

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 68

**Representatives T. Patton, Calvert, Flowers, Martin, S. Patton, Buehrer,
Cassell, Collier, Daniels, DeBose, Domenick, C. Evans, Garrison, Gibbs,
Hagan, Hartnett, Hughes, Kearns, Key, Latta, Law, Mason, Redfern,
Reidelbach, Schlichter, Setzer, S. Smith, Williams, Yuko**

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A B I L L

To amend sections 109.572, 122.14, 307.12, 315.08, 1
315.14, 315.18, 4501.04, 4501.06, 4501.21, 2
4501.26, 4503.02, 4503.103, 4503.181, 4503.19, 3
4503.21, 4503.23, 4503.26, 4503.40, 4503.42, 4
4505.021, 4505.031, 4505.032, 4505.06, 4505.08, 5
4506.08, 4506.14, 4508.06, 4509.27, 4513.34, 6
4519.58, 4549.10, 4749.03, 4749.06, 4749.10, 7
5501.11, 5513.04, 5525.01, 5525.10, 5525.15, 8
5531.09, 5531.10, 5537.17, 5543.02, 5735.05, 9
5735.23, 5735.25, 5735.27, 5735.28, and 5735.29; 10
to enact sections 4503.192, 4503.85, 4508.10, and 11
5537.161; and to repeal sections 4501.12 and 12
4501.35 of the Revised Code to make appropriations 13
for programs related to transportation and public 14
safety for the biennium beginning July 1, 2005, 15
and ending June 30, 2007, and to provide 16
authorization and conditions for the operation of 17
those programs. 18

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

Section 101.01. That sections 109.572, 122.14, 307.12, 19
315.08, 315.14, 315.18, 4501.04, 4501.06, 4501.21, 4501.26, 20
4503.02, 4503.103, 4503.181, 4503.19, 4503.21, 4503.23, 4503.26, 21
4503.40, 4503.42, 4505.021, 4505.031, 4505.032, 4505.06, 4505.08, 22
4506.08, 4506.14, 4508.06, 4509.27, 4513.34, 4519.58, 4549.10, 23
4749.03, 4749.06, 4749.10, 5501.11, 5513.04, 5525.01, 5525.10, 24
5525.15, 5531.09, 5531.10, 5537.17, 5543.02, 5735.05, 5735.23, 25
5735.25, 5735.27, 5735.28, and 5735.29 be amended and sections 26
4503.192, 4503.85, 4508.10, and 5537.161 of the Revised Code be 27
enacted to read as follows: 28

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 29
section 121.08, 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 30
5104.013, or 5153.111 of the Revised Code, a completed form 31
prescribed pursuant to division (C)(1) of this section, and a set 32
of fingerprint impressions obtained in the manner described in 33
division (C)(2) of this section, the superintendent of the bureau 34
of criminal identification and investigation shall conduct a 35
criminal records check in the manner described in division (B) of 36
this section to determine whether any information exists that 37
indicates that the person who is the subject of the request 38
previously has been convicted of or pleaded guilty to any of the 39
following: 40

(a) A violation of section 2903.01, 2903.02, 2903.03, 41
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 42
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 43
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 45
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 46
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 47
2925.06, or 3716.11 of the Revised Code, felonious sexual 48
penetration in violation of former section 2907.12 of the Revised 49

Code, a violation of section 2905.04 of the Revised Code as it 50
existed prior to July 1, 1996, a violation of section 2919.23 of 51
the Revised Code that would have been a violation of section 52
2905.04 of the Revised Code as it existed prior to July 1, 1996, 53
had the violation been committed prior to that date, or a 54
violation of section 2925.11 of the Revised Code that is not a 55
minor drug possession offense; 56

(b) A violation of an existing or former law of this state, 57
any other state, or the United States that is substantially 58
equivalent to any of the offenses listed in division (A)(1)(a) of 59
this section. 60

(2) On receipt of a request pursuant to section 5123.081 of 61
the Revised Code with respect to an applicant for employment in 62
any position with the department of mental retardation and 63
developmental disabilities, pursuant to section 5126.28 of the 64
Revised Code with respect to an applicant for employment in any 65
position with a county board of mental retardation and 66
developmental disabilities, or pursuant to section 5126.281 of the 67
Revised Code with respect to an applicant for employment in a 68
direct services position with an entity contracting with a county 69
board for employment, a completed form prescribed pursuant to 70
division (C)(1) of this section, and a set of fingerprint 71
impressions obtained in the manner described in division (C)(2) of 72
this section, the superintendent of the bureau of criminal 73
identification and investigation shall conduct a criminal records 74
check. The superintendent shall conduct the criminal records check 75
in the manner described in division (B) of this section to 76
determine whether any information exists that indicates that the 77
person who is the subject of the request has been convicted of or 78
pleaded guilty to any of the following: 79

(a) A violation of section 2903.01, 2903.02, 2903.03, 80
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 81

2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 82
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 83
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 84
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 85
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 86
2925.03, or 3716.11 of the Revised Code; 87

(b) An existing or former municipal ordinance or law of this 88
state, any other state, or the United States that is substantially 89
equivalent to any of the offenses listed in division (A)(2)(a) of 90
this section. 91

(3) On receipt of a request pursuant to section 173.41, 92
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 93
form prescribed pursuant to division (C)(1) of this section, and a 94
set of fingerprint impressions obtained in the manner described in 95
division (C)(2) of this section, the superintendent of the bureau 96
of criminal identification and investigation shall conduct a 97
criminal records check with respect to any person who has applied 98
for employment in a position that involves providing direct care 99
to an older adult. The superintendent shall conduct the criminal 100
records check in the manner described in division (B) of this 101
section to determine whether any information exists that indicates 102
that the person who is the subject of the request previously has 103
been convicted of or pleaded guilty to any of the following: 104

(a) A violation of section 2903.01, 2903.02, 2903.03, 105
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 106
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 107
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 108
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 109
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 110
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 111
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 112
2925.22, 2925.23, or 3716.11 of the Revised Code; 113

(b) An existing or former law of this state, any other state, 114
or the United States that is substantially equivalent to any of 115
the offenses listed in division (A)(3)(a) of this section. 116

(4) On receipt of a request pursuant to section 3701.881 of 117
the Revised Code with respect to an applicant for employment with 118
a home health agency as a person responsible for the care, 119
custody, or control of a child, a completed form prescribed 120
pursuant to division (C)(1) of this section, and a set of 121
fingerprint impressions obtained in the manner described in 122
division (C)(2) of this section, the superintendent of the bureau 123
of criminal identification and investigation shall conduct a 124
criminal records check. The superintendent shall conduct the 125
criminal records check in the manner described in division (B) of 126
this section to determine whether any information exists that 127
indicates that the person who is the subject of the request 128
previously has been convicted of or pleaded guilty to any of the 129
following: 130

(a) A violation of section 2903.01, 2903.02, 2903.03, 131
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 132
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 133
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 134
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 135
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 136
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 137
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 138
violation of section 2925.11 of the Revised Code that is not a 139
minor drug possession offense; 140

(b) An existing or former law of this state, any other state, 141
or the United States that is substantially equivalent to any of 142
the offenses listed in division (A)(4)(a) of this section. 143

(5) On receipt of a request pursuant to section 5111.95 or 144

5111.96 of the Revised Code with respect to an applicant for
employment with a waiver agency participating in a department of
job and family services administered home and community-based
waiver program or an independent provider participating in a
department administered home and community-based waiver program in
a position that involves providing home and community-based waiver
services to consumers with disabilities, a completed form
prescribed pursuant to division (C)(1) of this section, and a set
of fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02,
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321,
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13,
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40,
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the
Revised Code, felonious sexual penetration in violation of former
section 2907.12 of the Revised Code, a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996, a
violation of section 2919.23 of the Revised Code that would have
been a violation of section 2905.04 of the Revised Code as it

existed prior to July 1, 1996, had the violation been committed 177
prior to that date; 178

(b) An existing or former law of this state, any other state, 179
or the United States that is substantially equivalent to any of 180
the offenses listed in division (A)(5)(a) of this section. 181

(6) On receipt of a request pursuant to section 3701.881 of 182
the Revised Code with respect to an applicant for employment with 183
a home health agency in a position that involves providing direct 184
care to an older adult, a completed form prescribed pursuant to 185
division (C)(1) of this section, and a set of fingerprint 186
impressions obtained in the manner described in division (C)(2) of 187
this section, the superintendent of the bureau of criminal 188
identification and investigation shall conduct a criminal records 189
check. The superintendent shall conduct the criminal records check 190
in the manner described in division (B) of this section to 191
determine whether any information exists that indicates that the 192
person who is the subject of the request previously has been 193
convicted of or pleaded guilty to any of the following: 194

(a) A violation of section 2903.01, 2903.02, 2903.03, 195
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 196
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 197
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 198
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 199
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 200
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 201
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 202
2925.22, 2925.23, or 3716.11 of the Revised Code; 203

(b) An existing or former law of this state, any other state, 204
or the United States that is substantially equivalent to any of 205
the offenses listed in division (A)(6)(a) of this section. 206

(7) When conducting a criminal records check upon a request 207

pursuant to section 3319.39 of the Revised Code for an applicant 208
who is a teacher, in addition to the determination made under 209
division (A)(1) of this section, the superintendent shall 210
determine whether any information exists that indicates that the 211
person who is the subject of the request previously has been 212
convicted of or pleaded guilty to any offense specified in section 213
3319.31 of the Revised Code. 214

(8) On a request pursuant to section 2151.86 of the Revised 215
Code, a completed form prescribed pursuant to division (C)(1) of 216
this section, and a set of fingerprint impressions obtained in the 217
manner described in division (C)(2) of this section, the 218
superintendent of the bureau of criminal identification and 219
investigation shall conduct a criminal records check in the manner 220
described in division (B) of this section to determine whether any 221
information exists that indicates that the person who is the 222
subject of the request previously has been convicted of or pleaded 223
guilty to any of the following: 224

(a) A violation of section 2903.01, 2903.02, 2903.03, 225
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 226
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 227
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 228
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 229
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 230
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 231
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 232
violation of section 2905.04 of the Revised Code as it existed 233
prior to July 1, 1996, a violation of section 2919.23 of the 234
Revised Code that would have been a violation of section 2905.04 235
of the Revised Code as it existed prior to July 1, 1996, had the 236
violation been committed prior to that date, a violation of 237
section 2925.11 of the Revised Code that is not a minor drug 238
possession offense, or felonious sexual penetration in violation 239

of former section 2907.12 of the Revised Code;

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(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(8)(a) of
this section.

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(9) On receipt of a request for a criminal records check from
an individual pursuant to section 4749.03 or 4749.06 of the
Revised Code, accompanied by a completed copy of the form
prescribed in division (C)(1) of this section and a set of
fingerprint impressions obtained in a manner described in division
(C)(2) of this section, the superintendent of the bureau of
criminal identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this
section to determine whether any information exists indicating
that the person who is the subject of the request has been
convicted of or pleaded guilty to a felony in this state or in any
other state. If the individual indicates that a firearm will be
carried in the course of business, the superintendent shall
require information from the federal bureau of investigation as
described in division (B)(2) of this section. The superintendent
shall report the findings of the criminal records check and any
information the federal bureau of investigation provides to the
director of public safety.

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(10) Not later than thirty days after the date the
superintendent receives the request, completed form, and
fingerprint impressions, the superintendent shall send the person,
board, or entity that made the request any information, other than
information the dissemination of which is prohibited by federal
law, the superintendent determines exists with respect to the
person who is the subject of the request that indicates that the
person previously has been convicted of or pleaded guilty to any
offense listed or described in division (A)(1), (2), (3), (4),

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(5), (6), (7), ~~or~~ (8), or (9) of this section, as appropriate. The 272
superintendent shall send the person, board, or entity that made 273
the request a copy of the list of offenses specified in division 274
(A)(1), (2), (3), (4), (5), (6), (7), ~~or~~ (8), or (9) of this 275
section, as appropriate. If the request was made under section 276
3701.881 of the Revised Code with regard to an applicant who may 277
be both responsible for the care, custody, or control of a child 278
and involved in providing direct care to an older adult, the 279
superintendent shall provide a list of the offenses specified in 280
divisions (A)(4) and (6) of this section. 281

(B) The superintendent shall conduct any criminal records 282
check requested under section 121.08, 173.41, 2151.86, 3301.32, 283
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 284
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 285
5126.281, or 5153.111 of the Revised Code as follows: 286

(1) The superintendent shall review or cause to be reviewed 287
any relevant information gathered and compiled by the bureau under 288
division (A) of section 109.57 of the Revised Code that relates to 289
the person who is the subject of the request, including any 290
relevant information contained in records that have been sealed 291
under section 2953.32 of the Revised Code; 292

(2) If the request received by the superintendent asks for 293
information from the federal bureau of investigation, the 294
superintendent shall request from the federal bureau of 295
investigation any information it has with respect to the person 296
who is the subject of the request and shall review or cause to be 297
reviewed any information the superintendent receives from that 298
bureau. 299

(3) The superintendent or the superintendent's designee may 300
request criminal history records from other states or the federal 301
government pursuant to the national crime prevention and privacy 302
compact set forth in section 109.571 of the Revised Code. 303

(C)(1) The superintendent shall prescribe a form to obtain 304
the information necessary to conduct a criminal records check from 305
any person for whom a criminal records check is required by 306
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 307
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 308
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 309
5153.111 of the Revised Code. The form that the superintendent 310
prescribes pursuant to this division may be in a tangible format, 311
in an electronic format, or in both tangible and electronic 312
formats. 313

(2) The superintendent shall prescribe standard impression 314
sheets to obtain the fingerprint impressions of any person for 315
whom a criminal records check is required by section 121.08, 316
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 317
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 318
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 319
Code. Any person for whom a records check is required by any of 320
those sections shall obtain the fingerprint impressions at a 321
county sheriff's office, municipal police department, or any other 322
entity with the ability to make fingerprint impressions on the 323
standard impression sheets prescribed by the superintendent. The 324
office, department, or entity may charge the person a reasonable 325
fee for making the impressions. The standard impression sheets the 326
superintendent prescribes pursuant to this division may be in a 327
tangible format, in an electronic format, or in both tangible and 328
electronic formats. 329

(3) Subject to division (D) of this section, the 330
superintendent shall prescribe and charge a reasonable fee for 331
providing a criminal records check requested under section 121.08, 332
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 333
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 334
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 335

Code. The person making a criminal records request under section 336
121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 337
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 338
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 339
Revised Code shall pay the fee prescribed pursuant to this 340
division. A person making a request under section 3701.881 of the 341
Revised Code for a criminal records check for an applicant who may 342
be both responsible for the care, custody, or control of a child 343
and involved in providing direct care to an older adult shall pay 344
one fee for the request. 345

(4) The superintendent of the bureau of criminal 346
identification and investigation may prescribe methods of 347
forwarding fingerprint impressions and information necessary to 348
conduct a criminal records check, which methods shall include, but 349
not be limited to, an electronic method. 350

(D) A determination whether any information exists that 351
indicates that a person previously has been convicted of or 352
pleaded guilty to any offense listed or described in division 353
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 354
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), or (A)(8)(a) or 355
(b) of this section that is made by the superintendent with 356
respect to information considered in a criminal records check in 357
accordance with this section is valid for the person who is the 358
subject of the criminal records check for a period of one year 359
from the date upon which the superintendent makes the 360
determination. During the period in which the determination in 361
regard to a person is valid, if another request under this section 362
is made for a criminal records check for that person, the 363
superintendent shall provide the information that is the basis for 364
the superintendent's initial determination at a lower fee than the 365
fee prescribed for the initial criminal records check. 366

(E) As used in this section: 367

(1) "Criminal records check" means any criminal records check 368
conducted by the superintendent of the bureau of criminal 369
identification and investigation in accordance with division (B) 370
of this section. 371

(2) "Home and community-based waiver services" and "waiver 372
agency" have the same meanings as in section 5111.95 of the 373
Revised Code. 374

(3) "Independent provider" has the same meaning as in section 375
5111.96 of the Revised Code. 376

(4) "Minor drug possession offense" has the same meaning as 377
in section 2925.01 of the Revised Code. 378

(5) "Older adult" means a person age sixty or older. 379

Sec. 122.14. There is hereby created in the state treasury 380
the roadwork development fund. The fund shall consist of the 381
investment earnings of the security deposit fund created by 382
section 4509.27 of the Revised Code and revenue transferred to it 383
by the director of budget and management from the highway 384
operating fund created in section 5735.291 of the Revised Code 385
and. The fund shall be used by the department of development in 386
accordance with Section 5a of Article XII, Ohio Constitution, to 387
make road improvements associated with retaining or attracting 388
business for this state. All investment earnings of the fund shall 389
be credited to the fund. 390

Sec. 307.12. (A) Except as otherwise provided in divisions 391
(D), (E), and (G) of this section, when the board of county 392
commissioners finds, by resolution, that the county has personal 393
property, including motor vehicles acquired for the use of county 394
officers and departments, and road machinery, equipment, tools, or 395
supplies, which is not needed for public use, is obsolete, or is 396
unfit for the use for which it was acquired, and when the fair 397

market value of the property to be sold or donated under this 398
division is, in the opinion of the board, in excess of two 399
thousand five hundred dollars, the board may do either of the 400
following: 401

(1) Sell the property at public auction or by sealed bid to 402
the highest bidder. Notice of the time, place, and manner of the 403
sale shall be published in a newspaper of general circulation in 404
the county at least ten days prior to the sale, and a typewritten 405
or printed notice of the time, place, and manner of the sale shall 406
be posted at least ten days before the sale in the offices of the 407
county auditor and the board of county commissioners. 408

If a board conducts a sale of property by sealed bid, the 409
form of the bid shall be as prescribed by the board, and each bid 410
shall contain the name of the person submitting it. Bids received 411
shall be opened and tabulated at the time stated in the notice. 412
The property shall be sold to the highest bidder, except that the 413
board may reject all bids and hold another sale, by public auction 414
or sealed bid, in the manner prescribed by this section. 415

(2) Donate any motor vehicle that does not exceed four 416
thousand five hundred dollars in value to a nonprofit organization 417
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 418
and (c)(3) for the purpose of meeting the transportation needs of 419
participants in the Ohio works first program established under 420
Chapter 5107. of the Revised Code and participants in the 421
prevention, retention, and contingency program established under 422
Chapter 5108. of the Revised Code. 423

(B) When the board of county commissioners finds, by 424
resolution, that the county has personal property, including motor 425
vehicles acquired for the use of county officers and departments, 426
and road machinery, equipment, tools, or supplies, which is not 427
needed for public use, is obsolete, or is unfit for the use for 428
which it was acquired, and when the fair market value of the 429

property to be sold or donated under this division is, in the 430
opinion of the board, two thousand five hundred dollars or less, 431
the board may do either of the following: 432

(1) Sell the property by private sale, without advertisement 433
or public notification; 434

(2) Donate the property to an eligible nonprofit organization 435
that is located in this state and is exempt from federal income 436
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 437
any property under this division, the board shall adopt a 438
resolution expressing its intent to make unneeded, obsolete, or 439
unfit-for-use county personal property available to these 440
organizations. The resolution shall include guidelines and 441
procedures the board considers necessary to implement a donation 442
program under this division and shall indicate whether the county 443
will conduct the donation program or the board will contract with 444
a representative to conduct it. If a representative is known when 445
the resolution is adopted, the resolution shall provide contact 446
information such as the representative's name, address, and 447
telephone number. 448

The resolution shall include within its procedures a 449
requirement that any nonprofit organization desiring to obtain 450
donated property under this division shall submit a written notice 451
to the board or its representative. The written notice shall 452
include evidence that the organization is a nonprofit organization 453
that is located in this state and is exempt from federal income 454
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 455
the organization's primary purpose; a description of the type or 456
types of property the organization needs; and the name, address, 457
and telephone number of a person designated by the organization's 458
governing board to receive donated property and to serve as its 459
agent. 460

After adoption of the resolution, the board shall publish, in 461
a newspaper of general circulation in the county, notice of its 462
intent to donate unneeded, obsolete, or unfit-for-use county 463
personal property to eligible nonprofit organizations. The notice 464
shall include a summary of the information provided in the 465
resolution and shall be published at least twice. The second and 466
any subsequent notice shall be published not less than ten nor 467
more than twenty days after the previous notice. A similar notice 468
also shall be posted continually in a conspicuous place in the 469
offices of the county auditor and the board of county 470
commissioners, and, if the county maintains a web site on the 471
internet, the notice shall be posted continually at that web site. 472

The board or its representative shall maintain a list of all 473
nonprofit organizations that notify the board or its 474
representative of their desire to obtain donated property under 475
this division and that the board or its representative determines 476
to be eligible, in accordance with the requirements set forth in 477
this section and in the donation program's guidelines and 478
procedures, to receive donated property. 479

The board or its representatives also shall maintain a list 480
of all county personal property the board finds to be unneeded, 481
obsolete, or unfit for use and to be available for donation under 482
this division. The list shall be posted continually in a 483
conspicuous location in the offices of the county auditor and the 484
board of county commissioners, and, if the county maintains a web 485
site on the internet, the list shall be posted continually at that 486
web site. An item of property on the list shall be donated to the 487
eligible nonprofit organization that first declares to the board 488
or its representative its desire to obtain the item unless the 489
board previously has established, by resolution, a list of 490
eligible nonprofit organizations that shall be given priority with 491
respect to the item's donation. Priority may be given on the basis 492

that the purposes of a nonprofit organization have a direct
relationship to specific public purposes of programs provided or
administered by the board. A resolution giving priority to certain
nonprofit organizations with respect to the donation of an item of
property shall specify the reasons why the organizations are given
that priority.

