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**126th General Assembly
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Sub. H. B. No. 627

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A B I L L

To amend sections 4501.01, 4507.03, 4511.01, 1
4511.202, 4513.11, 4513.99, and 5739.01 of the 2
Revised Code to require farm machinery that is 3
designed by its manufacturer to operate at a speed 4
greater than 25 miles per hour to display a speed 5
identification symbol and a slow-moving vehicle 6
emblem when operated on a road or highway, to 7
further address the operation of such farm 8
machinery on roads and highways, and to permit a 9
trade-in allowance for construction equipment and 10
certain farm machinery. 11

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

Section 1. That sections 4501.01, 4507.03, 4511.01, 4511.202, 12
4513.11, 4513.99, and 5739.01 of the Revised Code be amended to 13
read as follows: 14

Sec. 4501.01. As used in this chapter and Chapters 4503., 15
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 16
Revised Code, and in the penal laws, except as otherwise provided: 17

(A) "Vehicles" means everything on wheels or runners, 18
including motorized bicycles, but does not mean electric personal 19
assistive mobility devices, vehicles that are operated exclusively 20
on rails or tracks or from overhead electric trolley wires, and 21
vehicles that belong to any police department, municipal fire 22
department, or volunteer fire department, or that are used by such 23
a department in the discharge of its functions. 24

(B) "Motor vehicle" means any vehicle, including mobile homes 25
and recreational vehicles, that is propelled or drawn by power 26
other than muscular power or power collected from overhead 27
electric trolley wires. "Motor vehicle" does not include utility 28
vehicles as defined in division (VV) of this section, motorized 29
bicycles, road rollers, traction engines, power shovels, power 30
cranes, and other equipment used in construction work and not 31
designed for or employed in general highway transportation, 32
well-drilling machinery, ditch-digging machinery, farm machinery, 33
~~trailers that are used to transport agricultural produce or~~ 34
~~agricultural production materials between a local place of storage~~ 35
~~or supply and the farm when drawn or towed on a public road or~~ 36
~~highway at a speed of twenty five miles per hour or less,~~ 37
~~threshing machinery, hay baling machinery, corn sheller,~~ 38
~~hammermill and agricultural tractors, machinery used in the~~ 39
~~production of horticultural, agricultural, and vegetable products,~~ 40
and trailers that are designed and used exclusively to transport a 41
boat between a place of storage and a marina, or in and around a 42
marina, when drawn or towed on a public road or highway for a 43
distance of no more than ten miles and at a speed of twenty-five 44
miles per hour or less. 45

(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for

general transportation. 77

(H) "Noncommercial motor vehicle" means any motor vehicle, 78
including a farm truck as defined in section 4503.04 of the 79
Revised Code, that is designed by the manufacturer to carry a load 80
of no more than one ton and is used exclusively for purposes other 81
than engaging in business for profit. 82

(I) "Bus" means any motor vehicle that has motor power and is 83
designed and used for carrying more than nine passengers, except 84
any motor vehicle that is designed and used for carrying not more 85
than fifteen passengers in a ridesharing arrangement. 86

(J) "Commercial car" or "truck" means any motor vehicle that 87
has motor power and is designed and used for carrying merchandise 88
or freight, or that is used as a commercial tractor. 89

(K) "Bicycle" means every device, other than a tricycle that 90
is designed solely for use as a play vehicle by a child, that is 91
propelled solely by human power upon which any person may ride, 92
and that has either two tandem wheels, or one wheel in front and 93
two wheels in the rear, any of which is more than fourteen inches 94
in diameter. 95

(L) "Motorized bicycle" means any vehicle that either has two 96
tandem wheels or one wheel in the front and two wheels in the 97
rear, that is capable of being pedaled, and that is equipped with 98
a helper motor of not more than fifty cubic centimeters piston 99
displacement that produces no more than one brake horsepower and 100
is capable of propelling the vehicle at a speed of no greater than 101
twenty miles per hour on a level surface. 102

(M) "Trailer" means any vehicle without motive power that is 103
designed or used for carrying property or persons wholly on its 104
own structure and for being drawn by a motor vehicle, and includes 105
any such vehicle that is formed by or operated as a combination of 106
a semitrailer and a vehicle of the dolly type such as that 107

commonly known as a trailer dolly, a vehicle used to transport
agricultural produce or agricultural production materials between
a local place of storage or supply and the farm when drawn or
towed on a public road or highway at a speed greater than
twenty-five miles per hour, and a vehicle that is designed and
used exclusively to transport a boat between a place of storage
and a marina, or in and around a marina, when drawn or towed on a
public road or highway for a distance of more than ten miles or at
a speed of more than twenty-five miles per hour. "Trailer" does
not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a
travel trailer or trailer that is used to transport a boat as
described in division (B) of this section, but, where applicable,
includes a vehicle that is used to transport a boat as described
in division (M) of this section, that has a gross weight of no
more than three thousand pounds, and that is used exclusively for
purposes other than engaging in business for a profit.

(O) "Mobile home" means a building unit or assembly of closed
construction that is fabricated in an off-site facility, is more
than thirty-five body feet in length or, when erected on site, is
three hundred twenty or more square feet, is built on a permanent
chassis, is transportable in one or more sections, and does not
qualify as a manufactured home as defined in division (C)(4) of
section 3781.06 of the Revised Code or as an industrialized unit
as defined in division (C)(3) of section 3781.06 of the Revised
Code.

(P) "Semitrailer" means any vehicle of the trailer type that
does not have motive power and is so designed or used with another
and separate motor vehicle that in operation a part of its own
weight or that of its load, or both, rests upon and is carried by
the other vehicle furnishing the motive power for propelling
itself and the vehicle referred to in this division, and includes,

for the purpose only of registration and taxation under those 140
chapters, any vehicle of the dolly type, such as a trailer dolly, 141
that is designed or used for the conversion of a semitrailer into 142
a trailer. 143

(Q) "Recreational vehicle" means a vehicular portable 144
structure that meets all of the following conditions: 145

(1) It is designed for the sole purpose of recreational 146
travel. 147

(2) It is not used for the purpose of engaging in business 148
for profit. 149

(3) It is not used for the purpose of engaging in intrastate 150
commerce. 151

(4) It is not used for the purpose of commerce as defined in 152
49 C.F.R. 383.5, as amended. 153

(5) It is not regulated by the public utilities commission 154
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 155

(6) It is classed as one of the following: 156

(a) "Travel trailer" means a nonself-propelled recreational 157
vehicle that does not exceed an overall length of thirty-five 158
feet, exclusive of bumper and tongue or coupling, and contains 159
less than three hundred twenty square feet of space when erected 160
on site. "Travel trailer" includes a tent-type fold-out camping 161
trailer as defined in section 4517.01 of the Revised Code. 162

(b) "Motor home" means a self-propelled recreational vehicle 163
that has no fifth wheel and is constructed with permanently 164
installed facilities for cold storage, cooking and consuming of 165
food, and for sleeping. 166

(c) "Truck camper" means a nonself-propelled recreational 167
vehicle that does not have wheels for road use and is designed to 168
be placed upon and attached to a motor vehicle. "Truck camper" 169

does not include truck covers that consist of walls and a roof, 170
but do not have floors and facilities enabling them to be used as 171
a dwelling. 172

(d) "Fifth wheel trailer" means a vehicle that is of such 173
size and weight as to be movable without a special highway permit, 174
that has a gross trailer area of four hundred square feet or less, 175
that is constructed with a raised forward section that allows a 176
bi-level floor plan, and that is designed to be towed by a vehicle 177
equipped with a fifth-wheel hitch ordinarily installed in the bed 178
of a truck. 179

(e) "Park trailer" means a vehicle that is commonly known as 180
a park model recreational vehicle, meets the American national 181
standard institute standard A119.5 (1988) for park trailers, is 182
built on a single chassis, has a gross trailer area of four 183
hundred square feet or less when set up, is designed for seasonal 184
or temporary living quarters, and may be connected to utilities 185
necessary for the operation of installed features and appliances. 186

(R) "Pneumatic tires" means tires of rubber and fabric or 187
tires of similar material, that are inflated with air. 188

(S) "Solid tires" means tires of rubber or similar elastic 189
material that are not dependent upon confined air for support of 190
the load. 191

(T) "Solid tire vehicle" means any vehicle that is equipped 192
with two or more solid tires. 193

(U) "Farm machinery" means all machines and tools that are 194
used in the production, harvesting, and care of farm products, and 195
includes trailers that are used to transport agricultural produce 196
or agricultural production materials between a local place of 197
storage or supply and the farm ~~when drawn or towed on a public~~ 198
~~road or highway at a speed of twenty five miles per hour or less,~~ 199
agricultural tractors, threshing machinery, hay-baling machinery, 200

corn shellers, hammermills, and machinery used in the production 201
of horticultural, agricultural, and vegetable products. 202

(V) "Owner" includes any person or firm, other than a 203
manufacturer or dealer, that has title to a motor vehicle, except 204
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 205
includes in addition manufacturers and dealers. 206

(W) "Manufacturer" and "dealer" include all persons and firms 207
that are regularly engaged in the business of manufacturing, 208
selling, displaying, offering for sale, or dealing in motor 209
vehicles, at an established place of business that is used 210
exclusively for the purpose of manufacturing, selling, displaying, 211
offering for sale, or dealing in motor vehicles. A place of 212
business that is used for manufacturing, selling, displaying, 213
offering for sale, or dealing in motor vehicles shall be deemed to 214
be used exclusively for those purposes even though snowmobiles or 215
all-purpose vehicles are sold or displayed for sale thereat, even 216
though farm machinery is sold or displayed for sale thereat, or 217
even though repair, accessory, gasoline and oil, storage, parts, 218
service, or paint departments are maintained thereat, or, in any 219
county having a population of less than seventy-five thousand at 220
the last federal census, even though a department in a place of 221
business is used to dismantle, salvage, or rebuild motor vehicles 222
by means of used parts, if such departments are operated for the 223
purpose of furthering and assisting in the business of 224
manufacturing, selling, displaying, offering for sale, or dealing 225
in motor vehicles. Places of business or departments in a place of 226
business used to dismantle, salvage, or rebuild motor vehicles by 227
means of using used parts are not considered as being maintained 228
for the purpose of assisting or furthering the manufacturing, 229
selling, displaying, and offering for sale or dealing in motor 230
vehicles. 231

