the occupancy of the roads or highways must be in the

location prescribed by the Director and (2) the Director can change the location when the Director deems a change necessary for the convenience of the traveling public. (R.C. 5515.01--not in the bill). But, current law also provides that the Director's permits to use unneeded highway lands are exempt from these general permit conditions. The bill removes this exemption, so that the Director's permits to use unneeded highway lands will be subject to these general permit conditions (R.C. 5501.45(E)(1)).

### **Sales of unneeded highway property**

(R.C. 5501.34)

Under current law, if the Director of Transportation acquires real property for highway purposes and if circumstances subsequently alter the highway requirements so that the property, or a portion of it, is no longer needed, the Director may sell all the right, title, and interest of the state in any of the property in a specified manner (by public auction or by private sale to abutting property owners). These conveyances are to be by a deed (1) executed by the Governor, (2) bearing the Great Seal of the State, and (3) in the form prescribed by the Attorney General. The Director must keep a record of them. (R.C. 5501.34.)

Current law also sets forth several requirements that are *generally applicable to all conveyances* of state-owned property. Specifically, all conveyances must be (1) drafted by the Auditor of State, (2) executed in the name of the state, (3) signed by the Governor, (4) countersigned by the Secretary of State, (5) sealed with the Great Seal of the State, and (6) recorded by the Auditor of State. (R.C. 5301.13--not in the bill.) But, current law also provides that the Director's above-described sales of unneeded highway property are exempt from these general conveyance requirements (R.C. 5501.34(G)).

The bill clarifies that only the general conveyance requirements that are contrary to the specific requirements for the Director's sales of unneeded highway lands are inapplicable. Thus, the requirements that all conveyances of real property by the state must be countersigned by the Secretary of State and drafted and recorded by the Auditor of State do not appear to apply in this instance. (R.C. 5501.34(G).)

### **ODOT's Career Professional Service**

ODOT has a pilot program within the department known as the "Career Professional Service" (CPS). This program includes ODOT employees who, regardless of job classification, meet both of the following conditions:

(1) They are supervisors, professional employees who are not in a collective bargaining unit, confidential employees, or management level employees.

(2) 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 CPS.

Every other year the Director of Transportation must adopt a business plan for ODOT that states the department's mission, business objectives, and strategies and that establishes a procedure by which employees in the CPS will be held accountable for their performance. After an employee is appointed to a CPS position, the employee's direct supervisor provides the employee with a written performance action plan that describes ODOT's expectations for that employee in fulfilling the department's business plan. CPS employees receive written performance reviews based on the employee's fulfillment of the mission, business objectives, and strategies of the business plan. ODOT must give an employee whose performance is unsatisfactory an opportunity to improve his performance for a period of at least six months before the department can take any disciplinary action. Under conditions imposed by law for the pilot program, no person may be appointed to a position in the CPS after June 30, 2003, including for the purpose of filling a CPS vacancy that occurs for any reason.

The bill makes the CPS pilot program permanent and permits persons to be appointed to CPS positions after June 30, 2003.

**Public employee liability when operating road maintenance equipment**

(R.C. 4511.04)

Current law declares that most state traffic and vehicle equipment laws do not apply to persons and vehicles "while actually engaged in work on the surface of a highway within an area designated by traffic control devices." It further specifies that the traffic and vehicle equipment laws do apply to these persons and vehicles when traveling to or from such work. The bill modifies this provision to specify that such persons and vehicles are subject to the state OMVI laws even while engaged in work on the surface of a highway. (R.C. 4511.04(A).)

Current law also establishes immunity from criminal prosecutions for "the drivers 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 maintenance" who violate specified traffic laws if both of the following apply: (1) the vehicle operators are engaged in work on a highway, and (2) the vehicles are equipped with flashing lights and the lights are in operation. The specified traffic laws include driving too slowly and various laws relating to

driving in marked lanes and passing other vehicles. The current law exempting these vehicle operators from criminal law further states that *this law* does not exempt the operators from civil liability for violating the specified traffic laws. (See **COMMENT**.)