(C) Members of the board of county commissioners shall
consult with the Ohio ethics commission, and comply with the
provisions of Chapters 102. and 2921. of the Revised Code, with
respect to any sale or donation under division (A) or (B) of this
section to a nonprofit organization of which a county
commissioner, any member of the county commissioner's family, or
any business associate of the county commissioner is a trustee,
officer, board member, or employee.

(D) Notwithstanding anything to the contrary in division (A),
(B), or (E) of this section and regardless of the property's
value, the board of county commissioners may sell or donate county
personal property, including motor vehicles, to the federal
government, the state, or any political subdivision of the state
without advertisement or public notification.

(E) Notwithstanding anything to the contrary in division (A),
(B), or (G) of this section and regardless of the property's
value, the board of county commissioners may sell personal
property, including motor vehicles acquired for the use of county
officers and departments, and road machinery, equipment, tools, or
supplies, which is not needed for public use, is obsolete, or is
unfit for the use for which it was acquired, by internet auction.
The board shall adopt, during each calendar year, a resolution
expressing its intent to sell that property by internet auction.
The resolution shall include a description of how the auctions
will be conducted and shall specify the number of days for bidding
on the property, which shall be no less than fifteen days,

including Saturdays, Sundays, and legal holidays. The resolution 525
shall indicate whether the county will conduct the auction or the 526
board will contract with a representative to conduct the auction 527
and shall establish the general terms and conditions of sale. If a 528
representative is known when the resolution is adopted, the 529
resolution shall provide contact information such as the 530
representative's name, address, and telephone number. 531

After adoption of the resolution, the board shall publish, in 532
a newspaper of general circulation in the county, notice of its 533
intent to sell unneeded, obsolete, or unfit-for-use county 534
personal property by internet auction. The notice shall include a 535
summary of the information provided in the resolution and shall be 536
published at least twice. The second and any subsequent notice 537
shall be published not less than ten nor more than twenty days 538
after the previous notice. A similar notice also shall be posted 539
continually throughout the calendar year in a conspicuous place in 540
the offices of the county auditor and the board of county 541
commissioners, and, if the county maintains a web site on the 542
internet, the notice shall be posted continually throughout the 543
calendar year at that web site. 544

When property is to be sold by internet auction, the board or 545
its representative may establish a minimum price that will be 546
accepted for specific items and may establish any other terms and 547
conditions for the particular sale, including requirements for 548
pick-up or delivery, method of payment, and sales tax. This type 549
of information shall be provided on the internet at the time of 550
the auction and may be provided before that time upon request 551
after the terms and conditions have been determined by the board 552
or its representative. 553

(F) When a county officer or department head determines that 554
county-owned personal property under the jurisdiction of the 555
officer or department head, including motor vehicles, road 556

machinery, equipment, tools, or supplies, is not of immediate
need, the county officer or department head may notify the board
of county commissioners, and the board may lease that personal
property to any municipal corporation, township, or other
political subdivision of the state. The lease shall require the
county to be reimbursed under terms, conditions, and fees
established by the board, or under contracts executed by the
board.

(G) If the board of county commissioners finds, by
resolution, that the county has vehicles, equipment, or machinery
which is not needed, or is unfit for public use, and the board
desires to sell the vehicles, equipment, or machinery to the
person or firm from which it proposes to purchase other vehicles,
equipment, or machinery, the board may offer to sell the vehicles,
equipment, or machinery to that person or firm, and to have the
selling price credited to the person or firm against the purchase
price of other vehicles, equipment, or machinery.

(H) If the board of county commissioners advertises for bids
for the sale of new vehicles, equipment, or machinery to the
county, it may include in the same advertisement a notice of the
willingness of the board to accept bids for the purchase of
county-owned vehicles, equipment, or machinery which is obsolete
or not needed for public use, and to have the amount of those bids
subtracted from the selling price of the other vehicles,
equipment, or machinery as a means of determining the lowest
responsible bidder.

(I) If a board of county commissioners determines that county
personal property is not needed for public use, or is obsolete or
unfit for the use for which it was acquired, and that the property
has no value, the board may discard or salvage that property.

(J) A county engineer, in the engineer's discretion, may

dispose of scrap construction materials on such terms as the 588
engineer determines reasonable, including disposal without 589
recovery of costs, if the total value of the materials does not 590
exceed twenty-five thousand dollars. The engineer shall maintain 591
records of all dispositions made under this division, including 592
identification of the origin of the materials, the final 593
disposition, and copies of all receipts resulting from the 594
dispositions. 595

As used in division (I) of this section, "scrap construction 596
materials" means construction materials that result from a road or 597
bridge improvement, remain after the improvement is completed, and 598
are not reusable. Construction material that is metal and that 599
results from a road or bridge improvement and remains after the 600
improvement is completed is scrap construction material only if it 601
cannot be used in any other road or bridge improvement or other 602
construction project in its current state. 603

Sec. 315.08. The county engineer shall perform for the county 604
all duties authorized or declared by law to be done by a 605
registered professional engineer or registered surveyor, except 606
those duties described in sections 307.37 and 307.38 and Chapters 607
343., 6103., and 6117. of the Revised Code. He ~~The~~ engineer shall 608
prepare all plans, specifications, details, estimates of cost, and 609
submit forms of contracts for the construction, maintenance, and 610
repair of all bridges, culverts, roads, drains, ditches, roads on 611
county fairgrounds, and other public improvements, except 612
buildings, constructed under the authority of any board within and 613
for the county. The engineer shall not be required to prepare 614
plans, specifications, details, estimates of costs, or forms of 615
contracts for emergency repairs authorized under section 315.13 of 616
the Revised Code, unless ~~he deems~~ the engineer determines them 617
necessary. 618

Sec. 315.14. The county engineer shall be responsible for the 619
inspection of all public improvements made under authority of the 620
board of county commissioners. The engineer shall keep in suitable 621
books a complete record of all estimates and summaries of bids 622
received and contracts for the various improvements, together with 623
the record of all estimates made for payments on that work. The 624
engineer shall make all surveys required by law, shall perform all 625
necessary services to be performed by a registered surveyor or 626
registered professional engineer in connection with the 627
construction, repair, or opening of all county roads or ditches 628
constructed under the authority of the board, and shall perform 629
other duties as the board requires, provided that the duties 630
described in sections 307.37 and 307.38 and Chapters 343., 6103., 631
and 6117. of the Revised Code shall be performed only pursuant to 632
an agreement between the county engineer and the board; ~~an.~~ An 633
agreement of that type may provide for the county engineer's 634
performance of duties described in one or more of those sections 635
or chapters, and may provide for the county engineer's performance 636
of all duties imposed upon a county sanitary engineer under 637
Chapters 6103. and 6117. of the Revised Code or only the duties 638
imposed upon a county sanitary engineer under Chapter 6117. of the 639
Revised Code in relation to drainage. The board shall determine 640
the compensation for performance of the relevant duties described 641
in sections 307.37 and 307.38 and Chapters 343., 6103., and 6117. 642
of the Revised Code and shall pay the county engineer from funds 643
available under the applicable section or chapter ~~or chapters~~ or 644
from the general fund of the county. The performance of the 645
relevant duties described in sections 307.37 and 307.38 and 646
Chapters 343., 6103., and 6117. of the Revised Code shall not 647
constitute engaging in the private practice of engineering or 648
surveying. 649

Sec. 315.18. On the application of any person producing to 650
the county engineer a certificate from the proper officer, ~~such~~ 651
~~the~~ engineer or ~~his~~ the engineer's deputy ~~shall~~ may survey all 652
lands ~~which~~ that have been sold for taxes, which lie within ~~his~~ 653
the engineer's county. When a portion of any land or lot has been 654
sold for taxes, and, after ~~such~~ the sale and before a survey 655
~~thereof of the land or lot,~~ ~~such~~ the land or lot is set off to 656
another county by the erection of a new county or change of county 657
lines, the engineer of the county in which the sale was made ~~shall~~ 658
may make the survey, and the county auditor of the same county 659
shall make the deed. 660

Sec. 4501.04. All moneys paid into the auto registration 661
distribution fund under section 4501.03 of the Revised Code, 662
except moneys received under ~~sections~~ section 4504.09 of the 663
Revised Code and moneys received under section 4503.02 of the 664
Revised Code in accordance with section 4501.13 of the Revised 665
Code, and except moneys paid for costs of audits under section 666
4501.03 of the Revised Code, after receipt by the treasurer of 667
state of certifications from the commissioners of the sinking fund 668
certifying, as required by sections 5528.15 and 5528.35 of the 669
Revised Code, that there are sufficient moneys to the credit of 670
the highway improvement bond retirement fund created by section 671
5528.12 of the Revised Code to meet in full all payments of 672
interest, principal, and charges for the retirement of bonds and 673
other obligations issued pursuant to Section 2g of Article VIII, 674
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 675
Code, due and payable during the current calendar year, and that 676
there are sufficient moneys to the credit of the highway 677
obligations bond retirement fund created by section 5528.32 of the 678
Revised Code to meet in full all payments of interest, principal, 679
and charges for the retirement of highway obligations issued 680

pursuant to Section 2i of Article VIII, Ohio Constitution, and 681
sections 5528.30 and 5528.31 of the Revised Code due and payable 682
during the current calendar year, shall be distributed as follows: 683

(A) Thirty-four per cent of all such moneys are for the use 684
of the municipal corporation or county which constitutes the 685
district of registration. The portion of such money due to the 686
municipal corporation shall be paid into its treasury forthwith 687
upon receipt by the county auditor, and shall be used to plan, 688
construct, reconstruct, repave, widen, maintain, repair, clear, 689
and clean public highways, roads, and streets; to maintain and 690
repair bridges and viaducts; to purchase, erect, and maintain 691
street and traffic signs and markers; to purchase, erect, and 692
maintain traffic lights and signals; to pay the principal, 693
interest, and charges on bonds and other obligations issued 694
pursuant to Chapter 133. of the Revised Code or incurred pursuant 695
to section 5531.09 of the Revised Code for the purpose of 696
acquiring or constructing roads, highways, bridges, or viaducts, 697
or acquiring or making other highway improvements for which the 698
municipal corporation may issue bonds; and to supplement revenue 699
already available for such purposes. 700

The county portion of such funds shall be retained in the 701
county treasury and shall be used for the planning, maintenance, 702
repair, construction, and repaving of public streets, and 703
maintaining and repairing bridges and viaducts; the payment of 704
principal, interest, and charges on bonds and other obligations 705
issued pursuant to Chapter 133. of the Revised Code or incurred 706
pursuant to section 5531.09 of the Revised Code for the purpose of 707
acquiring or constructing roads, highways, bridges, or viaducts or 708
acquiring or making other highway improvements for which the board 709
of county commissioners may issue bonds under such chapter; and 710
for no other purpose. 711

(B) Five per cent of all such moneys, together with interest 712

earned by the treasurer of state as provided in section 4501.03 of 713
the Revised Code, shall constitute a fund for the use of the 714
several counties for the purposes specified in division (C) of 715
this section. The moneys shall be divided equally among all the 716
counties in the state and shall be paid out by the registrar of 717
motor vehicles in equal proportions to the county auditor of each 718
county within the state. 719

(C) Forty-seven per cent of all such moneys shall be for the 720
use of the county in which the owner resides or in which the place 721
is located at which the established business or branch business in 722
connection with which the motor vehicle registered is used, for 723
the planning, construction, reconstruction, improvement, 724
maintenance, and repair of roads and highways; maintaining and 725
repairing bridges and viaducts; and the payment of principal, 726
interest, and charges on bonds and other obligations issued 727
pursuant to Chapter 133. of the Revised Code or incurred pursuant 728
to section 5531.09 of the Revised Code for the purpose of 729
acquiring or constructing roads, highways, bridges, or viaducts or 730
acquiring or making other highway improvements for which the board 731
of county commissioners may issue bonds under such chapter. 732

(D) Nine per cent of all such moneys shall be for the use of 733
the several counties for the purposes specified in division (C) of 734
this section and shall be distributed to the several counties in 735
the ratio which the total number of miles of county roads under 736
the jurisdiction of each board of county commissioners in each 737
county bears to the total number of miles of county roads in the 738
state, as determined by the director of transportation. Before 739
such distribution is made each board of county commissioners shall 740
certify in writing to the director the actual number of miles 741
under its statutory jurisdiction which are used by and maintained 742
for the public. 743

(E) Five per cent of all such moneys shall be for the use of 744

the several townships and shall be distributed to the several
townships in the ratio which the total number of miles of township
roads under the jurisdiction of each board of township trustees in
each township bears to the total number of miles of township roads
in the state, as determined by the director of transportation.
Before such distribution is made each board of township trustees
shall certify in writing to the director the actual number of
miles under its statutory jurisdiction which are used by and
maintained for the public.

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Sec. 4501.06. The taxes, fees, and fines levied, charged, or
referred to in division (C)(1) of section 4503.10, division (D) of
section 4503.182, division (A) of section 4508.06, and sections
4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12,
and 5502.12 of the Revised Code, unless otherwise designated by
law, shall be deposited in the state treasury to the credit of the
state highway safety fund, which is hereby created, and shall,
after receipt of certifications from the commissioners of the
sinking fund certifying, as required by sections 5528.15 and
5528.35 of the Revised Code, that there are sufficient moneys to
the credit of the highway improvement bond retirement fund created
by section 5528.12 of the Revised Code to meet in full all
payments of interest, principal, and charges for the retirement of
bonds and other obligations issued pursuant to Section 2g of
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11
of the Revised Code due and payable during the current calendar
year, and that there are sufficient moneys to the credit of the
highway obligations bond retirement fund created by section
5528.32 of the Revised Code to meet in full all payments of
interest, principal, and charges for the retirement of highway
obligations issued pursuant to Section 2i of Article VIII, Ohio
Constitution, and sections 5528.30 and 5528.31 of the Revised Code
due and payable during the current calendar year, be used for the

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purpose of enforcing and paying the expenses of administering the 777
law relative to the registration and operation of motor vehicles 778
on the public roads or highways. Amounts credited to the fund may 779
also be used to pay the expenses of administering and enforcing 780
the laws under which such fees were collected. All investment 781
earnings of the state highway safety fund shall be credited to the 782
fund. 783

Sec. 4501.21. (A) There is hereby created in the state 784
treasury the license plate contribution fund. The fund shall 785
consist of all contributions paid by motor vehicle registrants and 786
collected by the registrar of motor vehicles pursuant to sections 787
4503.491, 4503.50, 4503.501, 4503.502, 4503.51, 4503.522, 788
4503.545, 4503.55, 4503.551, 4503.552, 4503.561, 4503.562, 789
4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 790
4503.73, 4503.74, ~~and~~ 4503.75, and 4503.85 of the Revised Code. 791

(B) The registrar shall ~~disburse~~ pay the contributions the 792
registrar collects in the fund as follows: 793

(1) The registrar shall pay the contributions received 794
pursuant to section 4503.491 of the Revised Code to the breast 795
cancer fund of Ohio, which shall use that money only to pay for 796
programs that provide assistance and education to Ohio breast 797
cancer patients and that improve access for such patients to 798
quality health care and clinical trials and shall not use any of 799
the money for abortion information, counseling, services, or other 800
abortion-related activities. 801

(2) The registrar shall pay the contributions the registrar 802
receives pursuant to section 4503.50 of the Revised Code to the 803
future farmers of America foundation, which shall deposit the 804
contributions into its general account to be used for educational 805
and scholarship purposes of the future farmers of America 806
foundation. 807

(3) The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

(4) The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

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

(6) The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

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

(8) The registrar shall pay the contributions that are paid

to the registrar pursuant to section 4503.545 of the Revised Code 839
to the national rifle association foundation, which shall use the 840
money to pay the costs of the educational activities and programs 841
the foundation holds or sponsors in this state. 842

(9) In accordance with section 955.202 of the Revised Code, 843
the registrar shall pay to the pets program funding board created 844
by that section the contributions the registrar receives pursuant 845
to section 4503.551 of the Revised Code and any other money from 846
any other source, including donations, gifts, and grants, that is 847
designated by the source to be paid to the pets program funding 848
board. The board shall use the moneys it receives under this 849
section only to support programs for the sterilization of dogs and 850
cats and for educational programs concerning the proper veterinary 851
care of those animals. 852

(10) The registrar shall pay the contributions the registrar 853
receives pursuant to section 4503.552 of the Revised Code to the 854
rock and roll hall of fame and museum, incorporated. 855

(11) The registrar shall pay the contributions the registrar 856
receives pursuant to section 4503.561 of the Revised Code to the 857
state of Ohio chapter of ducks unlimited, inc., which shall 858
deposit the contributions into a special bank account that it 859
establishes. The special bank account shall be separate and 860
distinct from any other account the state of Ohio chapter of ducks 861
unlimited, inc., maintains and shall be used exclusively for the 862
purpose of protecting, enhancing, restoring, and managing wetlands 863
and conserving wildlife habitat. The state of Ohio chapter of 864
ducks unlimited, inc., annually shall notify the registrar in 865
writing of the name, address, and account to which payments are to 866
be made under division (B)(11) of this section. 867

(12) The registrar shall pay the contributions the registrar 868
receives pursuant to section 4503.562 of the Revised Code to the 869

Mahoning river consortium, which shall use the money to pay the 870
expenses it incurs in restoring and maintaining the Mahoning river 871
watershed. 872

(13)(a) The registrar shall pay to a sports commission 873
created pursuant to section 4503.591 of the Revised Code each 874
contribution the registrar receives under that section that an 875
applicant pays to obtain license plates that bear the logo of a 876
professional sports team located in the county of that sports 877
commission and that is participating in the license plate program 878
pursuant to division (E) of that section, irrespective of the 879
county of residence of an applicant. 880

(b) The registrar shall pay to a community charity each 881
contribution the registrar receives under section 4503.591 of the 882
Revised Code that an applicant pays to obtain license plates that 883
bear the logo of a professional sports team that is participating 884
in the license plate program pursuant to division (G) of that 885
section. 886

(14) The registrar shall pay the contributions the registrar 887
receives pursuant to section 4503.67 of the Revised Code to the 888
Dan Beard council of the boy scouts of America. The council shall 889
distribute all contributions in an equitable manner throughout the 890
state to regional councils of the boy scouts. 891

(15) The registrar shall pay the contributions the registrar 892
receives pursuant to section 4503.68 of the Revised Code to the 893
great river council of the girl scouts of the United States of 894
America. The council shall distribute all contributions in an 895
equitable manner throughout the state to regional councils of the 896
girl scouts. 897

(16) The registrar shall pay the contributions the registrar 898
receives pursuant to section 4503.69 of the Revised Code to the 899
Dan Beard council of the boy scouts of America. The council shall 900

distribute all contributions in an equitable manner throughout the 901
state to regional councils of the boy scouts. 902

(17) The registrar shall pay the contributions the registrar 903
receives pursuant to section 4503.71 of the Revised Code to the 904
fraternal order of police of Ohio, incorporated, which shall 905
deposit the fees into its general account to be used for purposes 906
of the fraternal order of police of Ohio, incorporated. 907

(18) The registrar shall pay the contributions the registrar 908
receives pursuant to section 4503.711 of the Revised Code to the 909
fraternal order of police of Ohio, incorporated, which shall 910
deposit the contributions into an account that it creates to be 911
used for the purpose of advancing and protecting the law 912
enforcement profession, promoting improved law enforcement 913
methods, and teaching respect for law and order. 914

(19) The registrar shall pay the contributions the registrar 915
receives pursuant to section 4503.72 of the Revised Code to the 916
organization known on March 31, 2003, as the Ohio CASA/GAL 917
association, a private, nonprofit corporation organized under 918
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 919
shall use these contributions to pay the expenses it incurs in 920
administering a program to secure the proper representation in the 921
courts of this state of abused, neglected, and dependent children, 922
and for the training and supervision of persons participating in 923
that program. 924

(20) The registrar shall pay the contributions the registrar 925
receives pursuant to section 4503.73 of the Revised Code to Wright 926
B. Flyer, incorporated, which shall deposit the contributions into 927
its general account to be used for purposes of Wright B. Flyer, 928
incorporated. 929

(21) The registrar shall pay the contributions the registrar 930
receives pursuant to section 4503.74 of the Revised Code to the 931

Columbus zoological park association, which shall disburse the 932
moneys to Ohio's major metropolitan zoos, as defined in section 933
4503.74 of the Revised Code, in accordance with a written 934
agreement entered into by the major metropolitan zoos. 935

(22) The registrar shall pay the contributions the registrar 936
receives pursuant to section 4503.75 of the Revised Code to the 937
rotary foundation, located on March 31, 2003, in Evanston, 938
Illinois, to be placed in a fund known as the permanent fund and 939
used to endow educational and humanitarian programs of the rotary 940
foundation. 941

(23) The registrar shall pay the contributions the registrar 942
receives pursuant to section 4503.85 of the Revised Code to the 943
Ohio sea grant college program to be used for Lake Erie area 944
research projects. 945

(C) All investment earnings of the license plate contribution 946
fund shall be credited to the fund. Not later than the first day 947
of May of every year, the registrar shall distribute to each 948
entity described in divisions (B)(1) to ~~(22)~~(23) of this section 949
the investment income the fund earned the previous calendar year. 950
The amount of such a distribution paid to an entity shall be 951
proportionate to the amount of money the entity received from the 952
fund during the previous calendar year. 953

Sec. 4501.26. The unidentified ~~motor vehicle~~ public safety 954
receipts fund is hereby created in the state treasury. The fund 955
shall consist of money received by the ~~bureau of motor vehicles~~ 956
department of public safety that is provisional in nature or for 957
which proper identification or disposition cannot immediately be 958
determined. Refunds and other disbursements from the fund shall be 959
made once proper identification and disposition is determined. All 960
investment earnings of the fund shall be credited to the fund. 961