(X) "Operator" includes any person who drives or operates a 232

motor vehicle upon the public highways.	233
(Y) "Chauffeur" means any operator who operates a motor	234
vehicle, other than a taxicab, as an employee for hire; or any	235
operator whether or not the owner of a motor vehicle, other than a	236
taxicab, who operates such vehicle for transporting, for gain,	237
compensation, or profit, either persons or property owned by	238
another. Any operator of a motor vehicle who is voluntarily	239
involved in a ridesharing arrangement is not considered an	240
employee for hire or operating such vehicle for gain,	241
compensation, or profit.	242
(Z) "State" includes the territories and federal districts of	243
the United States, and the provinces of Canada.	244
(AA) "Public roads and highways" for vehicles includes all	245
public thoroughfares, bridges, and culverts.	246
(BB) "Manufacturer's number" means the manufacturer's	247
original serial number that is affixed to or imprinted upon the	248
chassis or other part of the motor vehicle.	249
(CC) "Motor number" means the manufacturer's original number	250
that is affixed to or imprinted upon the engine or motor of the	251
vehicle.	252
(DD) "Distributor" means any person who is authorized by a	253
motor vehicle manufacturer to distribute new motor vehicles to	254
licensed motor vehicle dealers at an established place of business	255
that is used exclusively for the purpose of distributing new motor	256
vehicles to licensed motor vehicle dealers, except when the	257
distributor also is a new motor vehicle dealer, in which case the	258
distributor may distribute at the location of the distributor's	259
licensed dealership.	260
(EE) "Ridesharing arrangement" means the transportation of	261
persons in a motor vehicle where the transportation is incidental	262

to another purpose of a volunteer driver and includes ridesharing 263
arrangements known as carpools, vanpools, and buspools. 264

(FF) "Apportionable vehicle" means any vehicle that is used 265
or intended for use in two or more international registration plan 266
member jurisdictions that allocate or proportionally register 267
vehicles, that is used for the transportation of persons for hire 268
or designed, used, or maintained primarily for the transportation 269
of property, and that meets any of the following qualifications: 270

(1) Is a power unit having a gross vehicle weight in excess 271
of twenty-six thousand pounds; 272

(2) Is a power unit having three or more axles, regardless of 273
the gross vehicle weight; 274

(3) Is a combination vehicle with a gross vehicle weight in 275
excess of twenty-six thousand pounds. 276

"Apportionable vehicle" does not include recreational 277
vehicles, vehicles displaying restricted plates, city pick-up and 278
delivery vehicles, buses used for the transportation of chartered 279
parties, or vehicles owned and operated by the United States, this 280
state, or any political subdivisions thereof. 281

(GG) "Chartered party" means a group of persons who contract 282
as a group to acquire the exclusive use of a passenger-carrying 283
motor vehicle at a fixed charge for the vehicle in accordance with 284
the carrier's tariff, lawfully on file with the United States 285
department of transportation, for the purpose of group travel to a 286
specified destination or for a particular itinerary, either agreed 287
upon in advance or modified by the chartered group after having 288
left the place of origin. 289

(HH) "International registration plan" means a reciprocal 290
agreement of member jurisdictions that is endorsed by the American 291
association of motor vehicle administrators, and that promotes and 292

encourages the fullest possible use of the highway system by 293
authorizing apportioned registration of fleets of vehicles and 294
recognizing registration of vehicles apportioned in member 295
jurisdictions. 296

(II) "Restricted plate" means a license plate that has a 297
restriction of time, geographic area, mileage, or commodity, and 298
includes license plates issued to farm trucks under division (J) 299
of section 4503.04 of the Revised Code. 300

(JJ) "Gross vehicle weight," with regard to any commercial 301
car, trailer, semitrailer, or bus that is taxed at the rates 302
established under section 4503.042 of the Revised Code, means the 303
unladen weight of the vehicle fully equipped plus the maximum 304
weight of the load to be carried on the vehicle. 305

(KK) "Combined gross vehicle weight" with regard to any 306
combination of a commercial car, trailer, and semitrailer, that is 307
taxed at the rates established under section 4503.042 of the 308
Revised Code, means the total unladen weight of the combination of 309
vehicles fully equipped plus the maximum weight of the load to be 310
carried on that combination of vehicles. 311

(LL) "Chauffeured limousine" means a motor vehicle that is 312
designed to carry nine or fewer passengers and is operated for 313
hire on an hourly basis pursuant to a prearranged contract for the 314
transportation of passengers on public roads and highways along a 315
route under the control of the person hiring the vehicle and not 316
over a defined and regular route. "Prearranged contract" means an 317
agreement, made in advance of boarding, to provide transportation 318
from a specific location in a chauffeured limousine at a fixed 319
rate per hour or trip. "Chauffeured limousine" does not include 320
any vehicle that is used exclusively in the business of funeral 321
directing. 322

(MM) "Manufactured home" has the same meaning as in division 323

(C)(4) of section 3781.06 of the Revised Code. 324

(NN) "Acquired situs," with respect to a manufactured home or 325
a mobile home, means to become located in this state by the 326
placement of the home on real property, but does not include the 327
placement of a manufactured home or a mobile home in the inventory 328
of a new motor vehicle dealer or the inventory of a manufacturer, 329
remanufacturer, or distributor of manufactured or mobile homes. 330

(OO) "Electronic" includes electrical, digital, magnetic, 331
optical, electromagnetic, or any other form of technology that 332
entails capabilities similar to these technologies. 333

(PP) "Electronic record" means a record generated, 334
communicated, received, or stored by electronic means for use in 335
an information system or for transmission from one information 336
system to another. 337

(QQ) "Electronic signature" means a signature in electronic 338
form attached to or logically associated with an electronic 339
record. 340

(RR) "Financial transaction device" has the same meaning as 341
in division (A) of section 113.40 of the Revised Code. 342

(SS) "Electronic motor vehicle dealer" means a motor vehicle 343
dealer licensed under Chapter 4517. of the Revised Code whom the 344
registrar of motor vehicles determines meets the criteria 345
designated in section 4503.035 of the Revised Code for electronic 346
motor vehicle dealers and designates as an electronic motor 347
vehicle dealer under that section. 348

(TT) "Electric personal assistive mobility device" means a 349
self-balancing two non-tandem wheeled device that is designed to 350
transport only one person, has an electric propulsion system of an 351
average of seven hundred fifty watts, and when ridden on a paved 352
level surface by an operator who weighs one hundred seventy pounds 353

has a maximum speed of less than twenty miles per hour.

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(UU) "Limited driving privileges" means the privilege to operate a motor vehicle that a court grants under section 4510.021 of the Revised Code to a person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended.

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(VV) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

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Sec. 4507.03. (A)(1) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving or, operating, drawing, moving, or propelling a road roller, or road machinery, ~~or any farm tractor or implement of husbandry, temporarily drawn, moved, or propelled upon the a street or~~ highway.

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(2) No person shall be required to obtain a driver's or commercial driver's license for the purpose of temporarily driving, operating, drawing, moving, or propelling any agricultural tractor or implement of husbandry upon a street or highway at a speed of twenty-five miles per hour or less.

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(3) No person shall drive, operate, draw, move, or propel any agricultural tractor or implement of husbandry upon a street or highway at a speed greater than twenty-five miles per hour unless the person has a current, valid driver's or commercial driver's license.

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(B) Every person on active duty in the military or naval forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with

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such duty, is exempt from the license requirements of Chapters 384
4506. and 4507. of the Revised Code. 385

Every person on active duty in the military or naval forces 386
of the United States or in service with the peace corps, 387
volunteers in service to America, or the foreign service of the 388
United States, is exempt from the license requirements of such 389
sections for the period of ~~his~~ the person's active duty or service 390
and for six months thereafter, provided such person was a licensee 391
under such sections at the time ~~he~~ the person commenced such 392
active duty or service. This section does not prevent such person 393
from making an application, as provided in division (C) of section 394
4507.10 of the Revised Code, for the renewal of a driver's license 395
or motorcycle operator's endorsement or as provided in section 396
4506.14 of the Revised Code for the renewal of a commercial 397
driver's license during the period of ~~his~~ the person's active duty 398
or service. 399

(C) Whoever violates division (A)(3) of this section is 400
guilty of a misdemeanor of the first degree. 401

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 402
the Revised Code: 403

(A) "Vehicle" means every device, including a motorized 404
bicycle, in, upon, or by which any person or property may be 405
transported or drawn upon a highway, except that "vehicle" does 406
not include any motorized wheelchair, any electric personal 407
assistive mobility device, any device that is moved by power 408
collected from overhead electric trolley wires or that is used 409
exclusively upon stationary rails or tracks, or any device, other 410
than a bicycle, that is moved by human power. 411

(B) "Motor vehicle" means every vehicle propelled or drawn by 412
power other than muscular power or power collected from overhead 413
electric trolley wires, except motorized bicycles, road rollers, 414

traction engines, power shovels, power cranes, and other equipment 415
used in construction work and not designed for or employed in 416
general highway transportation, hole-digging machinery, 417
well-drilling machinery, ditch-digging machinery, farm machinery, 418
~~trailers used to transport agricultural produce or agricultural~~ 419
~~production materials between a local place of storage or supply~~ 420
~~and the farm when drawn or towed on a street or highway at a speed~~ 421
~~of twenty five miles per hour or less, threshing machinery,~~ 422
~~hay baling machinery, agricultural tractors and machinery used in~~ 423
~~the production of horticultural, floricultural, agricultural, and~~ 424
~~vegetable products,~~ and trailers designed and used exclusively to 425
transport a boat between a place of storage and a marina, or in 426
and around a marina, when drawn or towed on a street or highway 427
for a distance of no more than ten miles and at a speed of 428
twenty-five miles per hour or less. 429

(C) "Motorcycle" means every motor vehicle, other than a 430
tractor, having a saddle for the use of the operator and designed 431
to travel on not more than three wheels in contact with the 432
ground, including, but not limited to, motor vehicles known as 433
"motor-driven cycle," "motor scooter," or "motorcycle" without 434
regard to weight or brake horsepower. 435