In addition to the traffic laws specified under current law, the bill establishes immunity from criminal prosecution for the driver of a highway maintenance vehicle who operates a vehicle in an unsafe condition or who violates vehicle size and weight restrictions while engaged in the performance of official duties (R.C. 4511.04(B)). The statement of civil liability similarly is modified to specify that the exemption from criminal prosecution does not exempt the vehicle operators from civil liability in regard to the operation of an unsafe vehicle or vehicle size and weight violations (R.C. 4511.04(C)(1)). The bill further specifies that the driver of a vehicle *transporting* highway maintenance equipment is not exempt from criminal liability for vehicle size and weight violations (R.C. 4511.04(C)(2)).

The bill retains the requirement that the immunity from criminal prosecution applies only when the flashing lights on the vehicle are operating, but specifically requires the vehicle operator to be engaged in the "performance of official duties" on a street or highway and also specifies that the highway maintenance vehicle must be owned by the state or a political subdivision (R.C. 4511.04(B)). The bill also defines "highway maintenance vehicle" as 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" (R.C. 4511.04(D)).

**Consolidation of a number of special license plate funds into one fund**

(R.C. 4501.20, 4501.21, 4501.22, 4501.29, 4501.30, 4501.311, 4501.32, 4501.33, 4501.39, 4501.40 4501.41, 4501.61, 4501.71, 4503.251, 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)

Under current law, whenever a person obtains one of a number of special license plates for his vehicle, he must pay to the Registrar of Motor Vehicles or deputy registrar a contribution in a specified amount. This contribution goes into a special fund in the state treasury and then is distributed to the organization specified in statute whose logo or name appears on the special license plate. The contributions must be expended by the organizations in specified ways. The special license plates that have their own funds in the state treasury and are addressed by the bill are as follows: (1) Future Farmers of America, (2) Collegiate, (3) Pro Football Hall of Fame, (4) Ducks Unlimited, (5) Professional

sports team, (6) Boy Scouts of America, (7) Girl Scouts of the United States of America, (8) National Organization of Eagle Scouts, (9) Fraternal Order of Police, (10) Fraternal Order of Police Associates of Ohio, (11) Ohio CASA/GAL (Court-appointed special advocate/guardian ad litem), (12) Leader in Flight, and (13) Rotary International.

The bill eliminates these 13 separate funds and creates the License Plate Contribution Fund. All the contributions that currently are deposited into the separate funds will be paid into the new Contribution Fund, which retains the distribution language of the respective funds for each kind of contribution.

All investment earnings of the new fund are credited to it. Not later than May 1 of every year, the Registrar must distribute to each of the 13 entities that sponsor the affected special license plates the investment income the Fund earned the previous calendar year. The amount paid to each entity is proportionate to the amount of money it received from the Fund for license plates during the previous calendar year.

#### **Emergency Management Agency Service and Reimbursement Fund**

(R.C. 5502.39)

Currently, two funds created in uncodified law--the EMA Utility Payment Fund and the Salvage and Exchange-EMA Fund--may be used by the Emergency Management Agency to pay specified costs. The bill instead creates in codified law a new fund in the state treasury, the Emergency Management Agency Service and Reimbursement Fund, which consists of money collected under the Emergency Management Agency Law. Money in the Fund must be used to pay the costs of administering programs of the Agency.

#### **Creation of the Public Safety Investigative Unit Salvage and Exchange Fund**

(R.C. 4501.10)

As is the case with all state agencies, the Department of Public Safety may dispose of excess and surplus supplies, including motor vehicles. Generally, the money the Department currently receives from the sale of motor vehicles and related equipment must be deposited into either the Highway Safety Salvage and Exchange Administration Fund or the Highway Safety Salvage and Exchange Highway Patrol Fund. Money in these funds can be used only to purchase replacement motor vehicles and related equipment.

The bill creates the Public Safety Investigative Unit Salvage and Exchange Fund in the state treasury and provides that money that the Department of Public Safety's Investigative Unit receives from the sale of motor vehicles and other

related equipment must be deposited into the Fund to be used solely for the purchase of replacement motor vehicles and other equipment for the Investigative Unit.

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## COMMENT

The general liability of a public employee for specific acts in the performance of the employee's duties may be governed elsewhere in law. *See* R.C. 9.87 and Chapter 2743. of the Revised Code for liability of state employees or Chapter 2744. of the Revised Code for liability of political subdivision employees.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	---	---

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