Sec. 4503.02. An annual license tax is hereby levied upon the 962
operation of motor vehicles on the public roads or highways, for 963
the purpose of enforcing and paying the expense of administering 964
the law relative to the registration and operation of such 965
vehicles; planning, constructing, maintaining, and repairing 966
public roads, highways, and streets; maintaining and repairing 967
bridges and viaducts; paying the counties' proportion of the cost 968
and expenses of cooperating with the department of transportation 969
in the planning, improvement, and construction of state highways; 970
paying the counties' portion of the compensation, damages, cost, 971
and expenses of planning, constructing, reconstructing, improving, 972
maintaining, and repairing roads; paying the principal, interest, 973
and charges on county bonds and other obligations issued pursuant 974
to Chapter 133. of the Revised Code or incurred pursuant to 975
section 5531.09 of the Revised Code for highway improvements; for 976
the purpose of providing motorcycle safety and education 977
instruction; enabling municipal corporations to plan, construct, 978
reconstruct, repave, widen, maintain, repair, clear, and clean 979
public highways, roads, and streets; paying the principal, 980
interest, and other charges on municipal bonds and other 981
obligations issued pursuant to Chapter 133. of the Revised Code or 982
incurred pursuant to section 5531.09 of the Revised Code for 983
highway improvements; to maintain and repair bridges and viaducts; 984
to purchase, erect, and maintain street and traffic signs and 985
markers; to purchase, erect, and maintain traffic lights and 986
signals; to supplement revenue already available for such 987
purposes; to pay the interest, principal, and charges on bonds and 988
other obligations issued pursuant to Section 2i of Article VIII, 989
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 990
Code. Such tax shall be at the rates specified in sections 4503.04 991
and 4503.042 of the Revised Code. Under section 4503.04 of the 992
Revised Code, the tax shall be paid to and collected by the 993

registrar of motor vehicles or deputy registrar at the time of 994
making application for registration. Under section 4503.042 of the 995
Revised Code, the tax shall be paid to and collected by the 996
registrar at the time and manner set forth by ~~him~~ the registrar by 997
rule. 998

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 999
may adopt rules to permit any person or lessee, other than a 1000
person receiving an apportioned license plate under the 1001
international registration plan, who owns or leases one or more 1002
motor vehicles to file a written application for registration for 1003
no more than five succeeding registration years. The rules adopted 1004
by the registrar may designate the classes of motor vehicles that 1005
are eligible for such registration. At the time of application, 1006
all annual taxes and fees shall be paid for each year for which 1007
the person is registering. 1008

(ii) The registrar shall adopt rules to permit any person or 1009
lessee who owns or leases two or more trailers or semitrailers 1010
that are subject to the tax rates prescribed in section 4503.042 1011
of the Revised Code for such trailers or semitrailers to file a 1012
written application for registration for not more than five 1013
succeeding registration years. At the time of application, all 1014
annual taxes and fees shall be paid for each year for which the 1015
person is registering. 1016

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 1017
section, the registrar shall adopt rules to permit any person who 1018
owns a motor vehicle to file an application for registration for 1019
the next two succeeding registration years. At the time of 1020
application, the person shall pay the annual taxes and fees for 1021
each registration year, calculated in accordance with division (C) 1022
of section 4503.11 of the Revised Code. A person who is 1023
registering a vehicle under division (A)(1)(b) of this section 1024

shall pay for each year of registration the additional fee 1025
established under division (C)(1) of section 4503.10 of the 1026
Revised Code. The person shall also pay one and one-half times the 1027
amount of the deputy registrar service fee specified in division 1028
(D) of section 4503.10 of the Revised Code or the bureau of motor 1029
vehicles service fee specified in division (G) of that section, as 1030
applicable. 1031

(ii) Division (A)(1)(b)(i) of this section does not apply to 1032
a person receiving an apportioned license plate under the 1033
international registration plan, or the owner of a commercial car 1034
used solely in intrastate commerce, or the owner of a bus as 1035
defined in section 4513.50 of the Revised Code. 1036

(2) No person applying for a multi-year registration under 1037
division (A)(1) of this section is entitled to a refund of any 1038
taxes or fees paid. 1039

(3) The registrar shall not issue to any applicant who has 1040
been issued a final, nonappealable order under division (B) of 1041
this section a multi-year registration or renewal thereof under 1042
this division or rules adopted under it for any motor vehicle that 1043
is required to be inspected under section 3704.14 of the Revised 1044
Code the district of registration of which, as determined under 1045
section 4503.10 of the Revised Code, is or is located in the 1046
county named in the order. 1047

(B) Upon receipt from the director of environmental 1048
protection of a notice issued under division (J) of section 1049
3704.14 of the Revised Code indicating that an owner of a motor 1050
vehicle that is required to be inspected under that section who 1051
obtained a multi-year registration for the vehicle under division 1052
(A) of this section or rules adopted under that division has not 1053
obtained an inspection certificate for the vehicle in accordance 1054
with that section in a year intervening between the years of 1055

issuance and expiration of the multi-year registration in which
the owner is required to have the vehicle inspected and obtain an
inspection certificate for it under division (F)(1)(a) of that
section, the registrar in accordance with Chapter 119. of the
Revised Code shall issue an order to the owner impounding the
certificate of registration and identification license plates for
the vehicle. The order also shall prohibit the owner from
obtaining or renewing a multi-year registration for any vehicle
that is required to be inspected under that section, the district
of registration of which is or is located in the same county as
the county named in the order during the number of years after
expiration of the current multi-year registration that equals the
number of years for which the current multi-year registration was
issued.

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

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

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

(2) Presentation to the registrar by the owner of the 1088
required inspection certificate for the vehicle. 1089

(D) The owner of a motor vehicle for which the certificate of 1090
registration and license plates have been impounded pursuant to an 1091
order issued under division (B) of this section, upon issuance of 1092
a modified order under division (C) of this section, may apply to 1093
the registrar for their return. A fee of two dollars and fifty 1094
cents shall be charged for the return of the certificate of 1095
registration and license plates for each vehicle named in the 1096
application. 1097

Sec. 4503.181. (A) As used in this section, "historical motor 1098
vehicle" means any motor vehicle that is more than twenty-five 1099
years old and that is owned solely as a collector's item and for 1100
participation in club activities, exhibitions, tours, parades, and 1101
similar uses, but in no event is used for general transportation. 1102
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(B) In lieu of the annual license tax levied in sections 1104
4503.02 and 4503.04 of the Revised Code, a license fee of ten 1105
dollars is levied on the operation of an historical motor vehicle. 1106

(C) A person who owns an historical motor vehicle and applies 1107
for a license plates plate under this section shall execute an 1108
affidavit that the vehicle for which plates are the plate is 1109
requested is owned and operated solely for the purposes enumerated 1110
in division (A) of this section, and also setting forth in the 1111
affidavit that the vehicle has been inspected and found safe to 1112
operate on the public roads and highways in the state. A person 1113
who owns an historical motor vehicle and desires to display a 1114
model year license plates plate on the vehicle as permitted by 1115
this section shall execute at the time of registration an 1116
affidavit setting forth that the model year license plates plate 1117
the person desires to display on the person's historical motor 1118

vehicle ~~are~~ is a legible and serviceable license ~~plates~~ plate that 1119
originally ~~were~~ was issued by this state. No registration issued 1120
pursuant to this section need specify the weight of the vehicle. 1121

(D) A vehicle registered under this section may display an 1122
historical vehicle license ~~plates~~ plate issued by the registrar of 1123
motor vehicles or a model year license ~~plates~~ plate procured by 1124
the applicant. ~~Historical~~ The historical vehicle license ~~plates~~ 1125
plate shall not bear a date, but shall bear the inscription 1126
"Historical Vehicle--Ohio" and the registration number, which 1127
shall be shown thereon. ~~Model~~ The model year license ~~plates~~ plate 1128
shall be a legible and serviceable license ~~plates~~ plate issued by 1129
this state and inscribed with the date of the year corresponding 1130
to the model year when the vehicle was manufactured. 1131

~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 1132
~~model year license plate is required to~~ plates, duplicates of each 1133
~~other, may~~ be displayed on ~~the rear of~~ the historical motor 1134
vehicle at ~~all times~~ any time, one plate on the front and one 1135
plate on the rear of the vehicle. The registration certificate and 1136
the historical vehicle license ~~plates~~ plate issued by the 1137
registrar shall be kept in the vehicle at all times the vehicle is 1138
operated on the public roads and highways in this state. 1139

Notwithstanding section 4503.21 of the Revised Code, the 1140
owner of an historical motor vehicle that was manufactured for 1141
military purposes and that is registered under this section may 1142
display the assigned registration number of the vehicle by 1143
painting the number on the front and rear of the vehicle. The 1144
number shall be painted, in accordance with the size and style 1145
specifications established for numerals and letters shown on 1146
license plates in section 4503.22 of the Revised Code, in a color 1147
that contrasts clearly with the color of the vehicle, and shall be 1148
legible and visible at all times. Upon application for 1149
registration under this section and payment of the license fee 1150

prescribed in division (B) of this section, the owner of such an historical motor vehicle shall be issued an historical vehicle license ~~plates~~ plate. The registration certificate and ~~at least one such~~ the license plate shall be kept in the vehicle at all times the vehicle is operated on the public roads and highways in this state. If ownership of such a vehicle is transferred, the transferor shall surrender the historical vehicle license ~~plates~~ plate or transfer ~~them~~ it to another historical motor vehicle the transferor owns, and remove or obliterate the registration numbers painted on the vehicle.

(E) Historical vehicle and model year license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence. ~~Historical~~ An historical vehicle ~~plates are~~ plate is issued for the owner's use only for such vehicle unless later transferred to another historical motor vehicle owned by that person. In order to effect such a transfer, the owner of the historical motor vehicle that originally displayed the historical vehicle ~~plates~~ plate shall comply with division (C) of this section. In the event of a transfer of title, the transferor shall surrender the historical vehicle license ~~plates~~ plate or transfer ~~them~~ it to another historical motor vehicle owned by the transferor, but a model year license ~~plates~~ plate may be retained by the transferor. The registrar may revoke license plates issued under this section, for cause shown and after hearing, for failure of the applicant to comply with this section. Upon revocation, an historical vehicle license ~~plates~~ plate shall be surrendered; a model year license ~~plates~~ plate may be retained, but no longer ~~are~~ is valid for display on the vehicle.

(F) The owner of an historical motor vehicle bearing an historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a model year license ~~plates~~ plate by surrendering the historical

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vehicle license ~~plates~~ plate and motor vehicle certificate of 1183
registration to the registrar. The owner, at the time of 1184
registration, shall execute an affidavit setting forth that the 1185
model year ~~plates are~~ plate is a legible and serviceable license 1186
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 1187
an owner is required to pay the license fee prescribed by division 1188
(B) of this section, but the owner is not required to have the 1189
historical motor vehicle reinspected under division (C) of this 1190
section. 1191

A person who owns an historical motor vehicle bearing a model 1192
year license ~~plates~~ plate may replace ~~them~~ it with an historical 1193
vehicle license ~~plates~~ plate by surrendering the motor vehicle 1194
certificate of registration and applying for issuance of an 1195
historical vehicle license ~~plates~~ plate. Such a person is required 1196
to pay the license fee prescribed by division (B) of this section, 1197
but the person is not required to have the historical motor 1198
vehicle reinspected under division (C) of this section. 1199

Sec. 4503.19. (A) Upon the filing of an application for 1200
registration and the payment of the tax for registration, the 1201
registrar of motor vehicles or a deputy registrar shall determine 1202
whether the owner previously has been issued a license ~~plates~~ 1203
plate for the motor vehicle described in the application. If no 1204
license ~~plates~~ plate previously ~~have~~ has been issued to the owner 1205
for that motor vehicle, the registrar or deputy registrar shall 1206
assign to the motor vehicle a distinctive number and issue and 1207
deliver to the owner in the manner that the registrar may select a 1208
certificate of registration, in the form that the registrar shall 1209
prescribe, and, ~~except as otherwise provided in this section, two~~ 1210
a license ~~plates~~, ~~duplicates of each other,~~ plate and a validation 1211
sticker, or a validation sticker alone, to be attached to the 1212
~~number plates~~ license plate as provided in section 4503.191 of the 1213
Revised Code. The registrar or deputy registrar also shall charge 1214

the owner any fees required under division (C) of section 4503.10 1215
of the Revised Code. ~~Trailers, manufactured homes, mobile homes,~~ 1216
~~semitrailers, the manufacturer thereof, the dealer, or in transit~~ 1217
~~companies therein, shall be issued one license plate only and one~~ 1218
~~validation sticker, or a validation sticker alone, and the~~ The 1219
license plate and validation sticker shall be displayed ~~only~~ on 1220
the rear of ~~such vehicles. A~~ the vehicle, except that a commercial 1221
tractor ~~that does not receive an apportioned license plate under~~ 1222
~~the international registration plan shall be issued two~~ display 1223
the license plates plate and ~~one~~ validation sticker, ~~and the~~ 1224
~~validation sticker shall be displayed~~ on the front of the 1225
commercial tractor. ~~An apportioned vehicle receiving an~~ 1226
~~apportioned license plate under the international registration~~ 1227
~~plan shall be issued one license plate only and one validation~~ 1228
~~sticker, or a validation sticker alone; the license plate shall be~~ 1229
~~displayed only on the front of a semitractor and on the rear of~~ 1230
~~all other vehicles.~~ School buses shall not be issued a license 1231
~~plates~~ plate but shall bear identifying numbers in the manner 1232
prescribed by section 4511.764 of the Revised Code. The 1233
certificate of registration and license ~~plates~~ plate and 1234
validation ~~stickers~~ sticker, or validation ~~stickers~~ sticker alone, 1235
shall be issued and delivered to the owner in person or by mail. 1236
Chauffeured limousines shall be issued a license ~~plates~~ plate, a 1237
validation sticker, and a livery sticker as provided in section 1238
4503.24 of the Revised Code. In the event of the loss, mutilation, 1239
or destruction of any certificate of registration, or of any 1240
license ~~plates~~ plate or validation ~~stickers~~ sticker, or if the 1241
owner chooses to replace the license ~~plates~~ plate previously 1242
issued for a motor vehicle, or if the registration certificate and 1243
license ~~plates~~ plate have been impounded as provided by division 1244
(B)(1) of section 4507.02 and section 4507.16 of the Revised Code, 1245
the owner of a motor vehicle, or manufacturer or dealer, may 1246

obtain from the registrar, or from a deputy registrar if 1247
authorized by the registrar, a duplicate thereof or a new license 1248
~~plates~~ plate bearing a different number, if the registrar 1249
considers it advisable, upon filing an application prescribed by 1250
the registrar, and upon paying a fee of one dollar for such 1251
certificate of registration, or a fee of ~~two dollars for each set~~ 1252
~~of two license plates, or~~ one dollar for each ~~single~~ license plate 1253
or validation sticker. In addition, each applicant for a 1254
replacement certificate of registration, license plate, or 1255
validation sticker shall pay the fees provided in divisions (C) 1256
and (D) of section 4503.10 of the Revised Code. 1257

Additionally, the registrar and each deputy registrar who 1258
either issues a license ~~plates~~ plate and a validation sticker for 1259
use on any vehicle other than a commercial tractor, semitrailer, 1260
or apportioned vehicle, or who issues a validation sticker alone 1261
for use on such a vehicle and the owner has changed the owner's 1262
county of residence since the owner last was issued county 1263
identification stickers, also shall issue and deliver to the owner 1264
~~either one or two~~ a county identification ~~stickers, as appropriate~~ 1265
sticker, which shall be attached to the license ~~plates~~ plate in a 1266
manner prescribed by the director of public safety. The county 1267
identification ~~stickers~~ sticker shall identify prominently by name 1268
or number the county in which the owner of the vehicle resides at 1269
the time of registration. 1270

(B) Whoever violates this section is guilty of a minor 1271
misdemeanor. 1272

Sec. 4503.192. The display of a single current license plate 1273
and validation sticker on the rear of a motor vehicle sufficiently 1274
indicates that a vehicle is registered within this state. Any 1275
reference in the Revised Code to license plates, a set of license 1276
plates, registration plates, or validation stickers is deemed to 1277

be a reference to the single license plate and validation sticker 1278
required by section 4503.19 of the Revised Code. 1279

Sec. 4503.21. (A) No person who is the owner or operator of a 1280
motor vehicle shall fail to display in plain view on the ~~front and~~ 1281
rear of the motor vehicle the distinctive number and registration 1282
mark, including any county identification sticker and any 1283
validation sticker issued under sections 4503.19 and 4503.191 of 1284
the Revised Code, furnished by the director of public safety, 1285
~~except that a manufacturer of motor vehicles or dealer therein,~~ 1286
~~the holder of an in transit permit, and the owner or operator of a~~ 1287
~~motoreycle, motorized bicyele, manufactured home, mobile home,~~ 1288
~~trailer, or semitrailer shall display on the rear only. A motor~~ 1289
~~vehicle that is issued two license plates shall display the~~ 1290
~~validation sticker only on the rear license plate,~~ except that a 1291
commercial tractor ~~that does not receive an apportioned license~~ 1292
~~plate under the international registration plan shall display the~~ 1293
license plate and validation sticker on the front of the 1294
commercial tractor. ~~An apportioned vehicle receiving an~~ 1295
~~apportioned license plate under the international registration~~ 1296
~~plan shall display the license plate only on the front of a~~ 1297
~~commercial tractor and on the rear of all other vehicles. All The~~ 1298
~~license plates~~ plate shall be securely fastened so as not to 1299
swing, and shall not be covered by any material that obstructs 1300
~~their~~ its visibility. 1301

No person to whom a temporary license placard or windshield 1302
sticker has been issued for the use of a motor vehicle under 1303
section 4503.182 of the Revised Code, and no operator of that 1304
motor vehicle, shall fail to display the temporary license placard 1305
in plain view from the rear of the vehicle either in the rear 1306
window or on an external rear surface of the motor vehicle, or 1307
fail to display the windshield sticker in plain view on the rear 1308

window of the motor vehicle. No temporary license placard or
windshield sticker shall be covered by any material that obstructs
its visibility.

(B) Whoever violates this section is guilty of a minor
misdemeanor.

Sec. 4503.23. No motor vehicle designed to carry passengers,
owned or leased by the state, or any of its departments, bureaus,
commissions, or institutions supported in whole or in part by
funds provided by the state, shall be operated or driven by any
person unless it has displayed, in a prominent position on ~~both~~
the ~~front and~~ rear of the vehicle, ~~identification plates~~ a license
plate, which shall be the same size, shape, and treated for
increased visibility in the same manner as those issued by the
registrar of motor vehicles for private vehicles. ~~Such~~
~~identification plates~~ The license plate shall be attached to the
vehicle in the same manner as provided by statute for the
illumination and attachment of a license plates plate on private
vehicles. The registrar shall designate the colors of the license
~~tags which~~ plate that shall be used on state-owned cars; ~~such the~~
colors shall be other than those used on privately owned motor
vehicles, and shall apply only to license plates used on state
owned motor vehicles. ~~Said plates~~ The plate shall bear a special
serial number, and the words "Ohio State Car."

Sec. 4503.26. As used in this section, "registration
information" means information in license plate applications on
file with the bureau of motor vehicles.

The director of public safety may advertise for and accept
sealed bids for the preparation of lists containing registration
information in such form as the director authorizes. Where the
expenditure is more than five hundred dollars, the director shall

give notice to bidders as provided in section 5513.01 of the Revised Code as for purchases by the department of transportation. The notice shall include the latest date, as determined by the director, on which bids will be accepted and the date, also determined by the director, on which bids will be opened by the director at the central office of the department of public safety. The contract to prepare the list shall be awarded to the lowest responsive and responsible bidder, in accordance with section 9.312 of the Revised Code, provided there is compliance with the specifications. Such contract shall not extend beyond twenty-four consecutive registration periods as provided in section 4503.101 of the Revised Code. The successful bidder shall furnish without charge a complete list to the bureau of motor vehicles, and shall also furnish without charge to the county sheriffs or chiefs of police in cities, at such times and in such manner as the director determines necessary, lists of registration information for the county in which they are situated. The registrar shall provide to the successful bidder all necessary information for the preparation of such lists.

The registrar may, upon application of any person and payment of the proper fee, search the records of the bureau and make reports thereof, and make photographic copies of the bureau records and attestations thereof.

Fees therefor are as follows:

(A) For searches of the records and written reports thereof, ~~one dollar and fifty cents~~ two dollars for each name, number, or fact searched or reported on;

(B) For photographic copies of records and attestations thereof, under the signature and seal of the registrar, two dollars a copy. Such copy is prima-facie evidence of the facts therein stated, in any court.