(D) "Emergency vehicle" means emergency vehicles of 436
municipal, township, or county departments or public utility 437
corporations when identified as such as required by law, the 438
director of public safety, or local authorities, and motor 439
vehicles when commandeered by a police officer. 440

(E) "Public safety vehicle" means any of the following: 441

(1) Ambulances, including private ambulance companies under 442
contract to a municipal corporation, township, or county, and 443
private ambulances and nontransport vehicles bearing license 444
plates issued under section 4503.49 of the Revised Code; 445

(2) Motor vehicles used by public law enforcement officers or 446
other persons sworn to enforce the criminal and traffic laws of 447
the state; 448

(3) Any motor vehicle when properly identified as required by 449
the director of public safety, when used in response to fire 450
emergency calls or to provide emergency medical service to ill or 451
injured persons, and when operated by a duly qualified person who 452
is a member of a volunteer rescue service or a volunteer fire 453
department, and who is on duty pursuant to the rules or directives 454
of that service. The state fire marshal shall be designated by the 455
director of public safety as the certifying agency for all public 456
safety vehicles described in division (E)(3) of this section. 457

(4) Vehicles used by fire departments, including motor 458
vehicles when used by volunteer fire fighters responding to 459
emergency calls in the fire department service when identified as 460
required by the director of public safety. 461

Any vehicle used to transport or provide emergency medical 462
service to an ill or injured person, when certified as a public 463
safety vehicle, shall be considered a public safety vehicle when 464
transporting an ill or injured person to a hospital regardless of 465
whether such vehicle has already passed a hospital. 466

(5) Vehicles used by the motor carrier enforcement unit for 467
the enforcement of orders and rules of the public utilities 468
commission as specified in section 5503.34 of the Revised Code. 469

(F) "School bus" means every bus designed for carrying more 470
than nine passengers that is owned by a public, private, or 471
governmental agency or institution of learning and operated for 472
the transportation of children to or from a school session or a 473
school function, or owned by a private person and operated for 474
compensation for the transportation of children to or from a 475
school session or a school function, provided "school bus" does 476

not include a bus operated by a municipally owned transportation 477
system, a mass transit company operating exclusively within the 478
territorial limits of a municipal corporation, or within such 479
limits and the territorial limits of municipal corporations 480
immediately contiguous to such municipal corporation, nor a common 481
passenger carrier certified by the public utilities commission 482
unless such bus is devoted exclusively to the transportation of 483
children to and from a school session or a school function, and 484
"school bus" does not include a van or bus used by a licensed 485
child day-care center or type A family day-care home to transport 486
children from the child day-care center or type A family day-care 487
home to a school if the van or bus does not have more than fifteen 488
children in the van or bus at any time. 489

(G) "Bicycle" means every device, other than a tricycle 490
designed solely for use as a play vehicle by a child, propelled 491
solely by human power upon which any person may ride having either 492
two tandem wheels, or one wheel in the front and two wheels in the 493
rear, any of which is more than fourteen inches in diameter. 494

(H) "Motorized bicycle" means any vehicle having either two 495
tandem wheels or one wheel in the front and two wheels in the 496
rear, that is capable of being pedaled and is equipped with a 497
helper motor of not more than fifty cubic centimeters piston 498
displacement that produces no more than one brake horsepower and 499
is capable of propelling the vehicle at a speed of no greater than 500
twenty miles per hour on a level surface. 501

(I) "Commercial tractor" means every motor vehicle having 502
motive power designed or used for drawing other vehicles and not 503
so constructed as to carry any load thereon, or designed or used 504
for drawing other vehicles while carrying a portion of such other 505
vehicles, or load thereon, or both. 506

(J) "Agricultural tractor" means every self-propelling 507

vehicle designed or used for drawing other vehicles or wheeled 508
machinery but having no provision for carrying loads independently 509
of such other vehicles, and used principally for agricultural 510
purposes. 511

(K) "Truck" means every motor vehicle, except trailers and 512
semitrailers, designed and used to carry property. 513

(L) "Bus" means every motor vehicle designed for carrying 514
more than nine passengers and used for the transportation of 515
persons other than in a ridesharing arrangement, and every motor 516
vehicle, automobile for hire, or funeral car, other than a taxicab 517
or motor vehicle used in a ridesharing arrangement, designed and 518
used for the transportation of persons for compensation. 519

(M) "Trailer" means every vehicle designed or used for 520
carrying persons or property wholly on its own structure and for 521
being drawn by a motor vehicle, including any such vehicle when 522
formed by or operated as a combination of a "semitrailer" and a 523
vehicle of the dolly type, such as that commonly known as a 524
"trailer dolly," a vehicle used to transport agricultural produce 525
or agricultural production materials between a local place of 526
storage or supply and the farm when drawn or towed on a street or 527
highway at a speed greater than twenty-five miles per hour, and a 528
vehicle designed and used exclusively to transport a boat between 529
a place of storage and a marina, or in and around a marina, when 530
drawn or towed on a street or highway for a distance of more than 531
ten miles or at a speed of more than twenty-five miles per hour. 532

(N) "Semitrailer" means every vehicle designed or used for 533
carrying persons or property with another and separate motor 534
vehicle so that in operation a part of its own weight or that of 535
its load, or both, rests upon and is carried by another vehicle. 536

(O) "Pole trailer" means every trailer or semitrailer 537
attached to the towing vehicle by means of a reach, pole, or by 538

being boomed or otherwise secured to the towing vehicle, and 539
ordinarily used for transporting long or irregular shaped loads 540
such as poles, pipes, or structural members capable, generally, of 541
sustaining themselves as beams between the supporting connections. 542

(P) "Railroad" means a carrier of persons or property 543
operating upon rails placed principally on a private right-of-way. 544

(Q) "Railroad train" means a steam engine or an electric or 545
other motor, with or without cars coupled thereto, operated by a 546
railroad. 547

(R) "Streetcar" means a car, other than a railroad train, for 548
transporting persons or property, operated upon rails principally 549
within a street or highway. 550

(S) "Trackless trolley" means every car that collects its 551
power from overhead electric trolley wires and that is not 552
operated upon rails or tracks. 553

(T) "Explosives" means any chemical compound or mechanical 554
mixture that is intended for the purpose of producing an explosion 555
that contains any oxidizing and combustible units or other 556
ingredients in such proportions, quantities, or packing that an 557
ignition by fire, by friction, by concussion, by percussion, or by 558
a detonator of any part of the compound or mixture may cause such 559
a sudden generation of highly heated gases that the resultant 560
gaseous pressures are capable of producing destructive effects on 561
contiguous objects, or of destroying life or limb. Manufactured 562
articles shall not be held to be explosives when the individual 563
units contain explosives in such limited quantities, of such 564
nature, or in such packing, that it is impossible to procure a 565
simultaneous or a destructive explosion of such units, to the 566
injury of life, limb, or property by fire, by friction, by 567
concussion, by percussion, or by a detonator, such as fixed 568
ammunition for small arms, firecrackers, or safety fuse matches. 569

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit <u>fahrenheit</u> , or less, as determined by a tagliabue or equivalent closed cup test device.	570 571 572
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	573 574
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	575 576
(X) "Pedestrian" means any natural person afoot.	577
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	578 579 580
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	581 582 583
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	584 585 586
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	587 588 589
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	590 591 592 593 594 595
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	596 597 598 599

(EE) "Roadway" means that portion of a highway improved, 600
designed, or ordinarily used for vehicular travel, except the berm 601
or shoulder. If a highway includes two or more separate roadways 602
the term "roadway" means any such roadway separately but not all 603
such roadways collectively. 604

(FF) "Sidewalk" means that portion of a street between the 605
curb lines, or the lateral lines of a roadway, and the adjacent 606
property lines, intended for the use of pedestrians. 607

(GG) "Laned highway" means a highway the roadway of which is 608
divided into two or more clearly marked lanes for vehicular 609
traffic. 610

(HH) "Through highway" means every street or highway as 611
provided in section 4511.65 of the Revised Code. 612

(II) "State highway" means a highway under the jurisdiction 613
of the department of transportation, outside the limits of 614
municipal corporations, provided that the authority conferred upon 615
the director of transportation in section 5511.01 of the Revised 616
Code to erect state highway route markers and signs directing 617
traffic shall not be modified by sections 4511.01 to 4511.79 and 618
4511.99 of the Revised Code. 619

(JJ) "State route" means every highway that is designated 620
with an official state route number and so marked. 621

(KK) "Intersection" means: 622

(1) The area embraced within the prolongation or connection 623
of the lateral curb lines, or, if none, then the lateral boundary 624
lines of the roadways of two highways which join one another at, 625
or approximately at, right angles, or the area within which 626
vehicles traveling upon different highways joining at any other 627
angle may come in conflict. 628

(2) Where a highway includes two roadways thirty feet or more 629

apart, then every crossing of each roadway of such divided highway 630
by an intersecting highway shall be regarded as a separate 631
intersection. If an intersecting highway also includes two 632
roadways thirty feet or more apart, then every crossing of two 633
roadways of such highways shall be regarded as a separate 634
intersection. 635

(3) The junction of an alley with a street or highway, or 636
with another alley, shall not constitute an intersection. 637

(LL) "Crosswalk" means: 638

(1) That part of a roadway at intersections ordinarily 639
included within the real or projected prolongation of property 640
lines and curb lines or, in the absence of curbs, the edges of the 641
traversable roadway; 642

(2) Any portion of a roadway at an intersection or elsewhere, 643
distinctly indicated for pedestrian crossing by lines or other 644
markings on the surface; 645

(3) Notwithstanding divisions (LL)(1) and (2) of this 646
section, there shall not be a crosswalk where local authorities 647
have placed signs indicating no crossing. 648

(MM) "Safety zone" means the area or space officially set 649
apart within a roadway for the exclusive use of pedestrians and 650
protected or marked or indicated by adequate signs as to be 651
plainly visible at all times. 652

(NN) "Business district" means the territory fronting upon a 653
street or highway, including the street or highway, between 654
successive intersections within municipal corporations where fifty 655
per cent or more of the frontage between such successive 656
intersections is occupied by buildings in use for business, or 657
within or outside municipal corporations where fifty per cent or 658
more of the frontage for a distance of three hundred feet or more 659

is occupied by buildings in use for business, and the character of
such territory is indicated by official traffic control devices.

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(OO) "Residence district" means the territory, not comprising
a business district, fronting on a street or highway, including
the street or highway, where, for a distance of three hundred feet
or more, the frontage is improved with residences or residences
and buildings in use for business.

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(PP) "Urban district" means the territory contiguous to and
including any street or highway which is built up with structures
devoted to business, industry, or dwelling houses situated at
intervals of less than one hundred feet for a distance of a
quarter of a mile or more, and the character of such territory is
indicated by official traffic control devices.

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(QQ) "Traffic control devices" means all flaggers, signs,
signals, markings, and devices placed or erected by authority of a
public body or official having jurisdiction, for the purpose of
regulating, warning, or guiding traffic, including signs denoting
names of streets and highways.

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(RR) "Traffic control signal" means any device, whether
manually, electrically, or mechanically operated, by which traffic
is alternately directed to stop, to proceed, to change direction,
or not to change direction.

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(SS) "Railroad sign or signal" means any sign, signal, or
device erected by authority of a public body or official or by a
railroad and intended to give notice of the presence of railroad
tracks or the approach of a railroad train.

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(TT) "Traffic" means pedestrians, ridden or herded animals,
vehicles, streetcars, trackless trolleys, and other devices,
either singly or together, while using any highway for purposes of
travel.

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(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an

excess of fifty per cent of all crossroads separated in grade.	720
(AAA) "Thruway" means a through highway whose entire roadway	721
is reserved for through traffic and on which roadway parking is	722
prohibited.	723
(BBB) "Stop intersection" means any intersection at one or	724
more entrances of which stop signs are erected.	725
(CCC) "Arterial street" means any United States or state	726
numbered route, controlled access highway, or other major radial	727
or circumferential street or highway designated by local	728
authorities within their respective jurisdictions as part of a	729
major arterial system of streets or highways.	730
(DDD) "Ridesharing arrangement" means the transportation of	731
persons in a motor vehicle where such transportation is incidental	732
to another purpose of a volunteer driver and includes ridesharing	733
arrangements known as carpools, vanpools, and buspools.	734
(EEE) "Motorized wheelchair" means any self-propelled vehicle	735
designed for, and used by, a handicapped person and that is	736
incapable of a speed in excess of eight miles per hour.	737
(FFF) "Child day-care center" and "type A family day-care	738
home" have the same meanings as in section 5104.01 of the Revised	739
Code.	740
(GGG) "Multi-wheel agricultural tractor" means a type of	741
agricultural tractor that has two or more wheels or tires on each	742
side of one axle at the rear of the tractor, is designed or used	743
for drawing other vehicles or wheeled machinery, has no provision	744
for carrying loads independently of the drawn vehicles or	745
machinery, and is used principally for agricultural purposes.	746
(HHH) "Operate" means to cause or have caused movement of a	747
vehicle, streetcar, or trackless trolley.	748
(III) "Predicate motor vehicle or traffic offense" means any	749

of the following:

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(1) A violation of section 4511.03, 4511.051, 4511.12, 751
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 752
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 753
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 754
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 755
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 756
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 757
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 758
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 759
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 760
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 761

(2) A violation of division (A)(2) of section 4511.17, 762
divisions (A) to (D) of section 4511.51, or division (A) of 763
section 4511.74 of the Revised Code; 764

(3) A violation of any provision of sections 4511.01 to 765
4511.76 of the Revised Code for which no penalty otherwise is 766
provided in the section that contains the provision violated; 767

(4) A violation of a municipal ordinance that is 768
substantially similar to any section or provision set forth or 769
described in division (III)(1), (2), or (3) of this section. 770

Sec. 4511.202. (A) No person shall operate a motor vehicle, 771
trackless trolley, ~~or~~ streetcar, agricultural tractor, or 772
agricultural tractor that is towing, pulling, or otherwise drawing 773
a unit of farm machinery on any street, highway, or property open 774
to the public for vehicular traffic without being in reasonable 775
control of the vehicle, trolley, ~~or~~ streetcar, agricultural 776
tractor, or unit of farm machinery. 777

(B) Whoever violates this section is guilty of operating a 778
motor vehicle or agricultural tractor without being in control of 779

it, a minor misdemeanor. 780

Sec. 4513.11. (A) All vehicles other than bicycles, including 781
animal-drawn vehicles and vehicles referred to in division (G) of 782
section 4513.02 of the Revised Code, not specifically required to 783
be equipped with lamps or other lighting devices by sections 784
4513.03 to 4513.10 of the Revised Code, shall, at the times 785
specified in section 4513.03 of the Revised Code, be equipped with 786
at least one lamp displaying a white light visible from a distance 787
of not less than one thousand feet to the front of the vehicle, 788
and also shall be equipped with two lamps displaying red light 789
visible from a distance of not less than one thousand feet to the 790
rear of the vehicle, or as an alternative, one lamp displaying a 791
red light visible from a distance of not less than one thousand 792
feet to the rear and two red reflectors visible from all distances 793
of six hundred feet to one hundred feet to the rear when 794
illuminated by the lawful lower beams of headlamps. 795

Lamps and reflectors required or authorized by this section 796
shall meet standards adopted by the director of public safety. 797

(B) All boat trailers, farm machinery, and other machinery, 798
including all road construction machinery, upon a street or 799
highway, except when being used in actual construction and 800
maintenance work in an area guarded by a flagperson, or where 801
flares are used, or when operating or traveling within the limits 802
of a construction area designated by the director of 803
transportation, a city engineer, or the county engineer of the 804
several counties, when such construction area is marked in 805
accordance with requirements of the director and the manual of 806
uniform traffic control devices, as set forth in section 4511.09 807
of the Revised Code, which is designed for operation at a speed of 808
twenty-five miles per hour or less shall be operated at a speed 809
not exceeding twenty-five miles per hour, and shall display a 810

triangular slow-moving vehicle emblem (SMV). The emblem shall be
mounted so as to be visible from a distance of not less than five
hundred feet to the rear. The director of public safety shall
adopt standards and specifications for the design and position of
mounting the SMV emblem. The standards and specifications for SMV
emblems referred to in this section shall correlate with and, so
far as possible, conform with those approved by the American
society of agricultural engineers.

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As used in this division, "machinery" does not include any
vehicle designed to be drawn by an animal.

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(C) The use of the SMV emblem shall be restricted to
animal-drawn vehicles, and to the slow-moving vehicles specified
in division (B) of this section operating or traveling within the
limits of the highway. Its use on slow-moving vehicles being
transported upon other types of vehicles or on any other type of
vehicle or stationary object on the highway is prohibited.

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(D)(1) No person shall sell, lease, rent, or operate any boat
trailer, farm machinery, or other machinery defined as a
slow-moving vehicle in division (B) of this section, except those
units designed to be completely mounted on a primary power unit,
which is manufactured or assembled on or after April 1, 1966,
unless the vehicle is equipped with a slow-moving vehicle emblem
mounting device as specified in division (B) of this section.

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(2) No person shall sell, lease, rent, or operate on a street
or highway any unit of farm machinery that is designed by its
manufacturer to operate at a speed greater than twenty-five miles
per hour unless the unit displays a slow-moving vehicle emblem as
specified in division (B) of this section and a speed
identification symbol that meets the specifications contained in
the American society of agricultural engineers standard ANSI/ASAE
S584 JAN2005, agricultural equipment: speed identification symbol

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(E) Any boat trailer, farm machinery, or other machinery 843
defined as a slow-moving vehicle in division (B) of this section, 844
in addition to the use of the slow-moving vehicle emblem, and any 845
unit of farm machinery that is designed by its manufacturer to 846
operate at a speed greater than twenty-five miles per hour, in 847
addition to the display of a speed identification symbol, may be 848
equipped with a red flashing light that shall be visible from a 849
distance of not less than one thousand feet to the rear at all 850
times specified in section 4513.03 of the Revised Code. When a 851
double-faced light is used, it shall display amber light to the 852
front and red light to the rear. 853

In addition to the lights described in this division, farm 854
machinery and motor vehicles escorting farm machinery may display 855
a flashing, oscillating, or rotating amber light, as permitted by 856
section 4513.17 of the Revised Code, and also may display 857
simultaneously flashing turn signals or warning lights, as 858
permitted by that section. 859

(F) Every animal-drawn vehicle upon a street or highway shall 860
at all times be equipped in one of the following ways: 861

(1) With a slow-moving vehicle emblem complying with division 862
(B) of this section; 863

(2) With alternate reflective material complying with rules 864
adopted under this division; 865

(3) With both a slow-moving vehicle emblem and alternate 866
reflective material as specified in this division. 867

The director of public safety, subject to Chapter 119. of the 868
Revised Code, shall adopt rules establishing standards and 869
specifications for the position of mounting of the alternate 870
reflective material authorized by this division. The rules shall 871

permit, as a minimum, the alternate reflective material to be 872
black, gray, or silver in color. The alternate reflective material 873
shall be mounted on the animal-drawn vehicle so as to be visible, 874
at all times specified in section 4513.03 of the Revised Code, 875
from a distance of not less than five hundred feet to the rear 876
when illuminated by the lawful lower beams of headlamps. 877

(G) Every unit of farm machinery that is designed by its 878
manufacturer to operate at a speed greater than twenty-five miles 879
per hour shall display a slow-moving vehicle emblem and a speed 880
identification symbol that meets the specifications contained in 881
the American society of agricultural engineers standard ANSI/ASAE 882
S584 JAN2005, agricultural equipment: speed identification symbol 883
(SIS) when the unit is operated upon a street or highway, 884
irrespective of the speed at which the unit is operated on the 885
street or highway. The speed identification symbol shall indicate 886
the maximum speed in miles per hour at which the unit of farm 887
machinery is designed by its manufacturer to operate. The display 888
of the speed identification symbol shall be in accordance with the 889
standard prescribed in this division. 890

If an agricultural tractor that is designed by its 891
manufacturer to operate at a speed greater than twenty-five miles 892
per hour is being operated on a street or highway at a speed 893
greater than twenty-five miles per hour and is towing, pulling, or 894
otherwise drawing a unit of farm machinery, the unit of farm 895
machinery shall display a slow-moving vehicle emblem and a speed 896
identification symbol that is the same as the speed identification 897
symbol that is displayed on the agricultural tractor. 898