The registrar shall receive these fees and deposit them into 1370
the state treasury to the credit of the state bureau of motor 1371
vehicles ~~safety~~ fund established in section 4501.25 of the Revised 1372
Code. 1373

Sec. 4503.40. The registrar of motor vehicles shall be 1374
allowed a fee, not to exceed ten dollars, for each application 1375
received by the registrar for special state reserved license plate 1376
numbers and the issuing of such licenses, and validation stickers, 1377
in the several series as the registrar may designate. The fee 1378
shall be in addition to the license tax established by this 1379
chapter and, where applicable, Chapter 4504. of the Revised Code. 1380
Seven dollars and fifty cents of the fee shall be for the purpose 1381
of compensating the bureau of motor vehicles for additional 1382
services required in the issuing of such licenses, and the 1383
remaining two dollars and fifty cents shall be ~~transmitted~~ 1384
~~deposited~~ by the registrar ~~to the treasurer of state for deposit~~ 1385
~~in the highway operating~~ into the state treasury to the credit of 1386
the state highway safety fund created by section ~~5735.291~~ 4501.06 1387
of the Revised Code. The types of motor vehicles for which special 1388
state reserved license plates may be issued in accordance with 1389
this section shall include at least motorcycles, buses, passenger 1390
cars, and noncommercial motor vehicles. 1391

Sec. 4503.42. The registrar of motor vehicles shall be 1392
allowed a fee of not to exceed thirty-five dollars, which shall be 1393
in addition to the regular license fee for tags as prescribed 1394
under section 4503.04 of the Revised Code and any tax levied under 1395
section 4504.02 or 4504.06 of the Revised Code, for each 1396
application received by the registrar for special reserved license 1397
plate numbers containing more than three letters or numerals, and 1398
the issuing of such licenses and validation stickers in the 1399
several series as the registrar may designate. Five dollars of the 1400

fee shall be for the purpose of compensating the bureau of motor 1401
vehicles for additional services required in the issuing of such 1402
licenses and validation stickers, and the remaining thirty dollars 1403
shall be ~~transmitted~~ deposited by the registrar ~~to the treasurer~~ 1404
~~of state for deposit in the highway operating~~ into the state 1405
treasury to the credit of the state highway safety fund created by 1406
section ~~5735.291~~ 4501.06 of the Revised Code. 1407

This section does not apply to the issuance of reserved 1408
license plates as authorized by sections 4503.14, 4503.15, and 1409
4503.40 of the Revised Code. The types of motor vehicles for which 1410
license plate numbers containing more than three letters or 1411
numerals may be issued in accordance with this section shall 1412
include at least buses, passenger cars, and noncommercial motor 1413
vehicles. 1414

Sec. 4503.85. (A) The owner or lessee of any passenger car, 1415
noncommercial motor vehicle, motor home, or other vehicle of a 1416
class approved by the registrar of motor vehicles may apply to the 1417
registrar for the registration of the vehicle and issuance of 1418
"Fish Lake Erie" license plates. The application for "Fish Lake 1419
Erie" license plates may be combined with a request for a special 1420
reserved license plate under section 4503.40 or 4503.42 of the 1421
Revised Code. Upon receipt of the completed application and 1422
compliance with division (B) of this section, the registrar shall 1423
issue to the applicant the appropriate vehicle registration, a set 1424
of "Fish Lake Erie" license plates, and a validation sticker, or a 1425
validation sticker alone when required by section 4503.191 of the 1426
Revised Code. 1427

In addition to the letters and numbers ordinarily inscribed 1428
on the license plates, "Fish Lake Erie" license plates shall be 1429
inscribed with identifying words or markings designed by the Ohio 1430
sea grant college program and approved by the registrar. "Fish 1431

Lake Erie" license plates shall bear county identification 1432
stickers that identify the county of registration by name or 1433
number. 1434

(B) "Fish Lake Erie" license plates and a validation sticker 1435
or, when applicable, a validation sticker alone shall be issued 1436
upon receipt of an application for registration of a motor vehicle 1437
submitted under this section and a contribution as provided in 1438
division (C) of this section, payment of the regular license tax 1439
as prescribed under section 4503.04 of the Revised Code, any 1440
applicable motor vehicle tax levied under Chapter 4504. of the 1441
Revised Code, and an additional fee of ten dollars, and compliance 1442
with all other applicable laws relating to the registration of 1443
motor vehicles. If the application for "Fish Lake Erie" license 1444
plates is combined with a request for a special reserved license 1445
plate under section 4503.40 or 4503.42 of the Revised Code, the 1446
license plates and validation sticker or validation sticker alone 1447
shall be issued upon payment of the fees and taxes referred to or 1448
established in this division plus the additional fee prescribed in 1449
section 4503.40 or 4503.42 of the Revised Code. 1450

(C) For each application for registration and registration 1451
renewal that the registrar receives under this section, the 1452
registrar shall collect a contribution of fifteen dollars. The 1453
registrar shall deposit this contribution into the state treasury 1454
to the credit of the license plate contribution fund created in 1455
section 4501.21 of the Revised Code. 1456

The additional fee of ten dollars described in division (B) 1457
of this section shall be for the purpose of compensating the 1458
bureau of motor vehicles for additional services required in 1459
issuing license plates under this section. The registrar shall 1460
deposit that fee into the state treasury to the credit of the 1461
state bureau of motor vehicles fund created by section 4501.25 of 1462
the Revised Code. 1463

Sec. 4505.021. The owner of a motor vehicle shall apply for a certificate of title for the vehicle when required by this chapter, but, except as otherwise specifically required in this chapter, the owner may elect whether or not to have the clerk of the court of common pleas to whom the certificate of title application is submitted issue a physical certificate of title for the motor vehicle, as provided in section 4505.08 of the Revised Code. In the case of a title application that is submitted electronically to the clerk, the clerk shall issue an electronic certificate of title unless the applicant requests the issuance of a physical certificate of title.

Except as otherwise specifically provided in this chapter, any provision of this chapter relating to the cancellation, issuance, or surrender of a certificate of title, including, but not limited to, provisions that contain a phrase such as "when a certificate of title is issued," "the clerk shall issue a certificate of title," or "the person shall obtain a certificate of title to the motor vehicle," or another phrase of similar import, shall include those circumstances when a clerk enters certificate of title information into the automated title processing system, but does not take any further action relating to a physical certificate of title for the motor vehicle.

Sec. 4505.031. (A) No minor under eighteen years of age shall sell or otherwise dispose of a motor vehicle or purchase or otherwise acquire a motor vehicle unless the application for a certificate of title is accompanied by a form prescribed by the registrar of motor vehicles and signed in the presence of a clerk or deputy clerk of a court of common pleas or any notary public by one of the minor's parents, ~~his~~ the minor's guardian, or other person having custody of the minor authorizing the sale, disposition, purchase, or acquisition of the motor vehicle. At

~~(B) At the time the application for certificate of title is submitted, the adult who signed signs the form authorizing the sale, disposition, purchase, or acquisition of the motor vehicle by the minor shall be present and, the adult shall provide identification establishing that he the adult is the individual whose signature appears on the form. The registrar shall prescribe, by rule, the types of identification that are acceptable for the purposes of this section. If the adult who signed the form does not provide identification as required by this section, the application shall be refused.~~

~~(C)~~(B) No right, title, claim to or interest in a motor vehicle shall be acquired by or from a minor unless the application for a certificate of title is accompanied by the form required by this section.

~~(D)~~(C) No clerk of a court of common pleas shall be held liable in any civil action that arises under the law of this state for injury or loss to persons or property caused when a person has obtained a certificate of title in violation of this section, unless the clerk failed to use reasonable diligence in ascertaining the age of the minor or the identity of the adult who signed the form authorizing the sale, disposition, purchase, or acquisition of the motor vehicle by the minor.

Sec. 4505.032. (A)(1) If a person who is not an electronic motor vehicle dealer owns a motor vehicle for which a physical certificate of title has not been issued by a clerk of a court of common pleas and the person sells the motor vehicle to a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, the person is not required to obtain a physical certificate of title to the motor vehicle in order to transfer ownership to the dealer. The person shall present the dealer, in a manner approved by the registrar of motor vehicles, with sufficient proof of the

person's identity and complete and sign a form prescribed by the 1526
registrar attesting to the person's identity and assigning the 1527
motor vehicle to the dealer. Except as otherwise provided in this 1528
section, the motor vehicle dealer shall present the assignment 1529
form to any clerk of a court of common pleas together with an 1530
application for a certificate of title and payment of the fees 1531
prescribed by section 4505.09 of the Revised Code. 1532

In a case in which a ~~person who is the owner of a motor~~ 1533
~~vehicle for which a physical~~ an electronic certificate of title 1534
has ~~not~~ been issued ~~assigns and either the buyer or seller of the~~ 1535
motor vehicle ~~to~~ is an electronic motor vehicle dealer, the 1536
electronic motor vehicle dealer instead may inform a clerk of a 1537
court of common pleas via electronic means of the sale of the 1538
motor vehicle and assignment of ownership of the vehicle ~~to the~~ 1539
~~dealer~~. The clerk shall enter the information relating to the 1540
assignment, including, but not limited to, the odometer disclosure 1541
statement required by section 4505.06 of the Revised Code, into 1542
the automated title processing system, and ownership of the 1543
vehicle passes to the ~~dealer~~ applicant when the clerk enters this 1544
information into the system. The dealer is not required to obtain 1545
a physical certificate of title to the vehicle in the dealer's 1546
name. 1547

(2) A clerk shall charge and collect from a dealer a fee of 1548
five dollars for each motor vehicle ~~assigned to~~ assignment sent by 1549
the dealer to the clerk under division (A)(1) of this section. The 1550
fee shall be distributed in accordance with section 4505.09 of the 1551
Revised Code. 1552

(B) If a person who is not an electronic motor vehicle dealer 1553
owns a motor vehicle for which a physical certificate of title has 1554
not been issued by a clerk of a court of common pleas and the 1555
person sells the motor vehicle to a person who is not a motor 1556

vehicle dealer licensed under Chapter 4517. of the Revised Code, 1557
the person shall obtain a physical certificate of title to the 1558
motor vehicle in order to transfer ownership of the vehicle to 1559
that person. 1560

Sec. 4505.06. (A)(1) Application for a certificate of title 1561
shall be made in a form prescribed by the registrar of motor 1562
vehicles and shall be sworn to before a notary public or other 1563
officer empowered to administer oaths. The application shall be 1564
filed with the clerk of any court of common pleas. An application 1565
for a certificate of title may be filed electronically by any 1566
electronic means approved by the registrar in any county with the 1567
clerk of the court of common pleas of that county. Any payments 1568
required by this chapter shall be considered as accompanying any 1569
electronically transmitted application when payment actually is 1570
received by the clerk. Payment of any fee or taxes may be made by 1571
electronic transfer of funds. 1572

(2) The application for a certificate of title shall be 1573
accompanied by the fee prescribed in section 4505.09 of the 1574
Revised Code. The fee shall be retained by the clerk who issues 1575
the certificate of title and shall be distributed in accordance 1576
with that section. If a clerk of a court of common pleas, other 1577
than the clerk of the court of common pleas of an applicant's 1578
county of residence, issues a certificate of title to the 1579
applicant, the clerk shall transmit data related to the 1580
transaction to the automated title processing system. 1581

(3) If a certificate of title previously has been issued for 1582
a motor vehicle in this state, the application for a certificate 1583
of title also shall be accompanied by that certificate of title 1584
duly assigned, unless otherwise provided in this chapter. If a 1585
certificate of title previously has not been issued for the motor 1586
vehicle in this state, the application, unless otherwise provided 1587

in this chapter, shall be accompanied by a manufacturer's or 1588
importer's certificate or by a certificate of title of another 1589
state from which the motor vehicle was brought into this state. If 1590
the application refers to a motor vehicle last previously 1591
registered in another state, the application also shall be 1592
accompanied by the physical inspection certificate required by 1593
section 4505.061 of the Revised Code. If the application is made 1594
by two persons regarding a motor vehicle in which they wish to 1595
establish joint ownership with right of survivorship, they may do 1596
so as provided in section 2131.12 of the Revised Code. If the 1597
applicant requests a designation of the motor vehicle in 1598
beneficiary form so that upon the death of the owner of the motor 1599
vehicle, ownership of the motor vehicle will pass to a designated 1600
transfer-on-death beneficiary or beneficiaries, the applicant may 1601
do so as provided in section 2131.13 of the Revised Code. A person 1602
who establishes ownership of a motor vehicle that is transferable 1603
on death in accordance with section 2131.13 of the Revised Code 1604
may terminate that type of ownership or change the designation of 1605
the transfer-on-death beneficiary or beneficiaries by applying for 1606
a certificate of title pursuant to this section. The clerk shall 1607
retain the evidence of title presented by the applicant and on 1608
which the certificate of title is issued, except that, if an 1609
application for a certificate of title is filed electronically by 1610
an electronic motor vehicle dealer on behalf of the purchaser of a 1611
motor vehicle, the clerk shall retain the completed electronic 1612
record to which the dealer converted the certificate of title 1613
application and other required documents. The registrar, after 1614
consultation with the attorney general, shall adopt rules that 1615
govern the location at which, and the manner in which, are stored 1616
the actual application and all other documents relating to the 1617
sale of a motor vehicle when an electronic motor vehicle dealer 1618
files the application for a certificate of title electronically on 1619
behalf of the purchaser. 1620

The clerk shall use reasonable diligence in ascertaining 1621
whether or not the facts in the application for a certificate of 1622
title are true by checking the application and documents 1623
accompanying it or the electronic record to which a dealer 1624
converted the application and accompanying documents with the 1625
records of motor vehicles in the clerk's office. If the clerk is 1626
satisfied that the applicant is the owner of the motor vehicle and 1627
that the application is in the proper form, the clerk, within five 1628
business days after the application is filed and except as 1629
provided in section 4505.021 of the Revised Code, shall issue a 1630
physical certificate of title over the clerk's signature and 1631
sealed with the clerk's seal, unless the applicant specifically 1632
requests the clerk not to issue a physical certificate of title 1633
and instead to issue an electronic certificate of title. For 1634
purposes of the transfer of a certificate of title, if the clerk 1635
is satisfied that the secured party has duly discharged a lien 1636
notation but has not canceled the lien notation with a clerk, the 1637
clerk may cancel the lien notation on the automated title 1638
processing system and notify the clerk of the county of origin. 1639

(4) In the case of the sale of a motor vehicle to a general 1640
buyer or user by a dealer, by a motor vehicle leasing dealer 1641
selling the motor vehicle to the lessee or, in a case in which the 1642
leasing dealer subleased the motor vehicle, the sublessee, at the 1643
end of the lease agreement or sublease agreement, or by a 1644
manufactured home broker, the certificate of title shall be 1645
obtained in the name of the buyer by the dealer, leasing dealer, 1646
or manufactured home broker, as the case may be, upon application 1647
signed by the buyer. The certificate of title shall be issued, or 1648
the process of entering the certificate of title application 1649
information into the automated title processing system if a 1650
physical certificate of title is not to be issued shall be 1651
completed, within five business days after the application for 1652

title is filed with the clerk. If the buyer of the motor vehicle
previously leased the motor vehicle and is buying the motor
vehicle at the end of the lease pursuant to that lease, the
certificate of title shall be obtained in the name of the buyer by
the motor vehicle leasing dealer who previously leased the motor
vehicle to the buyer or by the motor vehicle leasing dealer who
subleased the motor vehicle to the buyer under a sublease
agreement.

In all other cases, except as provided in section 4505.032
and division (D)(2) of section 4505.11 of the Revised Code, such
certificates shall be obtained by the buyer.

(5)(a)(i) If the certificate of title is being obtained in
the name of the buyer by a motor vehicle dealer or motor vehicle
leasing dealer and there is a security interest to be noted on the
certificate of title, the dealer or leasing dealer shall submit
the application for the certificate of title and payment of the
applicable tax to a clerk within seven business days after the
later of the delivery of the motor vehicle to the buyer or the
date the dealer or leasing dealer obtains the manufacturer's or
importer's certificate, or certificate of title issued in the name
of the dealer or leasing dealer, for the motor vehicle. Submission
of the application for the certificate of title and payment of the
applicable tax within the required seven business days may be
indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the
security interest noted on its face, the dealer or leasing dealer
shall forward the certificate of title to the secured party at the
location noted in the financing documents or otherwise specified
by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer
is liable to a secured party for a late fee of ten dollars per day

for each certificate of title application and payment of the
applicable tax that is submitted to a clerk more than seven
business days but less than twenty-one days after the later of the
delivery of the motor vehicle to the buyer or the date the dealer
or leasing dealer obtains the manufacturer's or importer's
certificate, or certificate of title issued in the name of the
dealer or leasing dealer, for the motor vehicle and, from then on,
twenty-five dollars per day until the application and applicable
tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle, the
application for certificate of title shall be filed within thirty
days after the assignment or delivery of the motor vehicle. If an
application for a certificate of title is not filed within the
period specified in division (A)(5)(b) of this section, the clerk
shall collect a fee of five dollars for the issuance of the
certificate, except that no such fee shall be required from a
motor vehicle salvage dealer, as defined in division (A) of
section 4738.01 of the Revised Code, who immediately surrenders
the certificate of title for cancellation. The fee shall be in
addition to all other fees established by this chapter, and shall
be retained by the clerk. The registrar shall provide, on the
certificate of title form prescribed by section 4505.07 of the
Revised Code, language necessary to give evidence of the date on
which the assignment or delivery of the motor vehicle was made.

(6) As used in division (A) of this section, "lease
agreement," "lessee," and "sublease agreement" have the same
meanings as in section 4505.04 of the Revised Code.

(B) The clerk, except as provided in this section, shall
refuse to accept for filing any application for a certificate of
title and shall refuse to issue a certificate of title unless the
dealer or manufactured home broker or the applicant, in cases in
which the certificate shall be obtained by the buyer, submits with

the application payment of the tax levied by or pursuant to 1716
Chapters 5739. and 5741. of the Revised Code based on the 1717
purchaser's county of residence. Upon payment of the tax in 1718
accordance with division (E) of this section, the clerk shall 1719
issue a receipt prescribed by the registrar and agreed upon by the 1720
tax commissioner showing payment of the tax or a receipt issued by 1721
the commissioner showing the payment of the tax. When submitting 1722
payment of the tax to the clerk, a dealer shall retain any 1723
discount to which the dealer is entitled under section 5739.12 of 1724
the Revised Code. 1725

For receiving and disbursing such taxes paid to the clerk by 1726
a resident of the clerk's county, the clerk may retain a poundage 1727
fee of one and one one-hundredth per cent, and the clerk shall pay 1728
the poundage fee into the certificate of title administration fund 1729
created by section 325.33 of the Revised Code. The clerk shall not 1730
retain a poundage fee from payments of taxes by persons who do not 1731
reside in the clerk's county. 1732

A clerk, however, may retain from the taxes paid to the clerk 1733
an amount equal to the poundage fees associated with certificates 1734
of title issued by other clerks of courts of common pleas to 1735
applicants who reside in the first clerk's county. The registrar, 1736
in consultation with the tax commissioner and the clerks of the 1737
courts of common pleas, shall develop a report from the automated 1738
title processing system that informs each clerk of the amount of 1739
the poundage fees that the clerk is permitted to retain from those 1740
taxes because of certificates of title issued by the clerks of 1741
other counties to applicants who reside in the first clerk's 1742
county. 1743

In the case of casual sales of motor vehicles, as defined in 1744
section 4517.01 of the Revised Code, the price for the purpose of 1745
determining the tax shall be the purchase price on the assigned 1746
certificate of title executed by the seller and filed with the 1747

clerk by the buyer on a form to be prescribed by the registrar, 1748
which shall be prima-facie evidence of the amount for the 1749
determination of the tax. 1750

(C)(1) If the transferor indicates on the certificate of 1751
title that the odometer reflects mileage in excess of the designed 1752
mechanical limit of the odometer, the clerk shall enter the phrase 1753
"exceeds mechanical limits" following the mileage designation. If 1754
the transferor indicates on the certificate of title that the 1755
odometer reading is not the actual mileage, the clerk shall enter 1756
the phrase "nonactual: warning - odometer discrepancy" following 1757
the mileage designation. The clerk shall use reasonable care in 1758
transferring the information supplied by the transferor, but is 1759
not liable for any errors or omissions of the clerk or those of 1760
the clerk's deputies in the performance of the clerk's duties 1761
created by this chapter. 1762

The registrar shall prescribe an affidavit in which the 1763
transferor shall swear to the true selling price and, except as 1764
provided in this division, the true odometer reading of the motor 1765
vehicle. The registrar may prescribe an affidavit in which the 1766
seller and buyer provide information pertaining to the odometer 1767
reading of the motor vehicle in addition to that required by this 1768
section, as such information may be required by the United States 1769
secretary of transportation by rule prescribed under authority of 1770
subchapter IV of the "Motor Vehicle Information and Cost Savings 1771
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1772

(2) Division (C)(1) of this section does not require the 1773
giving of information concerning the odometer and odometer reading 1774
of a motor vehicle when ownership of a motor vehicle is being 1775
transferred as a result of a bequest, under the laws of intestate 1776
succession, to a survivor pursuant to section 2106.18, 2131.12, or 1777
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 1778
beneficiaries pursuant to section 2131.13 of the Revised Code, in 1779

connection with the creation of a security interest or for a 1780
vehicle with a gross vehicle weight rating of more than sixteen 1781
thousand pounds. 1782

(D) When the transfer to the applicant was made in some other 1783
state or in interstate commerce, the clerk, except as provided in 1784
this section, shall refuse to issue any certificate of title 1785
unless the tax imposed by or pursuant to Chapter 5741. of the 1786
Revised Code based on the purchaser's county of residence has been 1787
paid as evidenced by a receipt issued by the tax commissioner, or 1788
unless the applicant submits with the application payment of the 1789
tax. Upon payment of the tax in accordance with division (E) of 1790
this section, the clerk shall issue a receipt prescribed by the 1791
registrar and agreed upon by the tax commissioner, showing payment 1792
of the tax. 1793

For receiving and disbursing such taxes paid to the clerk by 1794
a resident of the clerk's county, the clerk may retain a poundage 1795
fee of one and one one-hundredth per cent. The clerk shall not 1796
retain a poundage fee from payments of taxes by persons who do not 1797
reside in the clerk's county. 1798

A clerk, however, may retain from the taxes paid to the clerk 1799
an amount equal to the poundage fees associated with certificates 1800
of title issued by other clerks of courts of common pleas to 1801
applicants who reside in the first clerk's county. The registrar, 1802
in consultation with the tax commissioner and the clerks of the 1803
courts of common pleas, shall develop a report from the automated 1804
title processing system that informs each clerk of the amount of 1805
the poundage fees that the clerk is permitted to retain from those 1806
taxes because of certificates of title issued by the clerks of 1807
other counties to applicants who reside in the first clerk's 1808
county. 1809

When the vendor is not regularly engaged in the business of 1810

selling motor vehicles, the vendor shall not be required to 1811
purchase a vendor's license or make reports concerning those 1812
sales. 1813

(E) The clerk shall accept any payment of a tax in cash, or 1814
by cashier's check, certified check, draft, money order, or teller 1815
check issued by any insured financial institution payable to the 1816
clerk and submitted with an application for a certificate of title 1817
under division (B) or (D) of this section. The clerk also may 1818
accept payment of the tax by corporate, business, or personal 1819
check, credit card, electronic transfer or wire transfer, debit 1820
card, or any other accepted form of payment made payable to the 1821
clerk. The clerk may require bonds, guarantees, or letters of 1822
credit to ensure the collection of corporate, business, or 1823
personal checks. Any service fee charged by a third party to a 1824
clerk for the use of any form of payment may be paid by the clerk 1825
from the certificate of title administration fund created in 1826
section 325.33 of the Revised Code, or may be assessed by the 1827
clerk upon the applicant as an additional fee. Upon collection, 1828
the additional fees shall be paid by the clerk into that 1829
certificate of title administration fund. 1830

The clerk shall make a good faith effort to collect any 1831
payment of taxes due but not made because the payment was returned 1832
or dishonored, but the clerk is not personally liable for the 1833
payment of uncollected taxes or uncollected fees. The clerk shall 1834
notify the tax commissioner of any such payment of taxes that is 1835
due but not made and shall furnish the information to the 1836
commissioner that the commissioner requires. The clerk shall 1837
deduct the amount of taxes due but not paid from the clerk's 1838
periodic remittance of tax payments, in accordance with procedures 1839
agreed upon by the tax commissioner. The commissioner may collect 1840
taxes due by assessment in the manner provided in section 5739.13 1841
of the Revised Code. 1842

Any person who presents payment that is returned or 1843
dishonored for any reason is liable to the clerk for payment of a 1844
penalty over and above the amount of the taxes due. The clerk 1845
shall determine the amount of the penalty, and the penalty shall 1846
be no greater than that amount necessary to compensate the clerk 1847
for banking charges, legal fees, or other expenses incurred by the 1848
clerk in collecting the returned or dishonored payment. The 1849
remedies and procedures provided in this section are in addition 1850
to any other available civil or criminal remedies. Subsequently 1851
collected penalties, poundage fees, and title fees, less any title 1852
fee due the state, from returned or dishonored payments collected 1853
by the clerk shall be paid into the certificate of title 1854
administration fund. Subsequently collected taxes, less poundage 1855
fees, shall be sent by the clerk to the treasurer of state at the 1856
next scheduled periodic remittance of tax payments, with 1857
information as the commissioner may require. The clerk may abate 1858
all or any part of any penalty assessed under this division. 1859

(F) In the following cases, the clerk shall accept for filing 1860
an application and shall issue a certificate of title without 1861
requiring payment or evidence of payment of the tax: 1862

(1) When the purchaser is this state or any of its political 1863
subdivisions, a church, or an organization whose purchases are 1864
exempted by section 5739.02 of the Revised Code; 1865

(2) When the transaction in this state is not a retail sale 1866
as defined by section 5739.01 of the Revised Code; 1867

(3) When the purchase is outside this state or in interstate 1868
commerce and the purpose of the purchaser is not to use, store, or 1869
consume within the meaning of section 5741.01 of the Revised Code; 1870

(4) When the purchaser is the federal government; 1871

(5) When the motor vehicle was purchased outside this state 1872
for use outside this state; 1873

(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.