(H) When an agricultural tractor that is designed by its 899
manufacturer to operate at a speed greater than twenty-five miles 900
per hour is being operated on a street or highway at a speed 901
greater than twenty-five miles per hour, the operator shall 902
possess some documentation published or provided by the 903

manufacturer indicating the maximum speed in miles per hour at 904
which the manufacturer designed the agricultural tractor to 905
operate. 906

(I) Whoever violates this section shall be punished as 907
provided in section 4513.99 of the Revised Code. 908

~~(H)~~(J) As used in this section, "boat trailer" means any 909
vehicle designed and used exclusively to transport a boat between 910
a place of storage and a marina, or in and around a marina, when 911
drawn or towed on a street or highway for a distance of no more 912
than ten miles and at a speed of twenty-five miles per hour or 913
less. 914

Sec. 4513.99. (A) Any violation of section 4513.03, 4513.04, 915
4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11 916
except for division (H) of that section, 4513.111, 4513.12, 917
4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18, 918
4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22, 919
4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28, 920
4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code 921
shall be punished under division (B) of this section. 922

(B) Whoever violates the sections of this chapter that are 923
specifically required to be punished under this division, or any 924
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 925
the Revised Code for which violation no penalty is otherwise 926
provided, is guilty of a minor misdemeanor on a first offense; on 927
a second offense within one year after the first offense, the 928
person is guilty of a misdemeanor of the fourth degree; on each 929
subsequent offense within one year after the first offense, the 930
person is guilty of a misdemeanor of the third degree. 931

Sec. 5739.01. As used in this chapter: 932

(A) "Person" includes individuals, receivers, assignees, 933

trustees in bankruptcy, estates, firms, partnerships, 934
associations, joint-stock companies, joint ventures, clubs, 935
societies, corporations, the state and its political subdivisions, 936
and combinations of individuals of any form. 937

(B) "Sale" and "selling" include all of the following 938
transactions for a consideration in any manner, whether absolutely 939
or conditionally, whether for a price or rental, in money or by 940
exchange, and by any means whatsoever: 941

(1) All transactions by which title or possession, or both, 942
of tangible personal property, is or is to be transferred, or a 943
license to use or consume tangible personal property is or is to 944
be granted; 945

(2) All transactions by which lodging by a hotel is or is to 946
be furnished to transient guests; 947

(3) All transactions by which: 948

(a) An item of tangible personal property is or is to be 949
repaired, except property, the purchase of which would not be 950
subject to the tax imposed by section 5739.02 of the Revised Code; 951

(b) An item of tangible personal property is or is to be 952
installed, except property, the purchase of which would not be 953
subject to the tax imposed by section 5739.02 of the Revised Code 954
or property that is or is to be incorporated into and will become 955
a part of a production, transmission, transportation, or 956
distribution system for the delivery of a public utility service; 957

(c) The service of washing, cleaning, waxing, polishing, or 958
painting a motor vehicle is or is to be furnished; 959

(d) Until August 1, 2003, industrial laundry cleaning 960
services are or are to be provided and, on and after August 1, 961
2003, laundry and dry cleaning services are or are to be provided; 962

(e) Automatic data processing, computer services, or 963

electronic information services are or are to be provided for use	964
in business when the true object of the transaction is the receipt	965
by the consumer of automatic data processing, computer services,	966
or electronic information services rather than the receipt of	967
personal or professional services to which automatic data	968
processing, computer services, or electronic information services	969
are incidental or supplemental. Notwithstanding any other	970
provision of this chapter, such transactions that occur between	971
members of an affiliated group are not sales. An affiliated group	972
means two or more persons related in such a way that one person	973
owns or controls the business operation of another member of the	974
group. In the case of corporations with stock, one corporation	975
owns or controls another if it owns more than fifty per cent of	976
the other corporation's common stock with voting rights.	977
(f) Telecommunications service, including prepaid calling	978
service, prepaid wireless calling service, or ancillary service,	979
is or is to be provided, but not including coin-operated telephone	980
service;	981
(g) Landscaping and lawn care service is or is to be	982
provided;	983
(h) Private investigation and security service is or is to be	984
provided;	985
(i) Information services or tangible personal property is	986
provided or ordered by means of a nine hundred telephone call;	987
(j) Building maintenance and janitorial service is or is to	988
be provided;	989
(k) Employment service is or is to be provided;	990
(l) Employment placement service is or is to be provided;	991
(m) Exterminating service is or is to be provided;	992
(n) Physical fitness facility service is or is to be	993

provided;	994
(o) Recreation and sports club service is or is to be provided.	995 996
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	997 998
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	999 1000 1001 1002 1003 1004 1005 1006
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	1007 1008 1009 1010 1011 1012 1013 1014
(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	1015 1016 1017 1018
(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.	1019 1020 1021 1022 1023 1024

(4) All transactions by which printed, imprinted, 1025
overprinted, lithographic, multilithic, blueprinted, photostatic, 1026
or other productions or reproductions of written or graphic matter 1027
are or are to be furnished or transferred; 1028

(5) The production or fabrication of tangible personal 1029
property for a consideration for consumers who furnish either 1030
directly or indirectly the materials used in the production of 1031
fabrication work; and include the furnishing, preparing, or 1032
serving for a consideration of any tangible personal property 1033
consumed on the premises of the person furnishing, preparing, or 1034
serving such tangible personal property. Except as provided in 1035
section 5739.03 of the Revised Code, a construction contract 1036
pursuant to which tangible personal property is or is to be 1037
incorporated into a structure or improvement on and becoming a 1038
part of real property is not a sale of such tangible personal 1039
property. The construction contractor is the consumer of such 1040
tangible personal property, provided that the sale and 1041
installation of carpeting, the sale and installation of 1042
agricultural land tile, the sale and erection or installation of 1043
portable grain bins, or the provision of landscaping and lawn care 1044
service and the transfer of property as part of such service is 1045
never a construction contract. 1046

As used in division (B)(5) of this section: 1047

(a) "Agricultural land tile" means fired clay or concrete 1048
tile, or flexible or rigid perforated plastic pipe or tubing, 1049
incorporated or to be incorporated into a subsurface drainage 1050
system appurtenant to land used or to be used directly in 1051
production by farming, agriculture, horticulture, or floriculture. 1052
The term does not include such materials when they are or are to 1053
be incorporated into a drainage system appurtenant to a building 1054
or structure even if the building or structure is used or to be 1055
used in such production. 1056

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale.

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of

this section, the telecommunications service vendor that provides 1088
the nine hundred telephone service; if two or more persons are 1089
engaged in business at the same place of business under a single 1090
trade name in which all collections on account of sales by each 1091
are made, such persons shall constitute a single vendor. 1092

Physicians, dentists, hospitals, and veterinarians who are 1093
engaged in selling tangible personal property as received from 1094
others, such as eyeglasses, mouthwashes, dentifrices, or similar 1095
articles, are vendors. Veterinarians who are engaged in 1096
transferring to others for a consideration drugs, the dispensing 1097
of which does not require an order of a licensed veterinarian or 1098
physician under federal law, are vendors. 1099

(D)(1) "Consumer" means the person for whom the service is 1100
provided, to whom the transfer effected or license given by a sale 1101
is or is to be made or given, to whom the service described in 1102
division (B)(3)(f) or (i) of this section is charged, or to whom 1103
the admission is granted. 1104

(2) Physicians, dentists, hospitals, and blood banks operated 1105
by nonprofit institutions and persons licensed to practice 1106
veterinary medicine, surgery, and dentistry are consumers of all 1107
tangible personal property and services purchased by them in 1108
connection with the practice of medicine, dentistry, the rendition 1109
of hospital or blood bank service, or the practice of veterinary 1110
medicine, surgery, and dentistry. In addition to being consumers 1111
of drugs administered by them or by their assistants according to 1112
their direction, veterinarians also are consumers of drugs that 1113
under federal law may be dispensed only by or upon the order of a 1114
licensed veterinarian or physician, when transferred by them to 1115
others for a consideration to provide treatment to animals as 1116
directed by the veterinarian. 1117

(3) A person who performs a facility management, or similar 1118

service contract for a contractee is a consumer of all tangible
personal property and services purchased for use in connection
with the performance of such contract, regardless of whether title
to any such property vests in the contractee. The purchase of such
property and services is not subject to the exception for resale
under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter
for the purpose of distributing it or having it distributed to the
public or to a designated segment of the public, free of charge,
that person is the consumer of that printed matter, and the
purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than
purchases, printed matter for the purpose of distributing it or
having it distributed to the public or to a designated segment of
the public, free of charge, that person is the consumer of all
tangible personal property and services purchased for use or
consumption in the production of that printed matter. That person
is not entitled to claim exemption under division (B)(42)(f) of
section 5739.02 of the Revised Code for any material incorporated
into the printed matter or any equipment, supplies, or services
primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a
designated segment of the public, free of charge, is not a sale to
the members of the public to whom the printed matter is
distributed or to any persons who purchase space in the printed
matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in
division (B)(3) of this section is the consumer of any tangible
personal property used in performing the service. The purchase of
that property is not subject to the resale exception under
division (E)(1) of this section.

(6) A person who engages in highway transportation for hire 1150
is the consumer of all packaging materials purchased by that 1151
person and used in performing the service, except for packaging 1152
materials sold by such person in a transaction separate from the 1153
service. 1154

(E) "Retail sale" and "sales at retail" include all sales, 1155
except those in which the purpose of the consumer is to resell the 1156
thing transferred or benefit of the service provided, by a person 1157
engaging in business, in the form in which the same is, or is to 1158
be, received by the person. 1159

(F) "Business" includes any activity engaged in by any person 1160
with the object of gain, benefit, or advantage, either direct or 1161
indirect. "Business" does not include the activity of a person in 1162
managing and investing the person's own funds. 1163

(G) "Engaging in business" means commencing, conducting, or 1164
continuing in business, and liquidating a business when the 1165
liquidator thereof holds itself out to the public as conducting 1166
such business. Making a casual sale is not engaging in business. 1167

(H)(1)(a) "Price," except as provided in divisions (H)(2) 1168
~~and~~, (3), and (4) of this section, means the total amount of 1169
consideration, including cash, credit, property, and services, for 1170
which tangible personal property or services are sold, leased, or 1171
rented, valued in money, whether received in money or otherwise, 1172
without any deduction for any of the following: 1173

(i) The vendor's cost of the property sold; 1174

(ii) The cost of materials used, labor or service costs, 1175
interest, losses, all costs of transportation to the vendor, all 1176
taxes imposed on the vendor, including the tax imposed under 1177
Chapter 5751. of the Revised Code, and any other expense of the 1178
vendor; 1179

(iii) Charges by the vendor for any services necessary to complete the sale;	1180 1181
(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.	1182 1183 1184 1185 1186
(v) Installation charges;	1187
(vi) Credit for any trade-in.	1188
(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:	1189 1190 1191 1192 1193 1194 1195 1196 1197
(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;	1198 1199 1200 1201 1202 1203
(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.	1204 1205 1206 1207 1208
(iii) The price reduction or discount is identified as a	1209

third party price reduction or discount on the invoice received by	1210
the consumer, or on a coupon, certificate, or other document	1211
presented by the consumer.	1212
(c) "Price" does not include any of the following:	1213
(i) Discounts, including cash, term, or coupons that are not	1214
reimbursed by a third party that are allowed by a vendor and taken	1215
by a consumer on a sale;	1216
(ii) Interest, financing, and carrying charges from credit	1217
extended on the sale of tangible personal property or services, if	1218
the amount is separately stated on the invoice, bill of sale, or	1219
similar document given to the purchaser;	1220
(iii) Any taxes legally imposed directly on the consumer that	1221
are separately stated on the invoice, bill of sale, or similar	1222
document given to the consumer. For the purpose of this division,	1223
the tax imposed under Chapter 5751. of the Revised Code is not a	1224
tax directly on the consumer, even if the tax or a portion thereof	1225
is separately stated.	1226
(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this	1227
section, any discount allowed by an automobile manufacturer to its	1228
employee, or to the employee of a supplier, on the purchase of a	1229
new motor vehicle from a new motor vehicle dealer in this state.	1230
(2) In the case of a sale of any new motor vehicle by a new	1231
motor vehicle dealer, as defined in section 4517.01 of the Revised	1232
Code, in which another motor vehicle is accepted by the dealer as	1233
part of the consideration received, "price" has the same meaning	1234
as in division (H)(1) of this section, reduced by the credit	1235
afforded the consumer by the dealer for the motor vehicle received	1236
in trade.	1237
(3) In the case of a sale of any watercraft or outboard motor	1238
by a watercraft dealer licensed in accordance with section	1239

1547.543 of the Revised Code, in which another watercraft, 1240
watercraft and trailer, or outboard motor is accepted by the 1241
dealer as part of the consideration received, "price" has the same 1242
meaning as in division (H)(1) of this section, reduced by the 1243
credit afforded the consumer by the dealer for the watercraft, 1244
watercraft and trailer, or outboard motor received in trade. As 1245
used in this division, "watercraft" includes an outdrive unit 1246
attached to the watercraft. 1247

(4)(a) In the case of a sale by a dealer of any new farm 1248
machinery, including compact tractors, not used for farming or 1249
agricultural purposes in which another item of farm machinery is 1250
accepted by the dealer as part of the consideration received, 1251
"price" has the same meaning as in division (H)(1) of this 1252
section, reduced by the credit afforded the consumer by the dealer 1253
for the item of farm machinery received in trade. 1254

(b) In the case of a sale of any new construction equipment 1255
by a dealer in which another item of construction equipment is 1256
accepted by the dealer as part of the consideration received, 1257
"price" has the same meaning as in division (H)(1) of this 1258
section, reduced by the credit afforded the consumer by the dealer 1259
for the item of construction equipment received in trade. 1260

(c) As used in division (H)(4) of this section, "compact 1261
tractors," "construction equipment," "dealer," and "farm 1262
machinery" have the same meanings as in section 1353.01 of the 1263
Revised Code. 1264

(I) "Receipts" means the total amount of the prices of the 1265
sales of vendors, provided that cash discounts allowed and taken 1266
on sales at the time they are consummated are not included, minus 1267
any amount deducted as a bad debt pursuant to section 5739.121 of 1268
the Revised Code. "Receipts" does not include the sale price of 1269
property returned or services rejected by consumers when the full 1270

sale price and tax are refunded either in cash or by credit.	1271
(J) "Place of business" means any location at which a person engages in business.	1272 1273
(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.	1274 1275 1276 1277 1278
(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.	1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289
(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures.	1290 1291 1292 1293 1294
(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.	1295 1296 1297
(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not	1298 1299 1300 1301

include the preliminary acts of promoting or soliciting the retail 1302
sales, other than the distribution of printed matter which 1303
displays or describes and prices the item offered for sale, nor 1304
does it include delivery of a predetermined quantity of tangible 1305
personal property or transportation of property or personnel to or 1306
from a place where a service is performed, regardless of whether 1307
the vendor is a delivery vendor. 1308

(P) "Used directly in the rendition of a public utility 1309
service" means that property that is to be incorporated into and 1310
will become a part of the consumer's production, transmission, 1311
transportation, or distribution system and that retains its 1312
classification as tangible personal property after such 1313
incorporation; fuel or power used in the production, transmission, 1314
transportation, or distribution system; and tangible personal 1315
property used in the repair and maintenance of the production, 1316
transmission, transportation, or distribution system, including 1317
only such motor vehicles as are specially designed and equipped 1318
for such use. Tangible personal property and services used 1319
primarily in providing highway transportation for hire are not 1320
used directly in the rendition of a public utility service. 1321

(Q) "Refining" means removing or separating a desirable 1322
product from raw or contaminated materials by distillation or 1323
physical, mechanical, or chemical processes. 1324

(R) "Assembly" and "assembling" mean attaching or fitting 1325
together parts to form a product, but do not include packaging a 1326
product. 1327

(S) "Manufacturing operation" means a process in which 1328
materials are changed, converted, or transformed into a different 1329
state or form from which they previously existed and includes 1330
refining materials, assembling parts, and preparing raw materials 1331
and parts by mixing, measuring, blending, or otherwise committing 1332

such materials or parts to the manufacturing process. 1333

"Manufacturing operation" does not include packaging. 1334

(T) "Fiscal officer" means, with respect to a regional 1335
transit authority, the secretary-treasurer thereof, and with 1336
respect to a county that is a transit authority, the fiscal 1337
officer of the county transit board if one is appointed pursuant 1338
to section 306.03 of the Revised Code or the county auditor if the 1339
board of county commissioners operates the county transit system. 1340

(U) "Transit authority" means a regional transit authority 1341
created pursuant to section 306.31 of the Revised Code or a county 1342
in which a county transit system is created pursuant to section 1343
306.01 of the Revised Code. For the purposes of this chapter, a 1344
transit authority must extend to at least the entire area of a 1345
single county. A transit authority that includes territory in more 1346
than one county must include all the area of the most populous 1347
county that is a part of such transit authority. County population 1348
shall be measured by the most recent census taken by the United 1349
States census bureau. 1350

(V) "Legislative authority" means, with respect to a regional 1351
transit authority, the board of trustees thereof, and with respect 1352
to a county that is a transit authority, the board of county 1353
commissioners. 1354

(W) "Territory of the transit authority" means all of the 1355
area included within the territorial boundaries of a transit 1356
authority as they from time to time exist. Such territorial 1357
boundaries must at all times include all the area of a single 1358
county or all the area of the most populous county that is a part 1359
of such transit authority. County population shall be measured by 1360
the most recent census taken by the United States census bureau. 1361

(X) "Providing a service" means providing or furnishing 1362
anything described in division (B)(3) of this section for 1363

consideration. 1364

(Y)(1)(a) "Automatic data processing" means processing of 1365
others' data, including keypunching or similar data entry services 1366
together with verification thereof, or providing access to 1367
computer equipment for the purpose of processing data. 1368

(b) "Computer services" means providing services consisting 1369
of specifying computer hardware configurations and evaluating 1370
technical processing characteristics, computer programming, and 1371
training of computer programmers and operators, provided in 1372
conjunction with and to support the sale, lease, or operation of 1373
taxable computer equipment or systems. 1374

(c) "Electronic information services" means providing access 1375
to computer equipment by means of telecommunications equipment for 1376
the purpose of either of the following: 1377

(i) Examining or acquiring data stored in or accessible to 1378
the computer equipment; 1379

(ii) Placing data into the computer equipment to be retrieved 1380
by designated recipients with access to the computer equipment. 1381

(d) "Automatic data processing, computer services, or 1382
electronic information services" shall not include personal or 1383
professional services. 1384

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 1385
section, "personal and professional services" means all services 1386
other than automatic data processing, computer services, or 1387
electronic information services, including but not limited to: 1388

(a) Accounting and legal services such as advice on tax 1389
matters, asset management, budgetary matters, quality control, 1390
information security, and auditing and any other situation where 1391
the service provider receives data or information and studies, 1392
alters, analyzes, interprets, or adjusts such material; 1393

(b) Analyzing business policies and procedures;	1394
(c) Identifying management information needs;	1395
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	1396 1397 1398
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	1399 1400 1401 1402
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	1403 1404 1405
(g) Testing of business procedures;	1406
(h) Training personnel in business procedure applications;	1407
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	1408 1409 1410 1411 1412 1413
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	1414 1415
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	1416 1417
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	1418 1419 1420
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in	1421 1422

transportation of personal property belonging to others for 1423
consideration over or on highways, roadways, streets, or any 1424
similar public thoroughfare; 1425

(2) A person who engages in the transportation of personal 1426
property belonging to others for consideration over or on 1427
highways, roadways, streets, or any similar public thoroughfare 1428
but who could not have engaged in such transportation on December 1429
11, 1985, unless the person was the holder of a permit or 1430
certificate of the types described in division (Z)(1) of this 1431
section; 1432

(3) A person who leases a motor vehicle to and operates it 1433
for a person described by division (Z)(1) or (2) of this section. 1434