The clerk shall forward all payments of taxes, less poundage fees, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish information to the commissioner as the commissioner requires.

(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk an

additional fee of five dollars for each certificate of title 1906
issued by the clerk for a manufactured or mobile home pursuant to 1907
division (H) of section 4505.11 of the Revised Code and for each 1908
certificate of title issued upon transfer of ownership of the 1909
home. The clerk shall credit the fee to the county certificate of 1910
title administration fund, and the fee shall be used to pay the 1911
expenses of archiving those certificates pursuant to division (A) 1912
of section 4505.08 and division (H)(3) of section 4505.11 of the 1913
Revised Code. The tax commissioner shall administer any tax on a 1914
manufactured or mobile home pursuant to Chapters 5739. and 5741. 1915
of the Revised Code. 1916

(I) Every clerk shall have the capability to transact by 1917
electronic means all procedures and transactions relating to the 1918
issuance of motor vehicle certificates of title that are described 1919
in the Revised Code as being accomplished by electronic means. 1920

Sec. 4505.08. (A) When the clerk of a court of common pleas 1921
issues a physical certificate of title, the clerk shall issue the 1922
certificate of title on a form and in a manner prescribed by the 1923
registrar of motor vehicles. The clerk shall file a copy of the 1924
physical evidence for the creation of the certificate of title in 1925
a manner prescribed by the registrar. A clerk may retain digital 1926
images of documents used as evidence for issuance of a certificate 1927
of title. Certified printouts of documents retained as digital 1928
images shall have the same evidentiary value as the original 1929
physical documents. The record of the issuance of the certificate 1930
of title shall be maintained in the automated title processing 1931
system. The clerk shall sign and affix the clerk's seal to the 1932
original certificate of title and, if there are no liens on the 1933
motor vehicle, shall deliver the certificate to the applicant or 1934
the selling dealer. If there are one or more liens on the motor 1935
vehicle, the certificate of title shall be delivered to the holder 1936

of the first lien or the selling dealer, who shall deliver the 1937
certificate of title to the holder of the first lien. 1938

The registrar shall prescribe a uniform method of numbering 1939
certificates of title, and such numbering shall be in such manner 1940
that the county of issuance is indicated. The clerk shall assign 1941
numbers to certificates of title in the manner prescribed by the 1942
registrar. The clerk shall file all certificates of title 1943
according to rules to be prescribed by the registrar, and the 1944
clerk shall maintain in the clerk's office indexes for the 1945
certificates of title. 1946

The clerk need not retain on file any current certificates of 1947
title, current duplicate certificates of title, current memorandum 1948
certificates of title, or current salvage certificates of title, 1949
or supporting evidence of them covering any motor vehicle or 1950
manufactured or mobile home for a period longer than seven years 1951
after the date of its filing; thereafter, the documents and 1952
supporting evidence may be destroyed. The clerk need not retain on 1953
file any inactive records, including certificates of title, 1954
duplicate certificates of title, or memorandum certificates of 1955
title, or supporting evidence of them, including the electronic 1956
record described in division (A) of section 4505.06 of the Revised 1957
Code, covering any motor vehicle or manufactured or mobile home 1958
for a period longer than five years after the date of its filing; 1959
thereafter, the documents and supporting evidence may be 1960
destroyed. 1961

The automated title processing system shall contain all 1962
active records and an index of the active records, a record and 1963
index of all inactive titles for ten years, and a record and index 1964
of all inactive titles for manufactured and mobile homes for 1965
thirty years. If the clerk provides a written copy of any 1966
information contained in the database, the copy shall be 1967

considered the original for purposes of the clerk certifying the
record of the information for use in any legal proceeding.

(B)(1) If the clerk issues a certificate of title for a motor
vehicle that was last previously registered in another state, the
clerk shall record verbatim, where practicable, in the space on
the title described in division (B)(19) of section 4505.07 of the
Revised Code, the words that appear as a notation to the vehicle
on the title issued by the previous state. These notations may
include, but are not limited to, words to the effect that the
vehicle was considered or was categorized by the state in which it
was last previously registered to be a law enforcement vehicle or
a taxicab or was once in a flood.

(2) If the clerk, while issuing a certificate of title for a
motor vehicle that was last previously registered in another
state, receives information from the automated title processing
system indicating that a title to the vehicle previously was
issued by this state and that the previous title contained
notations that appeared in the space described in division (B)(19)
or (20) of section 4505.07 of the Revised Code, the clerk shall
enter the notations that appeared on the previous certificate of
title issued by this state on the new certificate of title in the
space described in division (B)(19) or (20) of section 4505.07 of
the Revised Code, irrespective of whether the notations appear on
the certificate of title issued by the state in which the vehicle
was last previously registered.

(3) If the clerk, while issuing a certificate of title for a
motor vehicle that was last previously registered in another
state, receives information from the automated title processing
system indicating that the vehicle was previously issued a title
by this state and that the previous title bore the notation
"REBUILT SALVAGE" as required by division (E) of section 4505.11
of the Revised Code, or the previous title to the vehicle issued

by this state was a salvage certificate of title, the clerk shall
cause the certificate of title the clerk issues to bear the
notation "REBUILT SALVAGE" in the location prescribed by the
registrar pursuant to that division.

(C) When the clerk issues a certificate of title for a motor
vehicle that was last previously registered in this state and was
a law enforcement vehicle or a taxicab or was once in a flood, the
clerk shall record that information in the space on the title
described in division (B)(20) of section 4505.07 of the Revised
Code. The registrar, by rule, may prescribe any additional uses of
or happenings to a motor vehicle that the registrar has reason to
believe should be noted on the certificate of title as provided in
this division.

(D) The clerk shall use reasonable care in recording or
entering onto titles the clerk issues any notation and information
the clerk is required by divisions (B) and (C) of this section to
record or enter and in causing the titles the clerk issues to bear
any notation required by those divisions, but the clerk is not
liable for any of the clerk's errors or omissions or those of the
clerk's deputies, or the automated title processing system, in the
performance of the duties imposed on the clerk by this section.

(E) The clerk may issue a duplicate title, when duly applied
for, of any title that has been destroyed as herein provided.

(F) The Except as provided in section 4505.021 of the Revised
Code, the clerk shall issue a physical certificate of title to an
applicant unless the applicant specifically requests the clerk not
to issue a physical certificate of title and instead to issue an
electronic certificate of title. The fact that a physical
certificate of title is not issued for a motor vehicle does not
affect ownership of the vehicle. In that case, when the clerk
completes the process of entering certificate of title application

information into the automated title processing system, the effect 2031
of the completion of the process is the same as if the clerk 2032
actually issued a physical certificate of title for the motor 2033
vehicle. 2034

(G) An electronic motor vehicle dealer who applies for a 2035
certificate of title on behalf of a customer who purchases a motor 2036
vehicle from the dealer may print a non-negotiable evidence of 2037
ownership for the customer if the customer so requests. The 2038
authorization to print the non-negotiable evidence of ownership 2039
shall come from the clerk with whom the dealer makes application 2040
for the certificate of title for the customer, but the printing by 2041
the dealer does not create an agency relationship of any kind 2042
between the dealer and the clerk. 2043

(H) The owner of a motor vehicle may apply at any time to a 2044
clerk of a court of common pleas for a non-negotiable evidence of 2045
ownership for the motor vehicle. 2046

Sec. 4506.08. (A)(1) Each application for a commercial 2047
driver's license temporary instruction permit shall be accompanied 2048
by a fee of ten dollars; ~~except as provided in division (B) of~~ 2049
~~this section, each.~~ Each application for a commercial driver's 2050
license, restricted commercial driver's license, or renewal of 2051
such a license shall be accompanied by a fee of twenty-five 2052
dollars; ~~and each, except that an application for a commercial~~ 2053
~~driver's license or restricted commercial driver's license~~ 2054
received pursuant to division (A)(3) of section 4506.14 of the 2055
Revised Code shall be accompanied by a fee of eighteen dollars and 2056
seventy-five cents if the license will expire on the licensee's 2057
birthday three years after the date of issuance, a fee of twelve 2058
dollars and fifty cents if the license will expire on the 2059
licensee's birthday two years after the date of issuance, and a 2060
fee of six dollars and twenty-five cents if the license will 2061

expire on the licensee's birthday one year after the date of 2062
issuance. Each application for a duplicate commercial driver's 2063
license shall be accompanied by a fee of ten dollars. ~~In~~ 2064

(2) In addition, the registrar of motor vehicles or deputy 2065
registrar may collect and retain an additional fee of no more than 2066
two dollars and seventy-five cents commencing on July 1, 2001, 2067
three dollars and twenty-five cents commencing on January 1, 2003, 2068
and three dollars and fifty cents commencing on January 1, 2004, 2069
for each application for a commercial driver's license temporary 2070
instruction permit, commercial driver's license, renewal of a 2071
commercial driver's license, or duplicate commercial driver's 2072
license received by the registrar or deputy. ~~No~~ 2073

(3) No fee shall be charged for the annual issuance of a 2074
waiver for farm-related service industries pursuant to section 2075
4506.24 of the Revised Code. 2076

(B) Each deputy registrar shall transmit the fees collected 2077
under division (A)(1) of this section to the registrar at the time 2078
and in the manner prescribed by the registrar by rule. The 2079
registrar shall pay the fees into the state highway safety fund 2080
established in section 4501.06 of the Revised Code. 2081

~~(B)~~(C) In addition to the fees imposed under division (A) of 2082
this section, the registrar of motor vehicles or deputy registrar 2083
shall collect a fee of twelve dollars commencing on October 1, 2084
2003, for each application for a commercial driver's license 2085
temporary instruction permit, commercial driver's license, or 2086
duplicate commercial driver's license and for each application for 2087
renewal of a commercial driver's license with an expiration date 2088
on or after that date received by the registrar or deputy 2089
registrar. The additional fee is for the purpose of defraying the 2090
department of public safety's costs associated with the 2091
administration and enforcement of the motor vehicle and traffic 2092
laws of Ohio. Each deputy registrar shall transmit the fees 2093

collected under division ~~(B)~~(C) of this section in the time and 2094
manner prescribed by the registrar. The registrar shall deposit 2095
all moneys received under division ~~(B)~~(C) of this section into the 2096
state highway safety fund established in section 4501.06 of the 2097
Revised Code. 2098

~~(C)~~(D) Information regarding the driving record of any person 2099
holding a commercial driver's license issued by this state shall 2100
be furnished by the registrar, upon request and payment of a fee 2101
of two dollars, to the employer or prospective employer of such a 2102
person and to any insurer. 2103

Sec. 4506.14. (A) Commercial driver's licenses shall expire 2104
as follows: 2105

(1) Except as provided in division (A)(3) or (4) of this 2106
section, each such license issued to replace an operator's or 2107
chauffeur's license shall expire on the original expiration date 2108
of the operator's or chauffeur's license and, upon renewal, shall 2109
expire on the licensee's birthday in the fourth year after the 2110
date of issuance. 2111

(2) Except as provided in division (A)(3) or (4) of this 2112
section, each such license issued as an original license to a 2113
person whose residence is in this state shall expire on the 2114
licensee's birthday in the fourth year after the date of issuance, 2115
and each such license issued to a person whose temporary residence 2116
is in this state shall expire in accordance with rules adopted by 2117
the registrar of motor vehicles. A license issued to a person with 2118
a temporary residence in this state is nonrenewable, but may be 2119
replaced with a new license within ninety days prior to its 2120
expiration upon the applicant's compliance with all applicable 2121
requirements. 2122

(3) The registrar or a deputy registrar may issue a license 2123
that expires on a date earlier than the licensee's birthday in the 2124

fourth year after the date of issuance if the licensee has 2125
undergone a security threat assessment required by federal law to 2126
obtain a hazardous materials endorsement and the assessment will 2127
expire before that date. 2128

(4) Each such license issued to replace the operator's or 2129
chauffeur's license of a person who is less than twenty-one years 2130
of age, and each such license issued as an original license to a 2131
person who is less than twenty-one years of age, shall expire on 2132
the licensee's twenty-first birthday. 2133

(B) No commercial driver's license shall be issued for a 2134
period longer than four years and ninety days. Except as provided 2135
in section 4507.12 of the Revised Code, the registrar may waive 2136
the examination of any person applying for the renewal of a 2137
commercial driver's license issued under this chapter, provided 2138
that the applicant presents either an unexpired commercial 2139
driver's license or a commercial driver's license that has expired 2140
not more than six months prior to the date of application. 2141

(C) Subject to the requirements of this chapter and except as 2142
provided in division (A)(2) of this section in regard to a person 2143
whose temporary residence is in this state, every commercial 2144
driver's license shall be renewable ninety days before its 2145
expiration upon payment of the fees required by section 4506.08 of 2146
the Revised Code. Each person applying for renewal of a commercial 2147
driver's license shall complete the application form prescribed by 2148
section 4506.07 of the Revised Code and shall provide all 2149
certifications required. If the person wishes to retain an 2150
endorsement authorizing the person to transport hazardous 2151
materials, the person shall take and successfully complete the 2152
written test for the endorsement and shall submit to any 2153
background check required by federal law. 2154

(D) Each person licensed as a driver under this chapter shall 2155
notify the registrar of any change in the person's address within 2156

ten days following that change. The notification shall be in 2157
writing on a form provided by the registrar and shall include the 2158
full name, date of birth, license number, county of residence, 2159
social security number, and new address of the person. 2160

(E) Whoever violates division (D) of this section is guilty 2161
of a minor misdemeanor. 2162

Sec. 4508.06. (A) The director of public safety may refuse to 2163
issue, or may suspend or revoke, a license or may impose a fine of 2164
not more than ten thousand dollars per occurrence in any case in 2165
which the director finds the applicant or licensee has violated 2166
any of the provisions of this chapter, or any of the ~~regulations~~ 2167
rules adopted by the director, or has failed to pay a fine imposed 2168
under this division. No person whose license has been suspended or 2169
revoked under this section shall fail to return the license to the 2170
director. 2171

(B) The director shall deposit all fines collected under 2172
division (A) of this section into the state treasury to the credit 2173
of the state highway safety fund created by section 4501.06 of the 2174
Revised Code. 2175

(C) Whoever violates fails to return a license that has been 2176
suspended or revoked under division (A) of this section is guilty 2177
of failing to return a suspended or revoked license, a minor 2178
misdemeanor or, on a second or subsequent offense within two years 2179
after the first offense, a misdemeanor of the fourth degree. 2180

Sec. 4508.10. (A) A driver training school shall issue a 2181
certificate of completion to each person who successfully 2182
completes a course of instruction necessary to obtain or maintain 2183
a driver's license. The department of public safety shall provide 2184
each driver training school with the certificate of completion 2185
forms. 2186

(B) The fee for each driver's license certificate of completion provided by the department to a driver training school is four dollars. The director of public safety shall deposit the fees collected under this section into the state treasury to the credit of the state highway safety fund created in section 4501.16 of the Revised Code.

(C) As used in this section, "driver's license" has the same meaning as in section 4507.01 of the Revised Code.

Sec. 4509.27. There is hereby created in the state treasury the security deposit fund. All security deposits that the registrar of motor vehicles requires to be paid under section 4509.12 of the Revised Code and that the registrar receives shall be deposited into the fund. Moneys in the fund shall be applied only to the payment of a judgment for damages arising out of an accident as provided in section 4509.28 of the Revised Code and to the return of security deposits as provided in sections 4509.25 and 4509.29 of the Revised Code. All investment earnings ~~on the cash balance in~~ of the fund shall be credited to the roadwork development fund created by section 122.14 of the Revised Code.

Sec. 4513.34. (A) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit.

For purposes of this section, the director may designate 2217
certain state highways or portions of state highways as special 2218
economic development highways. If an application submitted to the 2219
director under this section involves travel of a nonconforming 2220
vehicle or combination of vehicles upon a special economic 2221
development highway, the director, in determining whether good 2222
cause has been shown that issuance of a permit is justified, shall 2223
consider the effect the travel of the vehicle or combination of 2224
vehicles will have on the economic development in the area in 2225
which the designated highway or portion of highway is located. 2226

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 2227
Code, the holder of a special permit issued by the director under 2228
this section may move the vehicle or combination of vehicles 2229
described in the special permit on any highway that is a part of 2230
the state highway system when the movement is partly within and 2231
partly without the corporate limits of a municipal corporation. No 2232
local authority shall require any other permit or license or 2233
charge any license fee or other charge against the holder of a 2234
permit for the movement of a vehicle or combination of vehicles on 2235
any highway that is a part of the state highway system. The 2236
director shall not require the holder of a permit issued by a 2237
local authority to obtain a special permit for the movement of 2238
vehicles or combination of vehicles on highways within the 2239
jurisdiction of the local authority. Permits may be issued for any 2240
period of time not to exceed one year, as the director in the 2241
director's discretion or a local authority in its discretion 2242
determines advisable, or for the duration of any public 2243
construction project. 2244

(C) The application for a permit shall be in the form that 2245
the director or local authority prescribes. The director or local 2246
authority may prescribe a permit fee to be imposed and collected 2247
when any permit described in this section is issued. The permit 2248

fee may be in an amount sufficient to reimburse the director or 2249
local authority for the administrative costs incurred in issuing 2250
the permit, and also to cover the cost of the normal and expected 2251
damage caused to the roadway or a street or highway structure as 2252
the result of the operation of the nonconforming vehicle or 2253
combination of vehicles. The director, in accordance with Chapter 2254
119. of the Revised Code, shall establish a schedule of fees for 2255
permits issued by the director under this section. 2256

~~For the purposes of this section and of rules adopted by the 2257
director under this section, milk transported in bulk by vehicle 2258
is deemed a nondivisible load. 2259~~

(D) The director or local authority may issue or withhold a 2260
permit. If a permit is to be issued, the director or local 2261
authority may limit or prescribe conditions of operation for the 2262
vehicle and may require the posting of a bond or other security 2263
conditioned upon the sufficiency of the permit fee to compensate 2264
for damage caused to the roadway or a street or highway structure. 2265
In addition, a local authority, as a condition of issuance of an 2266
overweight permit, may require the applicant to develop and enter 2267
into a mutual agreement with the local authority to compensate for 2268
or to repair excess damage caused to the roadway by travel under 2269
the permit. 2270

For a permit that will allow travel of a nonconforming 2271
vehicle or combination of vehicles on a special economic 2272
development highway, the director, as a condition of issuance, may 2273
require the applicant to agree to make periodic payments to the 2274
department to compensate for damage caused to the roadway by 2275
travel under the permit. 2276

(E) Every permit shall be carried in the vehicle or 2277
combination of vehicles to which it refers and shall be open to 2278
inspection by any police officer or authorized agent of any 2279

authority granting the permit. No person shall violate any of the 2280
terms of a permit. 2281

(F) For the purposes of this section: 2282

(1) Milk transported in bulk by vehicle is deemed a 2283
nondivisible load. 2284

(2) Three or fewer steel coils transported by vehicle is 2285
deemed a nondivisible load. In no case shall the gross vehicle 2286
weight exceed ninety-two thousand pounds. 2287

(G) Whoever violates this section shall be punished as 2288
provided in section 4513.99 of the Revised Code. 2289

Sec. 4519.58. (A) When the clerk of a court of common pleas 2290
issues a physical certificate of title, the clerk shall issue the 2291
certificate of title on a form and in a manner prescribed by the 2292
registrar of motor vehicles. The clerk shall file a copy of the 2293
physical evidence for the creation of the certificate of title in 2294
a manner prescribed by the registrar. A clerk may retain digital 2295
images of documents used as evidence for issuance of a certificate 2296
of title. Certified printouts of documents retained as digital 2297
images shall have the same evidentiary value as the original 2298
physical documents. The record of the issuance of the certificate 2299
of title shall be maintained in the automated title processing 2300
system. The clerk shall sign and affix the clerk's seal to the 2301
original certificate of title and, if there are no liens on the 2302
off-highway motorcycle or all-purpose vehicle, shall deliver the 2303
certificate to the applicant or the selling dealer. Except as 2304
otherwise provided in this section, if there are one or more liens 2305
on the off-highway motorcycle or all-purpose vehicle, the 2306
certificate of title shall be delivered to the holder of the first 2307
lien. If the certificate of title is obtained by a dealer on 2308
behalf of the applicant and there are one or more liens on the 2309

off-highway motorcycle or all-purpose vehicle, the clerk shall 2310
issue a certificate of title and may issue a memorandum 2311
certificate of title. The certificate of title and memorandum 2312
certificate of title, if issued, shall be delivered to the holder 2313
of the first lien or the selling dealer, who shall deliver the 2314
certificate of title to the holder of the first lien and the 2315
memorandum certificate of title to the applicant. The selling 2316
dealer also may make arrangements with the clerk to have the clerk 2317
deliver the memorandum certificate of title to the applicant. 2318

(B) The registrar shall prescribe a uniform method of 2319
numbering certificates of title. The numbering shall be in such 2320
manner that the county of issuance is indicated. Numbers shall be 2321
assigned to certificates of title in the manner prescribed by the 2322
registrar. The clerk shall file all certificates of title 2323
according to the rules to be prescribed by the registrar, and the 2324
clerk shall maintain in the clerk's office indexes for the 2325
certificates of title. 2326

The clerk need not retain on file any current certificates of 2327
title, current duplicate certificates of title, current memorandum 2328
certificates of title, or current salvage certificates of title, 2329
or supporting evidence of them, covering any off-highway 2330
motorcycle or all-purpose vehicle for a period longer than seven 2331
years after the date of their filing; thereafter, the documents 2332
and supporting evidence may be destroyed. The clerk need not 2333
retain on file any inactive records, including certificates of 2334
title, duplicate certificates of title, or memorandum certificates 2335
of title, or supporting evidence of them, including the electronic 2336
record described in section 4519.55 of the Revised Code, covering 2337
any off-highway motorcycle or all-purpose vehicle for a period 2338
longer than five years after the date of their filing; thereafter, 2339
the documents and supporting evidence may be destroyed. 2340

The automated title processing system shall contain all 2341
active records and an index of the active records, and shall 2342
contain a record and index of all inactive titles for ten years, 2343
and a record and index of all inactive titles for manufactured and 2344
mobile homes for thirty years. If the clerk provides a written 2345
copy of any information contained in the database, the copy shall 2346
be considered the original for purposes of the clerk certifying 2347
the record of such information for use in any legal proceedings. 2348

(C) The Except as provided in this division, the clerk shall 2349
issue a physical certificate of title to an applicant unless the 2350
applicant specifically requests the clerk not to issue a physical 2351
certificate of title and instead to issue an electronic 2352
certificate of title. In the case of a title application that is 2353
submitted electronically to the clerk, the clerk shall issue an 2354
electronic certificate of title unless the applicant requests the 2355
issuance of a physical certificate of title. The fact that a 2356
physical certificate of title is not issued for an off-highway 2357
motorcycle or all-purpose vehicle does not affect ownership of the 2358
motorcycle or vehicle. In that case, when the clerk completes the 2359
process of entering certificate of title application information 2360
into the automated title processing system, the effect of the 2361
completion of the process is the same as if the clerk actually 2362
issued a physical certificate of title for the motorcycle or 2363
vehicle. 2364

(D) An electronic dealer who applies for a certificate of 2365
title on behalf of a customer who purchases an off-highway 2366
motorcycle or all-purpose vehicle from the dealer may print a 2367
non-negotiable evidence of ownership for the customer if the 2368
customer so requests. The authorization to print the 2369
non-negotiable evidence of ownership shall come from the clerk 2370
with whom the dealer makes application for the certificate of 2371
title for the customer, but the printing by the dealer does not 2372

create an agency relationship of any kind between the dealer and 2373
the clerk. 2374

(E) The owner of the off-highway motorcycle or all-purpose 2375
vehicle may apply at any time to a clerk of a court of common 2376
pleas for a non-negotiable evidence of ownership for the 2377
off-highway motorcycle or all-purpose vehicle. 2378

Sec. 4549.10. (A) No person shall operate or cause to be 2379
operated upon a public road or highway a motor vehicle of a 2380
manufacturer or dealer unless the vehicle carries and displays ~~two~~ 2381
~~placards~~ a placard, except as provided in section 4503.21 of the 2382
Revised Code, issued by the director of public safety that ~~bear~~ 2383
bears the registration number of its manufacturer or dealer. 2384

(B) Whoever violates division (A) of this section is guilty 2385
of illegal operation of a manufacturer's or dealer's motor 2386
vehicle, a minor misdemeanor on a first offense and a misdemeanor 2387
of the fourth degree on each subsequent offense. 2388

Sec. 4749.03. (A)(1) Any individual, including a partner in a 2389
partnership, may be licensed as a private investigator under a 2390
class B license, or as a security guard provider under a class C 2391
license, or as a private investigator and a security guard 2392
provider under a class A license, if the individual meets all of 2393
the following requirements: 2394

(a) Has a good reputation for integrity, has not been 2395
convicted of a felony within the last twenty years or any offense 2396
involving moral turpitude, and has not been adjudicated 2397
incompetent for the purpose of holding the license, as provided in 2398
section 5122.301 of the Revised Code, without having been restored 2399
to legal capacity for that purpose. 2400

(b) Depending upon the class of license for which application 2401
is made, for a continuous period of at least two years immediately 2402

preceding application for a license, has been engaged in 2403
investigatory or security services work for a law enforcement or 2404
other public agency engaged in investigatory activities, or for a 2405
private investigator or security guard provider, or engaged in the 2406
practice of law, or has acquired equivalent experience as 2407
determined by rule of the director of public safety. 2408

(c) Demonstrates competency as a private investigator or 2409
security guard provider by passing an examination devised for this 2410
purpose by the director, except that any individually licensed 2411
person who qualifies a corporation for licensure shall not be 2412
required to be reexamined if the person qualifies the corporation 2413
in the same capacity that the person was individually licensed. 2414

(d) Submits evidence of comprehensive general liability 2415
insurance coverage, or other equivalent guarantee approved by the 2416
director in such form and in principal amounts satisfactory to the 2417
director, but not less than one hundred thousand dollars for each 2418
person and three hundred thousand dollars for each occurrence for 2419
bodily injury liability, and one hundred thousand dollars for 2420
property damage liability. 2421

(e) Pays the requisite examination and license fees. 2422

(2) A corporation may be licensed as a private investigator 2423
under a class B license, or as a security guard provider under a 2424
class C license, or as a private investigator and a security guard 2425
provider under a class A license, if an application for licensure 2426
is filed by an officer of the corporation and the officer, another 2427
officer, or the qualifying agent of the corporation satisfies the 2428
requirements of divisions (A)(1) and (F)(1) of this section. 2429
Officers and the statutory agent of a corporation shall be 2430
determined in accordance with Chapter 1701. of the Revised Code. 2431

(3) At least one partner in a partnership shall be licensed 2432
as a private investigator, or as a security guard provider, or as 2433

a private investigator and a security guard provider. Partners in
a partnership shall be determined as provided for in Chapter 1775.
of the Revised Code.

(B) ~~Application~~ An application for a class A, B, or C license
shall be ~~in writing, under oath, to~~ completed in the form the
director prescribes. In the case of an individual, the application
shall state the applicant's name, birth date, citizenship,
physical description, current residence, residences for the
preceding ten years, current employment, employment for the
preceding seven years, experience qualifications, the location of
each of the applicant's offices in this state, and any other
information that is necessary in order for the director to comply
with the requirements of this chapter. In the case of a
corporation, the application shall state the name of the officer
or qualifying agent filing the application; the state in which the
corporation is incorporated and the date of incorporation; the
states in which the corporation is authorized to transact
business; the name of its qualifying agent; the name of the
officer or qualifying agent of the corporation who satisfies the
requirements of divisions (A)(1) and (F)(1) of this section and
the birth date, citizenship, physical description, current
residence, residences for the preceding ten years, current
employment, employment for the preceding seven years, and
experience qualifications of that officer or qualifying agent; and
other information that the director requires. A corporation may
specify in its application information relative to one or more
individuals who satisfy the requirements of divisions (A)(1) and
(F)(1) of this section.

The application described in this division shall be
accompanied by all of the following:

(1) One recent full-face photograph of the applicant or, in
the case of a corporation, of each officer or qualifying agent

specified in the application as satisfying the requirements of 2466
divisions (A)(1) and (F)(1) of this section; 2467

~~(2) One complete set of the applicant's fingerprints or, in 2468
the case of a corporation, of the fingerprints of each officer or 2469
qualifying agent specified in the application as satisfying the 2470
requirements of divisions (A)(1) and (F)(1) of this section; 2471~~

~~(3) Character references from at least five reputable 2472
citizens for the applicant or, in the case of a corporation, for 2473
each officer or qualifying agent specified in the application as 2474
satisfying the requirements of divisions (A)(1) and (F)(1) of this 2475
section, each of whom has known the applicant, officer, or 2476
qualifying agent for at least five years preceding the 2477
application, and none of whom are connected with the applicant, 2478
officer, or qualifying agent by blood or marriage; 2479~~

~~(4)(3) An examination fee of twenty-five dollars for the 2480
applicant or, in the case of a corporation, for each officer or 2481
qualifying agent specified in the application as satisfying the 2482
requirements of divisions (A)(1) and (F)(1) of this section, and a 2483
license fee of two hundred fifty in the amount the director 2484
determines, not to exceed three hundred seventy-five dollars. The 2485
license fee shall be refunded if a license is not issued. 2486~~

~~(C) Upon receipt of the application and accompanying matter 2487
described in division (B) of this section, the director shall 2488
forward to the bureau of criminal identification and investigation 2489
a request that it make an investigation of the applicant or, in 2490
the case of a corporation, each officer or qualifying agent 2491
specified in the application as satisfying the requirements of 2492
divisions (A)(1) and (F)(1) of this section, to determine whether 2493
the applicant, officer, or qualifying agent meets the requirements 2494
of division (A)(1)(a) of this section. (1) Each individual 2495
applying for a license and each individual specified by a 2496~~

corporation as an officer or qualifying agent in an application 2497
shall submit one complete set of fingerprints directly to the 2498
superintendent of the bureau of criminal identification and 2499
investigation for the purpose of conducting a criminal records 2500
check. The individual shall provide the fingerprints using a 2501
method the superintendent prescribes pursuant to division (C)(2) 2502
of section 109.572 of the Revised Code and fill out the form the 2503
superintendent prescribes pursuant to division (C)(1) of section 2504
109.572 of the Revised Code. An applicant who intends to carry a 2505
firearm as defined in section 2923.11 of the Revised Code in the 2506
course of business or employment shall so notify the 2507
superintendent. This notification is in addition to any other 2508
requirement related to carrying a firearm that applies to the 2509
applicant. The individual or corporation requesting the criminal 2510
records check shall pay the fee the superintendent prescribes. 2511

(2) The superintendent shall conduct the criminal records 2512
check as set forth in division (B) of section 109.572 of the 2513
Revised Code. If an applicant intends to carry a firearm in the 2514
course of business or employment, the superintendent shall make a 2515
request to the federal bureau of investigation for any information 2516
and review the information the bureau provides pursuant to 2517
division (B)(2) of section 109.572 of the Revised Code. The 2518
superintendent shall submit all results of the completed 2519
investigation to the director of public safety. 2520

(3) If the director determines that the applicant, officer, 2521
or qualifying agent meets the requirements of divisions (A)(1)(a), 2522
(b), and (d) of this section and that an officer or qualifying 2523
agent meets the requirement of division (F)(1) of this section, 2524
the director shall notify the applicant, officer, or agent of the 2525
time and place for the examination. If the director determines 2526
that an applicant does not meet the requirements of divisions 2527
(A)(1)(a), (b), and (d) of this section, the director shall notify 2528

the applicant that the applicant's application is refused and 2529
refund the license fee. If the director determines that none of 2530
the individuals specified in the application of a corporation as 2531
satisfying the requirements of divisions (A)(1) and (F)(1) of this 2532
section meet the requirements of divisions (A)(1)(a), (b), and (d) 2533
and (F)(1) of this section, the director shall notify the 2534
corporation that its application is refused and refund the license 2535
fee. ~~If the director requests an investigation of any applicant,~~ 2536
~~officer, or qualifying agent and if the bureau assesses the~~ 2537
director a fee for ~~the~~ any investigation, the director, in 2538
addition to any other fee assessed pursuant to this chapter, may 2539
assess the applicant, officer, or qualifying agent, as 2540
appropriate, a fee that is equal to the fee assessed by the 2541
bureau. 2542

(D) If upon application, investigation, and examination, the 2543
director finds that the applicant or, in the case of a 2544
corporation, any officer or qualifying agent specified in the 2545
application as satisfying the requirements of divisions (A)(1) and 2546
(F)(1) of this section, meets the applicable requirements, the 2547
director shall issue the applicant or the corporation a class A, 2548
B, or C license. The director also shall issue an identification 2549
card to an applicant, but not an officer or qualifying agent of a 2550
corporation, who meets the applicable requirements. The license 2551
and identification card shall state the licensee's name, the 2552
classification of the license, the location of the licensee's 2553
principal place of business in this state, and the expiration date 2554
of the license, and, in the case of a corporation, it also shall 2555
state the name of each officer or qualifying agent who satisfied 2556
the requirements of divisions (A)(1) and (F)(1) of this section. 2557

Licenses expire on the first day of March following the date 2558
of initial issue, and on the first day of March of each year 2559
thereafter. ~~Renewals~~ Annual renewals shall be according to the 2560

standard renewal procedures contained in Chapter 4745. of the 2561
Revised Code, upon payment of a an annual renewal fee ~~of two~~ 2562
~~hundred-fifty~~ the director determines, not to exceed two hundred 2563
seventy-five dollars. No license shall be renewed if the licensee 2564
or, in the case of a corporation, each officer or qualifying agent 2565
who qualified the corporation for licensure no longer meets the 2566
applicable requirements of this section. No license shall be 2567
renewed unless the licensee provides evidence of workers' 2568
compensation risk coverage and unemployment compensation insurance 2569
coverage, other than for clerical employees and excepting sole 2570
proprietors who are exempted therefrom, as provided for in 2571
Chapters 4123. and 4141. of the Revised Code, respectively, as 2572
well as the licensee's state tax identification number. No 2573
reexamination shall be required for renewal of a current license. 2574

For purposes of this chapter, a class A, B, or C license 2575
issued to a corporation shall be considered as also having 2576
licensed the individuals who qualified the corporation for 2577
licensure, for as long as they are associated with the 2578
corporation. 2579

For purposes of this division, "sole proprietor" means an 2580
individual licensed under this chapter who does not employ any 2581
other individual. 2582

(E) The director may issue a duplicate copy of a license 2583
issued under this section for the purpose of replacement of a 2584
lost, spoliated, or destroyed license, upon payment of a fee ~~fixed~~ 2585
~~by~~ the director determines, not exceeding twenty-five dollars. Any 2586
change in license classification requires new application and 2587
application fees. 2588

(F)(1) In order to qualify a corporation for a class A, B, or 2589
C license, an officer or qualifying agent may qualify another 2590
corporation for similar licensure, provided that the officer or 2591
qualifying agent is actively engaged in the business of both 2592

corporations. 2593

(2) Each officer or qualifying agent who qualifies a 2594
corporation for class A, B, or C licensure shall surrender any 2595
personal license of a similar nature that the officer or 2596
qualifying agent possesses. 2597

(3) Upon written notification to the director, completion of 2598
an application similar to that for original licensure, surrender 2599
of the corporation's current license, and payment of a twenty-five 2600
dollar fee, a corporation's class A, B, or C license may be 2601
transferred to another corporation. 2602

(4) Upon written notification to the director, completion of 2603
an application similar to that for an individual seeking class A, 2604
B, or C licensure, payment of a twenty-five dollar fee, and, if 2605
the individual was the only individual that qualified a 2606
corporation for licensure, surrender of the corporation's license, 2607
any officer or qualifying agent who qualified a corporation for 2608
licensure under this chapter may obtain a similar license in the 2609
individual's own name without reexamination. A request by an 2610
officer or qualifying agent for an individual license shall not 2611
affect a corporation's license unless the individual is the only 2612
individual that qualified the corporation for licensure or all the 2613
other individuals who qualified the corporation for licensure 2614
submit such requests. 2615

(G) If a corporation is for any reason no longer associated 2616
with an individual who qualified it for licensure under this 2617
chapter, an officer of the corporation shall notify the director 2618
of that fact by certified mail, return receipt requested, within 2619
ten days after the association terminates. If the notification is 2620
so given, the individual was the only individual that qualified 2621
the corporation for licensure, and the corporation submits the 2622
name of another officer or qualifying agent to qualify the 2623

corporation for the license within thirty days after the
association terminates, the corporation may continue to operate in
the business of private investigation, the business of security
services, or both businesses in this state under that license for
ninety days after the association terminates. If the officer or
qualifying agent whose name is submitted satisfies the
requirements of divisions (A)(1) and (F)(1) of this section, the
director shall issue a new license to the corporation within that
ninety-day period. The names of more than one individual may be
submitted.

Sec. 4749.06. (A) Each class A, B, or C licensee shall
register the licensee's investigator or security guard employees,
with the department of public safety, which shall maintain a
record of each licensee and registered employee and make it
available, upon request, to any law enforcement agency. The class
A, B, or C licensee shall file an application to register a new
employee no sooner than three days nor later than seven calendar
days after the date on which the employee is hired.

(B)(1) Each employee's registration application shall be
accompanied by ~~one complete set of the employee's fingerprints,~~
one recent photograph of the employee, the employee's physical
description, and ~~an eighteen-dollar~~ the registration fee the
director determines, not to exceed forty dollars.

(2) ~~If the director of public safety requests the bureau of
criminal identification and investigation to conduct an
investigation of a licensee's employee and if the bureau assesses
the director a fee for the investigation, the director, in
addition to any other fee assessed pursuant to this chapter, may
assess the licensee a fee that is equal to the fee assessed by the
bureau. The employee shall submit one complete set of fingerprints
directly to the superintendent of the bureau of criminal~~

identification and investigation for the purpose of conducting a 2655
criminal records check. The employee shall provide the 2656
fingerprints using a method the superintendent prescribes pursuant 2657
to division (C)(2) of section 109.572 of the Revised Code and fill 2658
out the form the superintendent prescribes pursuant to division 2659
(C)(1) of section 109.572 of the Revised Code. An employee who 2660
intends to carry a firearm as defined in section 2923.11 of the 2661
Revised Code in the course of business or employment shall so 2662
notify the superintendent. This notification is in addition to any 2663
other requirement related to carrying a firearm that applies to 2664
the employee. The individual or corporation requesting the 2665
criminal records check shall pay the fee the superintendent 2666
prescribes. 2667

The superintendent shall conduct the criminal records check 2668
as set forth in division (B) of section 109.572 of the Revised 2669
Code. If an employee intends to carry a firearm in the course of 2670
business or employment, pursuant to division (B)(2) of section 2671
109.572 of the Revised Code the superintendent shall make a 2672
request of the federal bureau of investigation for any information 2673
and review the information the bureau provides. The superintendent 2674
shall submit all results of the completed investigation to the 2675
director of public safety. 2676

(3) If, after investigation, the bureau finds that the 2677
employee has not been convicted of a felony within the last twenty 2678
years, the director shall issue to the employee an identification 2679
card bearing the license number and signature of the licensee, 2680
which in the case of a corporation shall be the signature of its 2681
president or its qualifying agent, and containing the employee's 2682
name, address, age, physical description, and right thumb print or 2683
other identifying mark as the director prescribes, a recent 2684
photograph of the employee, and the employee's signature. The 2685
director may issue a duplicate of a lost, spoliated, or destroyed 2686

identification card issued under this section, upon payment of a 2687
fee fixed by the director, not exceeding five dollars. 2688

(C) Except as provided in division (E) of this section, no 2689
class A, B, or C licensee shall permit an employee, other than an 2690
individual who qualified a corporation for licensure, to engage in 2691
the business of private investigation, the business of security 2692
services, or both businesses until the employee receives an 2693
identification card from the department, except that pending the 2694
issuance of an identification card, a class A, B, or C licensee 2695
may offer for hire security guard or investigator employees 2696
provided the licensee obtains a waiver from the person who 2697
receives, for hire, security guard or investigative services, 2698
acknowledging that the person is aware the employees have not 2699
completed their registration and agreeing to their employment. 2700

(D) If a class A, B, or C licensee, or a registered employee 2701
of a class A, B, or C licensee, intends to carry a firearm, as 2702
defined in section 2923.11 of the Revised Code, in the course of 2703
engaging in the business or employment, the licensee or registered 2704
employee shall satisfactorily complete a firearms basic training 2705
program that includes twenty hours of handgun training and five 2706
hours of training in the use of other firearms, if any other 2707
firearm is to be used, or equivalency training, if authorized, or 2708
shall be a former peace officer who previously had successfully 2709
completed a firearms training course, shall receive a certificate 2710
of satisfactory completion of that program or written evidence of 2711
approval of the equivalency training, shall file an application 2712
for registration, shall receive a firearm-bearer notation on the 2713
licensee's or registered employee's identification card, and shall 2714
annually requalify on a firearms range, all as described in 2715
division (A) of section 4749.10 of the Revised Code. A private 2716
investigator, security guard provider, or employee is authorized 2717
to carry a firearm only in accordance with that division. 2718

(E) This section does not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration.