(AA)(1) "Telecommunications service" means the electronic 1435
transmission, conveyance, or routing of voice, data, audio, video, 1436
or any other information or signals to a point, or between or 1437
among points. "Telecommunications service" includes such 1438
transmission, conveyance, or routing in which computer processing 1439
applications are used to act on the form, code, or protocol of the 1440
content for purposes of transmission, conveyance, or routing 1441
without regard to whether the service is referred to as voice-over 1442
internet protocol service or is classified by the federal 1443
communications commission as enhanced or value-added. 1444
"Telecommunications service" does not include any of the 1445
following: 1446

(a) Data processing and information services that allow data 1447
to be generated, acquired, stored, processed, or retrieved and 1448
delivered by an electronic transmission to a consumer where the 1449
consumer's primary purpose for the underlying transaction is the 1450
processed data or information; 1451

(b) Installation or maintenance of wiring or equipment on a 1452
customer's premises; 1453

(c) Tangible personal property;	1454
(d) Advertising, including directory advertising;	1455
(e) Billing and collection services provided to third parties;	1456 1457
(f) Internet access service;	1458
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	1459 1460 1461 1462 1463 1464 1465 1466
(h) Ancillary service;	1467
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	1468 1469
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	1470 1471 1472 1473 1474
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	1475 1476 1477 1478 1479
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	1480 1481 1482
(c) "Directory assistance" means an ancillary service of	1483

providing telephone number or address information. 1484

(d) "Vertical service" means an ancillary service that is 1485
offered in connection with one or more telecommunications 1486
services, which offers advanced calling features that allow 1487
customers to identify callers and manage multiple calls and call 1488
connections, including conference bridging service. 1489

(e) "Voice mail service" means an ancillary service that 1490
enables the customer to store, send, or receive recorded messages. 1491
"Voice mail service" does not include any vertical services that 1492
the customer may be required to have in order to utilize the voice 1493
mail service. 1494

(3) "900 service" means an inbound toll telecommunications 1495
service purchased by a subscriber that allows the subscriber's 1496
customers to call in to the subscriber's prerecorded announcement 1497
or live service, and which is typically marketed under the name 1498
"900" service and any subsequent numbers designated by the federal 1499
communications commission. "900 service" does not include the 1500
charge for collection services provided by the seller of the 1501
telecommunications service to the subscriber, or services or 1502
products sold by the subscriber to the subscriber's customer. 1503

(4) "Prepaid calling service" means the right to access 1504
exclusively telecommunications services, which must be paid for in 1505
advance and which enables the origination of calls using an access 1506
number or authorization code, whether manually or electronically 1507
dialed, and that is sold in predetermined units of dollars of 1508
which the number declines with use in a known amount. 1509

(5) "Prepaid wireless calling service" means a 1510
telecommunications service that provides the right to utilize 1511
mobile telecommunications service as well as other 1512
non-telecommunications services, including the download of digital 1513
products delivered electronically, and content and ancillary 1514

services, that must be paid for in advance and that is sold in 1515
predetermined units of dollars of which the number declines with 1516
use in a known amount. 1517

(6) "Value-added non-voice data service" means a 1518
telecommunications service in which computer processing 1519
applications are used to act on the form, content, code, or 1520
protocol of the information or data primarily for a purpose other 1521
than transmission, conveyance, or routing. 1522

(7) "Coin-operated telephone service" means a 1523
telecommunications service paid for by inserting money into a 1524
telephone accepting direct deposits of money to operate. 1525

(8) "Customer" has the same meaning as in section 5739.034 of 1526
the Revised Code. 1527

(BB) "Laundry and dry cleaning services" means removing soil 1528
or dirt from towels, linens, articles of clothing, or other fabric 1529
items that belong to others and supplying towels, linens, articles 1530
of clothing, or other fabric items. "Laundry and dry cleaning 1531
services" does not include the provision of self-service 1532
facilities for use by consumers to remove soil or dirt from 1533
towels, linens, articles of clothing, or other fabric items. 1534

(CC) "Magazines distributed as controlled circulation 1535
publications" means magazines containing at least twenty-four 1536
pages, at least twenty-five per cent editorial content, issued at 1537
regular intervals four or more times a year, and circulated 1538
without charge to the recipient, provided that such magazines are 1539
not owned or controlled by individuals or business concerns which 1540
conduct such publications as an auxiliary to, and essentially for 1541
the advancement of the main business or calling of, those who own 1542
or control them. 1543

(DD) "Landscaping and lawn care service" means the services 1544
of planting, seeding, sodding, removing, cutting, trimming, 1545

pruning, mulching, aerating, applying chemicals, watering, 1546
fertilizing, and providing similar services to establish, promote, 1547
or control the growth of trees, shrubs, flowers, grass, ground 1548
cover, and other flora, or otherwise maintaining a lawn or 1549
landscape grown or maintained by the owner for ornamentation or 1550
other nonagricultural purpose. However, "landscaping and lawn care 1551
service" does not include the providing of such services by a 1552
person who has less than five thousand dollars in sales of such 1553
services during the calendar year. 1554

(EE) "Private investigation and security service" means the 1555
performance of any activity for which the provider of such service 1556
is required to be licensed pursuant to Chapter 4749. of the 1557
Revised Code, or would be required to be so licensed in performing 1558
such services in this state, and also includes the services of 1559
conducting polygraph examinations and of monitoring or overseeing 1560
the activities on or in, or the condition of, the consumer's home, 1561
business, or other facility by means of electronic or similar 1562
monitoring devices. "Private investigation and security service" 1563
does not include special duty services provided by off-duty police 1564
officers, deputy sheriffs, and other peace officers regularly 1565
employed by the state or a political subdivision. 1566

(FF) "Information services" means providing conversation, 1567
giving consultation or advice, playing or making a voice or other 1568
recording, making or keeping a record of the number of callers, 1569
and any other service provided to a consumer by means of a nine 1570
hundred telephone call, except when the nine hundred telephone 1571
call is the means by which the consumer makes a contribution to a 1572
recognized charity. 1573

(GG) "Research and development" means designing, creating, or 1574
formulating new or enhanced products, equipment, or manufacturing 1575
processes, and also means conducting scientific or technological 1576
inquiry and experimentation in the physical sciences with the goal 1577

of increasing scientific knowledge which may reveal the bases for 1578
new or enhanced products, equipment, or manufacturing processes. 1579

(HH) "Qualified research and development equipment" means 1580
capitalized tangible personal property, and leased personal 1581
property that would be capitalized if purchased, used by a person 1582
primarily to perform research and development. Tangible personal 1583
property primarily used in testing, as defined in division (A)(4) 1584
of section 5739.011 of the Revised Code, or used for recording or 1585
storing test results, is not qualified research and development 1586
equipment unless such property is primarily used by the consumer 1587
in testing the product, equipment, or manufacturing process being 1588
created, designed, or formulated by the consumer in the research 1589
and development activity or in recording or storing such test 1590
results. 1591

(II) "Building maintenance and janitorial service" means 1592
cleaning the interior or exterior of a building and any tangible 1593
personal property located therein or thereon, including any 1594
services incidental to such cleaning for which no separate charge 1595
is made. However, "building maintenance and janitorial service" 1596
does not include the providing of such service by a person who has 1597
less than five thousand dollars in sales of such service during 1598
the calendar year. 1599

(JJ) "Employment service" means providing or supplying 1600
personnel, on a temporary or long-term basis, to perform work or 1601
labor under the supervision or control of another, when the 1602
personnel so supplied receive their wages, salary, or other 1603
compensation from the provider of the service. "Employment 1604
service" does not include: 1605

(1) Acting as a contractor or subcontractor, where the 1606
personnel performing the work are not under the direct control of 1607
the purchaser. 1608

(2) Medical and health care services.	1609
(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.	1610 1611 1612 1613
(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.	1614 1615
(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.	1616 1617 1618
(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.	1619 1620 1621 1622 1623
(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.	1624 1625 1626 1627 1628 1629 1630
(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club,	1631 1632 1633 1634 1635 1636 1637 1638 1639

card club, swimming club, tennis club, golf club, country club, 1640
riding club, amateur sports club, or similar organization. 1641

(OO) "Livestock" means farm animals commonly raised for food 1642
or food production, and includes but is not limited to cattle, 1643
sheep, goats, swine, and poultry. "Livestock" does not include 1644
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 1645
animals for use in laboratories or for exhibition, or other 1646
animals not commonly raised for food or food production. 1647

(PP) "Livestock structure" means a building or structure used 1648
exclusively for the housing, raising, feeding, or sheltering of 1649
livestock, and includes feed storage or handling structures and 1650
structures for livestock waste handling. 1651

(QQ) "Horticulture" means the growing, cultivation, and 1652
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 1653
and nursery stock. As used in this division, "nursery stock" has 1654
the same meaning as in section 927.51 of the Revised Code. 1655

(RR) "Horticulture structure" means a building or structure 1656
used exclusively for the commercial growing, raising, or 1657
overwintering of horticultural products, and includes the area 1658
used for stocking, storing, and packing horticultural products 1659
when done in conjunction with the production of those products. 1660

(SS) "Newspaper" means an unbound publication bearing a title 1661
or name that is regularly published, at least as frequently as 1662
biweekly, and distributed from a fixed place of business to the 1663
public in a specific geographic area, and that contains a 1664
substantial amount of news matter of international, national, or 1665
local events of interest to the general public. 1666

(TT) "Professional racing team" means a person that employs 1667
at least twenty full-time employees for the purpose of conducting 1668
a motor vehicle racing business for profit. The person must 1669
conduct the business with the purpose of racing one or more motor 1670

racing vehicles in at least ten competitive professional racing 1671
events each year that comprise all or part of a motor racing 1672
series sanctioned by one or more motor racing sanctioning 1673
organizations. A "motor racing vehicle" means a vehicle for which 1674
the chassis, engine, and parts are designed exclusively for motor 1675
racing, and does not include a stock or production model vehicle 1676
that may be modified for use in racing. For the purposes of this 1677
division: 1678

(1) A "competitive professional racing event" is a motor 1679
vehicle racing event sanctioned by one or more motor racing 1680
sanctioning organizations, at which aggregate cash prizes in 1681
excess of eight hundred thousand dollars are awarded to the 1682
competitors. 1683

(2) "Full-time employee" means an individual who is employed 1684
for consideration for thirty-five or more hours a week, or who 1685
renders any other standard of service generally accepted by custom 1686
or specified by contract as full-time employment. 1687