(F) The registration of an investigator or security guard employee expires annually on the anniversary date of its initial issuance. Annual renewals shall be made pursuant to procedures the director establishes by rule and upon payment of a renewal fee the director determines, not to exceed thirty-five dollars. The director shall not renew the registration of any investigator or security guard employee who no longer meets the requirements of this section. No background check is required for annual renewal, but an investigator or security guard employee shall report any felony conviction to the employer and the director of public safety as a condition of continued registration.

Sec. 4749.10. (A) No class A, B, or C licensee and no registered employee of a class A, B, or C licensee shall carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business of private investigation, the business of security services, or both businesses, unless all of the following apply:

(1) The licensee or employee either has successfully completed a basic firearm training program at a training school approved by the Ohio peace officer training commission, which program includes twenty hours of training in handgun use and, if any firearm other than a handgun is to be used, five hours of training in the use of other firearms, and has received a certificate of satisfactory completion of that program from the executive director of the commission; the licensee or employee

has, within three years prior to November 27, 1985, satisfactorily
completed firearms training that has been approved by the
commission as being equivalent to such a program and has received
written evidence of approval of that training from the executive
director of the commission; or the licensee or employee is a
former peace officer, as defined in section 109.71 of the Revised
Code, who previously had successfully completed a firearms
training course at a training school approved by the Ohio peace
officer training commission and has received a certificate or
other evidence of satisfactory completion of that course from the
executive director of the commission.

(2) The licensee or employee submits an application to the
director of public safety, on a form prescribed by the director,
in which the licensee or employee requests registration as a class
A, B, or C licensee or employee who may carry a firearm. The
application shall be accompanied by a copy of the certificate or
the written evidence or other evidence described in division
(A)(1) of this section, the identification card issued pursuant to
section 4749.03 or 4749.06 of the Revised Code if one has
previously been issued, a statement of the duties that will be
performed while the licensee or employee is armed, and a fee ~~of~~
~~ten~~ the director determines, not to exceed fifteen dollars. In the
case of a registered employee, the statement shall be prepared by
the employing class A, B, or C licensee.

(3) The licensee or employee receives a notation on the
licensee's or employee's identification card that the licensee or
employee is a firearm-bearer and carries the identification card
whenever the licensee or employee carries a firearm in the course
of engaging in the business of private investigation, the business
of security services, or both businesses.

(4) At any time within the immediately preceding twelve-month
period, the licensee or employee has requalified in firearms use

on a firearms training range at a firearms requalification program 2782
certified by the Ohio peace officer training commission or on a 2783
firearms training range under the supervision of an instructor 2784
certified by the commission and has received a certificate of 2785
satisfactory requalification from the certified program or 2786
certified instructor, provided that this division does not apply 2787
to any licensee or employee prior to the expiration of eighteen 2788
months after the licensee's or employee's completion of the 2789
program described in division (A)(1) of this section. A 2790
certificate of satisfactory requalification is valid and remains 2791
in effect for twelve months from the date of the requalification. 2792

(5) If division (A)(4) of this section applies to the 2793
licensee or employee, the licensee or employee carries the 2794
certificate of satisfactory requalification that then is in effect 2795
or any other evidence of requalification issued or provided by the 2796
director. 2797

(B)(1) The director of public safety shall register an 2798
applicant under division (A) of this section who satisfies 2799
divisions (A)(1) and (2) of this section, and place a notation on 2800
the applicant's identification card indicating that the applicant 2801
is a firearm-bearer and the date on which the applicant completed 2802
the program described in division (A)(1) of this section. 2803

(2) A firearms requalification training program or instructor 2804
certified by the commission for the annual requalification of 2805
class A, B, or C licensees or employees who are authorized to 2806
carry a firearm under section 4749.10 of the Revised Code shall 2807
award a certificate of satisfactory requalification to each class 2808
A, B, or C licensee or registered employee of a class A, B, or C 2809
licensee who satisfactorily requalifies in firearms training. The 2810
certificate shall identify the licensee or employee and indicate 2811
the date of the requalification. A licensee or employee who 2812
receives such a certificate shall submit a copy of it to the 2813

director of public safety. A licensee shall submit the copy of the
requalification certificate at the same time that the licensee
makes application for renewal of the licensee's class A, B, or C
license. The director shall keep a record of all copies of
requalification certificates the director receives under this
division and shall establish a procedure for the updating of
identification cards to provide evidence of compliance with the
annual requalification requirement. The procedure for the updating
of identification cards may provide for the issuance of a new card
containing the evidence, the entry of a new notation containing
the evidence on the existing card, the issuance of a separate card
or paper containing the evidence, or any other procedure
determined by the director to be reasonable. Each person who is
issued a requalification certificate under this division promptly
shall pay to the Ohio peace officer training commission
established by section 109.71 of the Revised Code a fee ~~of five~~
the director determines, not to exceed fifteen dollars, which fee
shall be transmitted to the treasurer of state for deposit in the
peace officer private security fund established by section 109.78
of the Revised Code.

(C) Nothing in this section prohibits a private investigator
or a security guard provider from carrying a concealed handgun if
the private investigator or security guard provider complies with
sections 2923.124 to 2923.1213 of the Revised Code.

Sec. 5501.11. (A) The functions of the department of
transportation with respect to highways shall be to do all of the
following:

~~(A) To establish~~ (1) Establish state highways on existing
roads, streets, and new locations and ~~to~~ construct, reconstruct,
widen, resurface, maintain, and repair the state system of
highways and the bridges and culverts thereon;

~~(B) To co-operate~~ (2) Cooperate with the federal government 2845
in the establishment, construction, reconstruction, improvement, 2846
maintenance, and repair of post roads and other roads designated 2847
by the federal authorities; 2848

~~(C) To conduct~~ (3) Conduct research and ~~to co-operate~~ 2849
cooperate with organizations conducting research in matters 2850
pertaining to highway design, construction, maintenance, material, 2851
safety, and traffic; 2852

~~(D) To co-operate~~ (4) Cooperate with the counties, municipal 2853
corporations, townships, and other subdivisions of the state in 2854
the establishment, construction, reconstruction, maintenance, 2855
repair, and improvement of the public roads and bridges. 2856

(B) To fulfill its functions under division (A) of this 2857
section and ensure that a disproportionate percentage of the roads 2858
and bridges on the state highway system are not due for 2859
replacement or major repair at the same time, the department shall 2860
develop and implement a pavement management system. The system 2861
shall inventory and evaluate basic road and bridge conditions 2862
throughout the state highway system and develop strategies to 2863
improve those conditions and to minimize annual maintenance of the 2864
state highway system. 2865

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 2866
and 125.14 of the Revised Code, the director of transportation, 2867
~~after notice as provided in sections 5513.01 and 5513.02 of the~~ 2868
~~Revised Code with respect to purchase,~~ may sell, transfer, or 2869
otherwise dispose of any item of personal property that is not 2870
needed by the department of transportation. The director may 2871
exchange any such item, in the manner provided for in this 2872
chapter, and pay the balance of the cost of such new item from 2873
funds appropriated to the department. The director also may accept 2874
a credit voucher or cash in an amount mutually agreed upon between 2875

a vendor and the department. The director shall apply the amount 2876
of any credit voucher to future purchases from that vendor and 2877
shall deposit any cash into the state treasury to the credit of 2878
the highway operating fund created in section 5735.291 of the 2879
Revised Code. 2880

(B)(1) The director may sell or transfer any structure, 2881
machinery, tools, equipment, parts, material, office furniture, or 2882
supplies unfit for use or not needed by the department of 2883
transportation. ~~The director may sell or transfer any item~~ 2884
~~specified in this division~~ to any agency of the state or a 2885
political subdivision of the state without notice of the proposed 2886
disposal and upon any mutually agreed upon terms. ~~The director may~~ 2887
~~exchange any such item, in the manner provided for in this~~ 2888
~~chapter, and pay the balance of the cost of such new item from any~~ 2889
~~funds appropriated to the department. The director also may accept~~ 2890
~~a credit voucher in an amount mutually agreed upon between a~~ 2891
~~vendor and the department. The amount of the credit voucher shall~~ 2892
~~be applied to future purchases from that vendor.~~ 2893

~~(B) Notwithstanding sections 125.12, 125.13, and 125.14 of~~ 2894
~~the Revised Code, the director, after notice as provided in this~~ 2895
~~chapter with respect to purchase, may sell~~ 2896

(2) Before selling any passenger vehicle, van, truck, 2897
trailer, or other heavy equipment ~~unfit for use or not required by~~ 2898
~~the department. Prior to such sale, the director shall notify each~~ 2899
county, municipal corporation, township, and school district of 2900
the sale. The director shall similarly notify the board of 2901
trustees of any regional water and sewer district established 2902
under Chapter 6119. of the Revised Code, when the board has 2903
forwarded to the director the district's name and current business 2904
address. For the purposes of this division, the name and current 2905
business address of a regional water and sewer district shall be 2906
forwarded to the director once each year during any year in which 2907

the board wishes the notification to be given. The notice required 2908
by this division may be given by the most economical means 2909
considered to be effective, ~~including, but not limited to, regular~~ 2910
~~mail, electronic mail, electronic bulletin board, and publication~~ 2911
~~in a periodical or newspaper.~~ If after seven days following 2912
mailing or other issuance of the director's notice, no county, 2913
municipal corporation, township, regional water and sewer 2914
district, educational service center, or school district has 2915
notified the director that it wishes to purchase any such vehicle 2916
or other heavy equipment, the director may proceed with the sale 2917
under division ~~(D)~~(C) of this section. ~~The director may exchange~~ 2918
~~such vehicles and other heavy equipment for new vehicles or other~~ 2919
~~heavy equipment, in the manner provided for in sections 5513.01 to~~ 2920
~~5513.04 of the Revised Code, and pay the balance of the cost of~~ 2921
~~such new vehicles or other heavy equipment from the funds~~ 2922
~~appropriated to the department. The director also may elect to~~ 2923
~~accept a credit voucher from a vendor in an amount mutually agreed~~ 2924
~~to by the department and the vendor. The director shall apply the~~ 2925
~~credit voucher to future purchases from that vendor.~~ 2926

In an ~~emergency situation as determined by the discretion of~~ 2927
the director, the director may transfer any ~~vehicles~~ vehicle or 2928
other heavy equipment that is unfit for use or not needed by the 2929
department to any agency of the state or political subdivision of 2930
the state without advertising for bids and upon mutually agreed ~~to~~ 2931
upon terms. 2932

~~(C)~~(3) The director may sell or otherwise dispose of any 2933
structure or structural materials salvaged on the state highway 2934
system that in the director's judgment are no longer needed by the 2935
department, or that, through wear or obsolescence, have become 2936
unfit for use. The director may transfer the structure or 2937
materials to counties, municipal corporations, school districts, 2938
or other ~~governmental~~ political subdivisions without advertising 2939

for bids and upon mutually agreed ~~to~~ upon terms. The director may 2940
transfer the structure or ~~structures~~ structural materials to a 2941
nonprofit corporation upon being furnished a copy of a contract 2942
between the nonprofit corporation and a county, municipal 2943
corporation, or other ~~governmental~~ political subdivision to which 2944
the structure is to be moved pursuant to which the nonprofit 2945
corporation must make the structure or ~~structures~~ structural 2946
materials available for rent or sale within a period of three 2947
months after becoming available for occupancy to an individual or 2948
family which has been displaced by governmental action or which 2949
occupies substandard housing as certified by such ~~governmental~~ 2950
political subdivision, without advertising for bids. Any such 2951
transfers shall be for such consideration as shall be determined 2952
by the director to be fair and reasonable, and shall be upon such 2953
terms and specifications with respect to performance and indemnity 2954
as shall be determined necessary by the director. 2955

When, in carrying out an improvement that replaces any 2956
structure or structural materials, it is advantageous to dispose 2957
of the structure or structural materials by providing in the 2958
contract for the improvement that the structure or structural 2959
materials, or any part thereof, shall become the property of the 2960
contractor, the director may so proceed. 2961

~~(D)(C)~~(1) Any item ~~specified in division (A), (B), or (C) of~~ 2962
~~this section that has an estimated market value greater than one~~ 2963
~~thousand dollars and that has not been sold or transferred as~~ 2964
provided in ~~those divisions~~ division (B) of this section may be 2965
sold at a public sale, as determined by the director. The director 2966
may authorize such sale by the ~~district~~ deputy directors of 2967
transportation, and the proceedings of such sale shall be 2968
conducted in the same manner as provided for sales by the 2969
director. The director may establish a minimum price for any item 2970
to be sold and may establish any other terms, conditions, and 2971

manner for the sale of a particular item, which may be on any 2972
basis the director determines to be most advantageous to the 2973
department. The director may reject any offer or bid for an item. 2974
The director may remove any item from a sale if it develops that a 2975
public authority has a use for the item. In any notice of a sale, 2976
the director shall include a brief description of the item to be 2977
sold, the terms and conditions of the sale, and a statement of the 2978
time, place, and manner of the sale. 2979

~~Before making any sale under division (D)(1) of this section~~ 2980
~~(2)(a) If, in the opinion of the director, any item to be sold has~~ 2981
~~an estimated fair market value in excess of one thousand dollars,~~ 2982
the director shall give post a notice of the sale ~~by posting,~~ for 2983
not less than ten days, ~~a written, typed, or printed invitation to~~ 2984
~~bidders on a traditional or electronic bulletin board in the~~ 2985
~~offices~~ on the official web site of the department. ~~The bulletin~~ 2986
~~board shall be located in a place open to the public during normal~~ 2987
~~business hours~~ If the district where the property is located 2988
maintains a web site, notice of the sale also shall be posted on 2989
that web site. At least ten days before ~~bids are to be received~~ 2990
the sale, the director also shall publish one notice of the sale 2991
in a periodical or newspaper of general circulation in the region 2992
in which the items are located. ~~The invitation to bidders and the~~ 2993
~~published notice of the sale shall contain a brief description of~~ 2994
~~the items to be sold and a statement of the time and place where~~ 2995
~~bids will be received. The director may receive bids and make such~~ 2996
~~sale on any basis the director determines is most advantageous to~~ 2997
~~the department. A sale under division (D)(1) of this section shall~~ 2998
~~be made to the highest responsible bidder. If, after invitations~~ 2999
~~are issued, it develops that any public authority has use for any~~ 3000
~~of the items, the director may reject all bids and dispose of the~~ 3001
~~items as set out in this section.~~ 3002

~~(2)(b)~~ (b) If, in the opinion of the director, any item ~~specified~~ 3003

~~in division (A), (B), or (C) of this section to be sold~~ has an 3004
estimated fair market value of one thousand dollars or less, the 3005
director is not required to advertise the proposed sale except by 3006
notice posted on a ~~traditional or electronic bulletin board in one~~ 3007
~~or more offices~~ the official web site of the department. The 3008
~~bulletin board shall be located in a place open to the public~~ 3009
~~during normal business hours.~~ The notice shall be posted for at 3010
least five working days and shall contain a brief description of 3011
the items to be sold and a statement of the time and place where 3012
bids will be received. The director may receive bids and make such 3013
sale on any basis the director determines is most advantageous to 3014
the department. Sale of any item using this method of advertising 3015
shall be made to the highest responsible bidder. If it develops 3016
that any public authority has use for any of the items, the 3017
director may reject all bids and dispose of the items as set out 3018
in this section. 3019

~~(E)~~(D) Proceeds of any sale described in this section shall 3020
be paid into the state treasury to the credit of the ~~state~~ highway 3021
operating fund or any other fund of the department as determined 3022
by the director. 3023

(E) Once each year, the state board of education shall 3024
provide the director with a current list of the addresses of all 3025
school districts and educational service centers in the state. 3026

(F) As used in this section, ~~"school:~~ 3027

(1) "Personal property" means any structure or structural 3028
material, machinery, tools, equipment, parts, material, office 3029
furniture, supplies, passenger vehicle, van, truck, trailer, or 3030
other heavy equipment of the department; 3031

(2) "School district" means any city school district, local 3032
school district, exempted village school district, cooperative 3033
education school district, and joint vocational school district, 3034

as defined in Chapter 3311. of the Revised Code. ~~Once each year,~~ 3035
~~the state board of education shall provide the director with a~~ 3036
~~current list of the addresses of all school districts and~~ 3037
~~educational service centers in the state.~~ 3038

(3) "Sale" means fixed price sale, live or internet auction, 3039
or any other type of sale determined by the director. 3040

Sec. 5525.01. Before entering into a contract the director of 3041
transportation shall advertise for bids for two consecutive weeks 3042
in one newspaper of general circulation published in the county in 3043
which the improvement or part thereof is located, but if there is 3044
no such newspaper then in one newspaper having general circulation 3045
in an adjacent county. The director may advertise for bids in such 3046
other publications as the director considers advisable. Such 3047
notices shall state that plans and specifications for the 3048
improvement are on file in the office of the director and the 3049
district deputy director of the district in which the improvement 3050
or part thereof is located and the time within which bids therefor 3051
will be received. 3052

Each bidder shall be required to file with the bidder's bid a 3053
bid guaranty in the form of a certified check or cashier's check 3054
for an amount equal to five per cent of the bidder's bid, but in 3055
no event more than fifty thousand dollars, or a bid bond for ten 3056
per cent of the bidder's bid, payable to the director, which check 3057
or bond shall be forthwith returned to the bidder in case the 3058
contract is awarded to another bidder, or, in case of a successful 3059
bidder, when the bidder has entered into a contract and furnished 3060
the bonds required by section 5525.16 of the Revised Code. In the 3061
event the contract is awarded to a bidder, and the bidder fails or 3062
refuses to furnish the bonds as required by section 5525.16 of the 3063
Revised Code, the check or bid bond filed with the bidder's bid 3064
shall be forfeited as liquidated damages. No bidder shall be 3065

required either to file a signed contract with the bidder's bid, 3066
to enter into a contract, or to furnish the contract performance 3067
bond and the payment bond required by that section until the bids 3068
have been opened and the bidder has been notified by the director 3069
that the bidder is awarded the contract. 3070

The director shall permit a bidder to withdraw the bidder's 3071
bid from consideration, without forfeiture of the certified check 3072
or bid bond filed with the bid, providing a written request 3073
together with a sworn statement of the grounds for such withdrawal 3074
is delivered within forty-eight hours after the time established 3075
for the receipt of bids, and if the price bid was substantially 3076
lower than the other bids, providing the bid was submitted in good 3077
faith, and the reason for the price bid being substantially lower 3078
was a clerical mistake evident on the face of the bid, as opposed 3079
to a judgment mistake, and was actually due to an unintentional 3080
and substantial arithmetic error or an unintentional omission of a 3081
substantial quantity of work, labor, or material made directly in 3082
the compilation of the bid. In the event the director decides the 3083
conditions for withdrawal have not been met, the director may 3084
award the contract to such bidder. If such bidder does not then 3085
enter into a contract and furnish the contract bond as required by 3086
law, the director may declare forfeited the certified check or bid 3087
bond as liquidated damages and award the contract to the next 3088
higher bidder or reject the remaining bids and readvertise the 3089
project for bids. Such bidder may, within thirty days, appeal the 3090
decision of the director to the court of common pleas of Franklin 3091
county and the court may affirm or reverse the decision of the 3092
director and may order the director to refund the amount of the 3093
forfeiture. At the hearing before the common pleas court evidence 3094
may be introduced for and against the decision of the director. 3095
The decision of the common pleas court may be appealed as in other 3096
cases. 3097

The director shall require all bidders to furnish the 3098
director ~~under oath~~, upon such ~~printed~~ forms as the director may 3099
prescribe, detailed information with respect to all pending work 3100
of the bidder, whether with the department of transportation or 3101
otherwise, together with such other information as the director 3102
considers necessary. 3103

In the event a bidder fails to submit anything required to be 3104
submitted with the bid and then fails or refuses to so submit such 3105
at the request of the director, the failure or refusal constitutes 3106
grounds for the director, in the director's discretion, to declare 3107
as forfeited the bid guaranty submitted with the bid. 3108

The director may reject any or all bids. Except in regard to 3109
contracts for environmental remediation and specialty work for 3110
which there are no classes of work set out in the rules adopted by 3111
the director, if the director awards the contract, the director 3112
shall award it to the lowest competent and responsible bidder as 3113
defined by rules adopted by the director under section 5525.05 of 3114
the Revised Code, who is qualified to bid under sections 5525.02 3115
to 5525.09 of the Revised Code. In regard to contracts for 3116
environmental remediation and specialty work for which there are 3117
no classes of work set out in the rules adopted by the director, 3118
the director shall competitively bid the projects in accordance 3119
with this chapter and shall award the contracts to the lowest and 3120
best bidder. 3121

The award for all projects competitively let by the director 3122
under this section shall be made within ten days after the date on 3123
which the bids are opened, and the successful bidder shall enter 3124
into a contract and furnish a contract performance bond and a 3125
payment bond, as provided for in section 5525.16 of the Revised 3126
Code, within ten days after the bidder is notified that the bidder 3127
has been awarded the contract. 3128