(UU)(1) "Lease" or "rental" means any transfer of the 1688
possession or control of tangible personal property for a fixed or 1689
indefinite term, for consideration. "Lease" or "rental" includes 1690
future options to purchase or extend, and agreements described in 1691
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 1692
the amount of consideration may be increased or decreased by 1693
reference to the amount realized upon the sale or disposition of 1694
the property. "Lease" or "rental" does not include: 1695

(a) A transfer of possession or control of tangible personal 1696
property under a security agreement or a deferred payment plan 1697
that requires the transfer of title upon completion of the 1698
required payments; 1699

(b) A transfer of possession or control of tangible personal 1700
property under an agreement that requires the transfer of title 1701

upon completion of required payments and payment of an option 1702
price that does not exceed the greater of one hundred dollars or 1703
one per cent of the total required payments; 1704

(c) Providing tangible personal property along with an 1705
operator for a fixed or indefinite period of time, if the operator 1706
is necessary for the property to perform as designed. For purposes 1707
of this division, the operator must do more than maintain, 1708
inspect, or set-up the tangible personal property. 1709

(2) "Lease" and "rental," as defined in division (UU) of this 1710
section, shall not apply to leases or rentals that exist before 1711
June 26, 2003. 1712

(3) "Lease" and "rental" have the same meaning as in division 1713
(UU)(1) of this section regardless of whether a transaction is 1714
characterized as a lease or rental under generally accepted 1715
accounting principles, the Internal Revenue Code, Title XIII of 1716
the Revised Code, or other federal, state, or local laws. 1717

(VV) "Mobile telecommunications service" has the same meaning 1718
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 1719
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 1720
on and after August 1, 2003, includes related fees and ancillary 1721
services, including universal service fees, detailed billing 1722
service, directory assistance, service initiation, voice mail 1723
service, and vertical services, such as caller ID and three-way 1724
calling. 1725

(WW) "Certified service provider" has the same meaning as in 1726
section 5740.01 of the Revised Code. 1727

(XX) "Satellite broadcasting service" means the distribution 1728
or broadcasting of programming or services by satellite directly 1729
to the subscriber's receiving equipment without the use of ground 1730
receiving or distribution equipment, except the subscriber's 1731
receiving equipment or equipment used in the uplink process to the 1732

satellite, and includes all service and rental charges, premium 1733
channels or other special services, installation and repair 1734
service charges, and any other charges having any connection with 1735
the provision of the satellite broadcasting service. 1736

(YY) "Tangible personal property" means personal property 1737
that can be seen, weighed, measured, felt, or touched, or that is 1738
in any other manner perceptible to the senses. For purposes of 1739
this chapter and Chapter 5741. of the Revised Code, "tangible 1740
personal property" includes motor vehicles, electricity, water, 1741
gas, steam, and prewritten computer software. 1742

(ZZ) "Direct mail" means printed material delivered or 1743
distributed by United States mail or other delivery service to a 1744
mass audience or to addressees on a mailing list provided by the 1745
consumer or at the direction of the consumer when the cost of the 1746
items are not billed directly to the recipients. "Direct mail" 1747
includes tangible personal property supplied directly or 1748
indirectly by the consumer to the direct mail vendor for inclusion 1749
in the package containing the printed material. "Direct mail" does 1750
not include multiple items of printed material delivered to a 1751
single address. 1752

(AAA) "Computer" means an electronic device that accepts 1753
information in digital or similar form and manipulates it for a 1754
result based on a sequence of instructions. 1755

(BBB) "Computer software" means a set of coded instructions 1756
designed to cause a computer or automatic data processing 1757
equipment to perform a task. 1758

(CCC) "Delivered electronically" means delivery of computer 1759
software from the seller to the purchaser by means other than 1760
tangible storage media. 1761

(DDD) "Prewritten computer software" means computer software, 1762
including prewritten upgrades, that is not designed and developed 1763

by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel,

gelcap, or liquid form, or, if not intended for ingestion in such 1795
a form, is not represented as conventional food for use as a sole 1796
item of a meal or of the diet; that is required to be labeled as a 1797
dietary supplement, identifiable by the "supplement facts" box 1798
found on the label, as required by 21 C.F.R. 101.36; and that 1799
contains one or more of the following dietary ingredients: 1800

(i) A vitamin; 1801

(ii) A mineral; 1802

(iii) An herb or other botanical; 1803

(iv) An amino acid; 1804

(v) A dietary substance for use by humans to supplement the 1805
diet by increasing the total dietary intake; 1806

(vi) A concentrate, metabolite, constituent, extract, or 1807
combination of any ingredient described in divisions 1808
(EEE)(2)(b)(i) to (v) of this section. 1809

(c) "Soft drinks" means nonalcoholic beverages that contain 1810
natural or artificial sweeteners. "Soft drinks" does not include 1811
beverages that contain milk or milk products, soy, rice, or 1812
similar milk substitutes, or that contains greater than fifty per 1813
cent vegetable or fruit juice by volume. 1814

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 1815
tobacco, or any other item that contains tobacco. 1816

(FFF) "Drug" means a compound, substance, or preparation, and 1817
any component of a compound, substance, or preparation, other than 1818
food, dietary supplements, or alcoholic beverages that is 1819
recognized in the official United States pharmacopoeia, official 1820
homeopathic pharmacopoeia of the United States, or official 1821
national formulary, and supplements to them; is intended for use 1822
in the diagnosis, cure, mitigation, treatment, or prevention of 1823
disease; or is intended to affect the structure or any function of 1824

the body. 1825

(GGG) "Prescription" means an order, formula, or recipe 1826
issued in any form of oral, written, electronic, or other means of 1827
transmission by a duly licensed practitioner authorized by the 1828
laws of this state to issue a prescription. 1829

(HHH) "Durable medical equipment" means equipment, including 1830
repair and replacement parts for such equipment, that can 1831
withstand repeated use, is primarily and customarily used to serve 1832
a medical purpose, generally is not useful to a person in the 1833
absence of illness or injury, and is not worn in or on the body. 1834
"Durable medical equipment" does not include mobility enhancing 1835
equipment. 1836

(III) "Mobility enhancing equipment" means equipment, 1837
including repair and replacement parts for such equipment, that is 1838
primarily and customarily used to provide or increase the ability 1839
to move from one place to another and is appropriate for use 1840
either in a home or a motor vehicle, that is not generally used by 1841
persons with normal mobility, and that does not include any motor 1842
vehicle or equipment on a motor vehicle normally provided by a 1843
motor vehicle manufacturer. "Mobility enhancing equipment" does 1844
not include durable medical equipment. 1845

(JJJ) "Prosthetic device" means a replacement, corrective, or 1846
supportive device, including repair and replacement parts for the 1847
device, worn on or in the human body to artificially replace a 1848
missing portion of the body, prevent or correct physical deformity 1849
or malfunction, or support a weak or deformed portion of the body. 1850
As used in this division, "prosthetic device" does not include 1851
corrective eyeglasses, contact lenses, or dental prosthesis. 1852

(KKK)(1) "Fractional aircraft ownership program" means a 1853
program in which persons within an affiliated group sell and 1854
manage fractional ownership program aircraft, provided that at 1855

least one hundred airworthy aircraft are operated in the program 1856
and the program meets all of the following criteria: 1857

(a) Management services are provided by at least one program 1858
manager within an affiliated group on behalf of the fractional 1859
owners. 1860

(b) Each program aircraft is owned or possessed by at least 1861
one fractional owner. 1862

(c) Each fractional owner owns or possesses at least a 1863
one-sixteenth interest in at least one fixed-wing program 1864
aircraft. 1865

(d) A dry-lease aircraft interchange arrangement is in effect 1866
among all of the fractional owners. 1867

(e) Multi-year program agreements are in effect regarding the 1868
fractional ownership, management services, and dry-lease aircraft 1869
interchange arrangement aspects of the program. 1870

(2) As used in division (KKK)(1) of this section: 1871

(a) "Affiliated group" has the same meaning as in division 1872
(B)(3)(e) of this section. 1873

(b) "Fractional owner" means a person that owns or possesses 1874
at least a one-sixteenth interest in a program aircraft and has 1875
entered into the agreements described in division (KKK)(1)(e) of 1876
this section. 1877

(c) "Fractional ownership program aircraft" or "program 1878
aircraft" means a turbojet aircraft that is owned or possessed by 1879
a fractional owner and that has been included in a dry-lease 1880
aircraft interchange arrangement and agreement under divisions 1881
(KKK)(1)(d) and (e) of this section, or an aircraft a program 1882
manager owns or possesses primarily for use in a fractional 1883
aircraft ownership program. 1884

(d) "Management services" means administrative and aviation 1885

support services furnished under a fractional aircraft ownership 1886
program in accordance with a management services agreement under 1887
division (KKK)(1)(e) of this section, and offered by the program 1888
manager to the fractional owners, including, at a minimum, the 1889
establishment and implementation of safety guidelines; the 1890
coordination of the scheduling of the program aircraft and crews; 1891
program aircraft maintenance; program aircraft insurance; crew 1892
training for crews employed, furnished, or contracted by the 1893
program manager or the fractional owner; the satisfaction of 1894
record-keeping requirements; and the development and use of an 1895
operations manual and a maintenance manual for the fractional 1896
aircraft ownership program. 1897

(e) "Program manager" means the person that offers management 1898
services to fractional owners pursuant to a management services 1899
agreement under division (KKK)(1)(e) of this section. 1900

Section 2. That existing sections 4501.01, 4507.03, 4511.01, 1901
4511.202, 4513.11, 4513.99, and 5739.01 of the Revised Code are 1902
hereby repealed. 1903

Section 3. Section 4511.01 of the Revised Code is presented 1904
in this act as a composite of the section as amended by both Sub. 1905
H.B. 52 and Sub. H.B. 230 of the 125th General Assembly. The 1906
General Assembly, applying the principle stated in division (B) of 1907
section 1.52 of the Revised Code that amendments are to be 1908
harmonized if reasonably capable of simultaneous operation, finds 1909
that the composite is the resulting version of the section in 1910
effect prior to the effective date of the section as presented in 1911
this act. 1912