The director may insert in any contract awarded under this 3129
chapter a clause providing for value engineering change proposals, 3130
under which a contractor who has been awarded a contract may 3131
propose a change in the plans and specifications of the project 3132
that saves the department time or money on the project without 3133
impairing any of the essential functions and characteristics of 3134
the project such as service life, reliability, economy of 3135
operation, ease of maintenance, safety, and necessary standardized 3136
features. If the director adopts the value engineering proposal, 3137
the savings from the proposal shall be divided between the 3138
department and the contractor according to guidelines established 3139
by the director, provided that the contractor shall receive at 3140
least fifty per cent of the savings from the proposal. The 3141
adoption of a value engineering proposal does not invalidate the 3142
award of the contract or require the director to rebid the 3143
project. 3144

Sec. 5525.10. ~~No~~ Except as provided in section 5525.15 of the 3145
Revised Code, no contract for any road improvement shall be 3146
awarded for a greater sum than the estimated cost thereof plus 3147
five per cent. The bids received for an improvement shall be 3148
opened at the time and place stated in the notice and the bids 3149
shall conform to such other requirements as the director of 3150
transportation prescribes. If no acceptable bid is made the 3151
director may readvertise the work at the original estimate or 3152
amend the estimate and again proceed to advertise for bids. The 3153
director may contract for the construction or improvement of 3154
bridges and culverts or the grading required in connection with an 3155
improvement and may defer making contracts for the remainder of 3156
said improvement until such grade has become stable and solid. 3157

Sec. 5525.15. The director of transportation may provide that 3158
the estimate of cost of any project to be constructed by the 3159

department by the taking of bids and awarding of contracts shall 3160
be confidential information and so remain until after all bids on 3161
the project have been received. The estimate then shall be 3162
publicly read prior to the opening of the bids of the subject. 3163

When the director exercises the authority conferred by this 3164
section, all information with respect to the total estimate of 3165
cost of the project to be built by contract and with respect to 3166
the estimate of cost of any particular item of work involved 3167
therein shall be kept and regarded by the director and all the 3168
director's subordinates as confidential, and shall not be revealed 3169
to any person not employed in the department, or by the United 3170
States department of transportation in the case of projects 3171
financed in whole or part by federal funds, until after the bids 3172
on the project have been opened and read. Section 5517.01 of the 3173
Revised Code with respect to the public inspection of estimates of 3174
cost prior to the opening of bids and with respect to filing 3175
estimates of cost in the office of the district deputy director of 3176
transportation does not apply when the authority conferred by this 3177
section is exercised. This section does not prohibit the 3178
department from furnishing estimates of cost to counties, 3179
municipal corporations, or other local political subdivisions or 3180
to railroad or railway companies proposing to pay any portion of 3181
the cost of an improvement. 3182

Section 5525.10 of the Revised Code, which provides that no 3183
contract for any improvement shall be awarded for a greater sum 3184
than the estimated cost thereof plus five per cent, does not apply 3185
in the case of any project with respect to which the authority 3186
conferred by this section is exercised. In cases in which the 3187
authority conferred by this section is exercised and in which the 3188
bid of the successful bidder exceeds the estimate, the director, 3189
before entering into a contract, shall determine that the bid of 3190
the successful bidder is fair and reasonable, and as long as the 3191

federal government imposes regulation on prices charged for 3192
construction service, shall require the successful bidder to 3193
certify that the bidder's bid does not exceed the maximum 3194
permitted by such federal regulation. 3195

Sec. 5531.09. (A) The state infrastructure bank shall consist 3196
of the highway and transit infrastructure bank fund, the aviation 3197
infrastructure bank fund, the rail infrastructure bank fund, and 3198
the infrastructure bank obligations fund, which are hereby created 3199
as funds of the state treasury, to be administered by the director 3200
of transportation and used for the purposes described in division 3201
(B) of this section. The highway and transit infrastructure bank 3202
fund, the aviation infrastructure bank fund, and the rail 3203
infrastructure bank fund shall consist of federal grants and 3204
awards or other assistance received by the state and eligible for 3205
deposit therein under applicable federal law, payments received by 3206
the department in connection with providing financial assistance 3207
for qualifying projects under division (B) of this section, and 3208
such other amounts as may be provided by law. The infrastructure 3209
bank obligations fund shall consist of such amounts of the 3210
proceeds of obligations issued under section 5531.10 of the 3211
Revised Code as the director of transportation determines with the 3212
advice of the director of budget and management; and such other 3213
amounts as may be provided by law. The director of budget and 3214
management, upon the request of the director of transportation, 3215
may transfer amounts between the funds created in this division, 3216
except the infrastructure bank obligations fund. The investment 3217
earnings of each fund created by this division shall be credited 3218
to such fund. 3219

(B) The director of transportation shall use the state 3220
infrastructure bank to encourage public and private investment in 3221
transportation facilities that contribute to the multi-modal and 3222
intermodal transportation capabilities of the state, develop a 3223

variety of financing techniques designed to expand the 3224
availability of funding resources and to reduce direct state 3225
costs, maximize private and local participation in financing 3226
projects, and improve the efficiency of the state transportation 3227
system by using and developing the particular advantages of each 3228
transportation mode to the fullest extent. In furtherance of these 3229
purposes, the director shall use the state infrastructure bank to 3230
provide financial assistance to public or private entities for 3231
qualified projects. Such assistance shall be in the form of loans, 3232
loan guarantees, letters of credit, leases, lease-purchase 3233
agreements, interest rate subsidies, debt service reserves, and 3234
such other forms as the director determines to be appropriate. All 3235
fees, charges, rates of interest, payment schedules, security for, 3236
and other terms and conditions relating to such assistance shall 3237
be determined by the director. The highway and transit 3238
infrastructure bank fund, the aviation infrastructure bank fund, 3239
and the rail infrastructure bank fund may be used to pay debt 3240
service on obligations whose proceeds have been deposited into the 3241
infrastructure bank obligations fund. 3242

(C) The director of transportation shall adopt rules 3243
establishing guidelines necessary for the implementation and 3244
exercise of the authority granted by this section, including rules 3245
for receiving, reviewing, evaluating, and selecting projects for 3246
which financial assistance may be approved. 3247

(D) As used in this section and in section 5531.10 of the 3248
Revised Code, "qualified project" means any public or private 3249
transportation project as determined by the director of 3250
transportation, including, without limitation, planning, 3251
environmental impact studies, engineering, construction, 3252
reconstruction, resurfacing, restoring, rehabilitation, or 3253
replacement of public or private transportation facilities within 3254
the state, studying the feasibility thereof, and the acquisition 3255

of real or personal property or interests therein; any highway, 3256
public transit, aviation, rail, or other transportation project 3257
eligible for financing or aid under any federal or state program; 3258
and any project involving the maintaining, repairing, improving, 3259
or construction of any public or private highway, road, street, 3260
parkway, public transit, aviation, or rail project, and any 3261
related rights-of-way, bridges, tunnels, railroad-highway 3262
crossings, drainage structures, signs, guardrails, or protective 3263
structures. 3264

(E) The general assembly finds that state infrastructure 3265
projects, as defined in division (A)(8) of section 5531.10 of the 3266
Revised Code, and the state infrastructure bank, will materially 3267
contribute to the economic revitalization of areas of the state 3268
and result in improving the economic welfare of all the people of 3269
the state. Accordingly, it is declared to be the public purpose of 3270
the state, through operations under sections 5531.09 and 5531.10 3271
of the Revised Code, and other applicable laws adopted pursuant to 3272
Section 13 of Article VIII, Ohio Constitution, and other authority 3273
vested in the general assembly, to assist in and facilitate the 3274
purposes set forth in division (B) of section 5531.10 of the 3275
Revised Code, and to assist and cooperate with any governmental 3276
agency in achieving such ~~purpose~~ purposes. 3277

Sec. 5531.10. (A) As used in this chapter: 3278

(1) "Bond proceedings" means the resolution, order, trust 3279
agreement, indenture, lease, lease-purchase agreements, and other 3280
agreements, amendments and supplements to the foregoing, or any 3281
one or more or combination thereof, authorizing or providing for 3282
the terms and conditions applicable to, or providing for the 3283
security or liquidity of, obligations issued pursuant to this 3284
section, and the provisions contained in such obligations. 3285

(2) "Bond service charges" means principal, including 3286

mandatory sinking fund requirements for retirement of obligations, 3287
and interest, and redemption premium, if any, required to be paid 3288
by the state on obligations. 3289

(3) "Bond service fund" means the applicable fund and 3290
accounts therein created for and pledged to the payment of bond 3291
service charges, which may be, or may be part of, the state 3292
infrastructure bank revenue bond service fund created by division 3293
(R) of this section including all moneys and investments, and 3294
earnings from investments, credited and to be credited thereto. 3295

(4) "Issuing authority" means the treasurer of state, or the 3296
officer who by law performs the functions of the treasurer of 3297
state. 3298

(5) "Obligations" means bonds, notes, or other evidence of 3299
obligation including interest coupons pertaining thereto, issued 3300
pursuant to this section. 3301

(6) "Pledged receipts" means moneys accruing to the state 3302
from the lease, lease-purchase, sale, or other disposition, or 3303
use, of qualified projects, and from the repayment, including 3304
interest, of loans made from proceeds received from the sale of 3305
obligations; accrued interest received from the sale of 3306
obligations; income from the investment of the special funds; any 3307
gifts, grants, donations, and pledges, and receipts therefrom, 3308
available for the payment of bond service charges; and any amounts 3309
in the state infrastructure bank pledged to the payment of such 3310
charges. If the amounts in the state infrastructure bank are 3311
insufficient for the payment of such charges, "pledged receipts" 3312
also means moneys that are apportioned by the United States 3313
secretary of transportation under United States Code, Title XXIII, 3314
as amended, or any successor legislation, or under any other 3315
federal law relating to aid for highways, and that are to be 3316
received as a grant by the state, to the extent the state is not 3317

prohibited by state or federal law from using such moneys and the 3318
moneys are pledged to the payment of such bond service charges. 3319

(7) "Special funds" or "funds" means, except where the 3320
context does not permit, the bond service fund, and any other 3321
funds, including reserve funds, created under the bond 3322
proceedings, and the state infrastructure bank revenue bond 3323
service fund created by division (R) of this section to the extent 3324
provided in the bond proceedings, including all moneys and 3325
investments, and earnings from investment, credited and to be 3326
credited thereto. 3327

(8) "State infrastructure project" means any public 3328
transportation project undertaken by the state, including, but not 3329
limited to, all components of any such project, as described in 3330
division (D) of section 5131.09 of the Revised Code. 3331

(B) The issuing authority, after giving written notice to the 3332
director of budget and management and upon the certification by 3333
the director of transportation to the issuing authority of the 3334
amount of moneys or additional moneys needed either for state 3335
infrastructure projects or to provide financial assistance for any 3336
of the purposes for which the state infrastructure bank may be 3337
used under section 5531.09 of the Revised Code, or needed for 3338
capitalized interest, funding reserves, and paying costs and 3339
expenses incurred in connection with the issuance, carrying, 3340
securing, paying, redeeming, or retirement of the obligations or 3341
any obligations refunded thereby, including payment of costs and 3342
expenses relating to letters of credit, lines of credit, 3343
insurance, put agreements, standby purchase agreements, indexing, 3344
marketing, remarketing and administrative arrangements, interest 3345
swap or hedging agreements, and any other credit enhancement, 3346
liquidity, remarketing, renewal, or refunding arrangements, all of 3347
which are authorized by this section, shall issue obligations of 3348
the state under this section in the required amount. The proceeds 3349

of such obligations, except for the portion to be deposited in
special funds, including reserve funds, as may be provided in the
bond proceedings, shall as provided in the bond proceedings be
credited to the infrastructure bank obligations fund of the state
infrastructure bank created by section 5531.09 of the Revised Code
and disbursed as provided in the bond proceedings for such
obligations. The issuing authority may appoint trustees, paying
agents, transfer agents, and authenticating agents, and may retain
the services of financial advisors, accounting experts, and
attorneys, and retain or contract for the services of marketing,
remarketing, indexing, and administrative agents, other
consultants, and independent contractors, including printing
services, as are necessary in the issuing authority's judgment to
carry out this section. The costs of such services are payable
from funds of the state infrastructure bank.

(C) The Except as otherwise provided in this division, the
holders or owners of such obligations shall have no right to have
moneys raised by taxation by the state of Ohio obligated or
pledged, and moneys so raised shall not be obligated or pledged,
for the payment of bond service charges. The municipal
corporations and counties may pledge and obligate moneys received
pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27,
and 5735.291 of the Revised Code to the payment of amounts payable
by those municipal corporations and counties to the state
infrastructure bank pursuant to section 5531.09 of the Revised
Code, and the bond proceedings for obligations may provide that
such payments shall constitute pledged receipts, provided such
moneys are obligated, pledged, and paid only with respect to
obligations issued exclusively for public transportation projects.
The right of such holders and owners to the payment of bond
service charges is limited to all or that portion of the pledged
receipts and those special funds pledged thereto pursuant to the

bond proceedings for such obligations in accordance with this 3382
section, and each such obligation shall bear on its face a 3383
statement to that effect. 3384

(D) Obligations shall be authorized by order of the issuing 3385
authority and the bond proceedings shall provide for the purpose 3386
thereof and the principal amount or amounts, and shall provide for 3387
or authorize the manner or agency for determining the principal 3388
maturity or maturities, not exceeding twenty-five years from the 3389
date of issuance, the interest rate or rates or the maximum 3390
interest rate, the date of the obligations and the dates of 3391
payment of interest thereon, their denomination, and the 3392
establishment within or without the state of a place or places of 3393
payment of bond service charges. Sections 9.98 to 9.983 of the 3394
Revised Code are applicable to obligations issued under this 3395
section. The purpose of such obligations may be stated in the bond 3396
proceedings in terms describing the general purpose or purposes to 3397
be served. The bond proceedings also shall provide, subject to the 3398
provisions of any other applicable bond proceedings, for the 3399
pledge of all, or such part as the issuing authority may 3400
determine, of the pledged receipts and the applicable special fund 3401
or funds to the payment of bond service charges, which pledges may 3402
be made either prior or subordinate to other expenses, claims, or 3403
payments, and may be made to secure the obligations on a parity 3404
with obligations theretofore or thereafter issued, if and to the 3405
extent provided in the bond proceedings. The pledged receipts and 3406
special funds so pledged and thereafter received by the state 3407
immediately are subject to the lien of such pledge without any 3408
physical delivery thereof or further act, and the lien of any such 3409
pledges is valid and binding against all parties having claims of 3410
any kind against the state or any governmental agency of the 3411
state, irrespective of whether such parties have notice thereof, 3412
and shall create a perfected security interest for all purposes of 3413
Chapter 1309. of the Revised Code, without the necessity for 3414

separation or delivery of funds or for the filing or recording of 3415
the bond proceedings by which such pledge is created or any 3416
certificate, statement, or other document with respect thereto; 3417
and the pledge of such pledged receipts and special funds is 3418
effective and the money therefrom and thereof may be applied to 3419
the purposes for which pledged without necessity for any act of 3420
appropriation. Every pledge, and every covenant and agreement made 3421
with respect thereto, made in the bond proceedings may therein be 3422
extended to the benefit of the owners and holders of obligations 3423
authorized by this section, and to any trustee therefor, for the 3424
further security of the payment of the bond service charges. 3425

(E) The bond proceedings may contain additional provisions as 3426
to: 3427

(1) The redemption of obligations prior to maturity at the 3428
option of the issuing authority at such price or prices and under 3429
such terms and conditions as are provided in the bond proceedings; 3430

(2) Other terms of the obligations; 3431

(3) Limitations on the issuance of additional obligations; 3432

(4) The terms of any trust agreement or indenture securing 3433
the obligations or under which the same may be issued; 3434

(5) The deposit, investment, and application of special 3435
funds, and the safeguarding of moneys on hand or on deposit, 3436
without regard to Chapter 131. or 135. of the Revised Code, but 3437
subject to any special provisions of this section with respect to 3438
particular funds or moneys, provided that any bank or trust 3439
company which acts as depository of any moneys in the special 3440
funds may furnish such indemnifying bonds or may pledge such 3441
securities as required by the issuing authority; 3442

(6) Any or every provision of the bond proceedings being 3443
binding upon such officer, board, commission, authority, agency, 3444

department, or other person or body as may from time to time have 3445
the authority under law to take such actions as may be necessary 3446
to perform all or any part of the duty required by such provision; 3447

(7) Any provision that may be made in a trust agreement or 3448
indenture; 3449

(8) Any other or additional agreements with the holders of 3450
the obligations, or the trustee therefor, relating to the 3451
obligations or the security therefor, including the assignment of 3452
mortgages or other security relating to financial assistance for 3453
qualified projects under section 5531.09 of the Revised Code. 3454

(F) The obligations may have the great seal of the state or a 3455
facsimile thereof affixed thereto or printed thereon. The 3456
obligations and any coupons pertaining to obligations shall be 3457
signed or bear the facsimile signature of the issuing authority. 3458
Any obligations or coupons may be executed by the person who, on 3459
the date of execution, is the proper issuing authority although on 3460
the date of such bonds or coupons such person was not the issuing 3461
authority. In case the issuing authority whose signature or a 3462
facsimile of whose signature appears on any such obligation or 3463
coupon ceases to be the issuing authority before delivery thereof, 3464
such signature or facsimile nevertheless is valid and sufficient 3465
for all purposes as if the former issuing authority had remained 3466
the issuing authority until such delivery; and in case the seal to 3467
be affixed to obligations has been changed after a facsimile of 3468
the seal has been imprinted on such obligations, such facsimile 3469
seal shall continue to be sufficient as to such obligations and 3470
obligations issued in substitution or exchange therefor. 3471

(G) All obligations are negotiable instruments and securities 3472
under Chapter 1308. of the Revised Code, subject to the provisions 3473
of the bond proceedings as to registration. The obligations may be 3474
issued in coupon or in registered form, or both, as the issuing 3475

authority determines. Provision may be made for the registration 3476
of any obligations with coupons attached thereto as to principal 3477
alone or as to both principal and interest, their exchange for 3478
obligations so registered, and for the conversion or reconversion 3479
into obligations with coupons attached thereto of any obligations 3480
registered as to both principal and interest, and for reasonable 3481
charges for such registration, exchange, conversion, and 3482
reconversion. 3483

(H) Obligations may be sold at public sale or at private 3484
sale, as determined in the bond proceedings. 3485

(I) Pending preparation of definitive obligations, the 3486
issuing authority may issue interim receipts or certificates which 3487
shall be exchanged for such definitive obligations. 3488

(J) In the discretion of the issuing authority, obligations 3489
may be secured additionally by a trust agreement or indenture 3490
between the issuing authority and a corporate trustee which may be 3491
any trust company or bank having its principal place of business 3492
within the state. Any such agreement or indenture may contain the 3493
order authorizing the issuance of the obligations, any provisions 3494
that may be contained in any bond proceedings, and other 3495
provisions which are customary or appropriate in an agreement or 3496
indenture of such type, including, but not limited to: 3497

(1) Maintenance of each pledge, trust agreement, indenture, 3498
or other instrument comprising part of the bond proceedings until 3499
the state has fully paid the bond service charges on the 3500
obligations secured thereby, or provision therefor has been made; 3501

(2) In the event of default in any payments required to be 3502
made by the bond proceedings, or any other agreement of the 3503
issuing authority made as a part of the contract under which the 3504
obligations were issued, enforcement of such payments or agreement 3505
by mandamus, the appointment of a receiver, suit in equity, action 3506

at law, or any combination of the foregoing; 3507

(3) The rights and remedies of the holders of obligations and 3508
of the trustee, and provisions for protecting and enforcing them, 3509
including limitations on the rights of individual holders of 3510
obligations; 3511

(4) The replacement of any obligations that become mutilated 3512
or are destroyed, lost, or stolen; 3513

(5) Such other provisions as the trustee and the issuing 3514
authority agree upon, including limitations, conditions, or 3515
qualifications relating to any of the foregoing. 3516

(K) Any holder of obligations or a trustee under the bond 3517
proceedings, except to the extent that the holder's or trustee's 3518
rights are restricted by the bond proceedings, may by any suitable 3519
form of legal proceedings, protect and enforce any rights under 3520
the laws of this state or granted by such bond proceedings. Such 3521
rights include the right to compel the performance of all duties 3522
of the issuing authority and the director of transportation 3523
required by the bond proceedings or sections 5531.09 and 5531.10 3524
of the Revised Code; to enjoin unlawful activities; and in the 3525
event of default with respect to the payment of any bond service 3526
charges on any obligations or in the performance of any covenant 3527
or agreement on the part of the issuing authority or the director 3528
of transportation in the bond proceedings, to apply to a court 3529
having jurisdiction of the cause to appoint a receiver to receive 3530
and administer the pledged receipts and special funds, other than 3531
those in the custody of the treasurer of state, which are pledged 3532
to the payment of the bond service charges on such obligations or 3533
which are the subject of the covenant or agreement, with full 3534
power to pay, and to provide for payment of bond service charges 3535
on, such obligations, and with such powers, subject to the 3536
direction of the court, as are accorded receivers in general 3537

equity cases, excluding any power to pledge additional revenues or 3538
receipts or other income or moneys of the state or local 3539
governmental entities, or agencies thereof, to the payment of such 3540
principal and interest and excluding the power to take possession 3541
of, mortgage, or cause the sale or otherwise dispose of any 3542
project facilities. 3543

Each duty of the issuing authority and the issuing 3544
authority's officers and employees, and of each state or local 3545
governmental agency and its officers, members, or employees, 3546
undertaken pursuant to the bond proceedings or any loan, loan 3547
guarantee, lease, lease-purchase agreement, or other agreement 3548
made under authority of section 5531.09 of the Revised Code, and 3549
in every agreement by or with the issuing authority, is hereby 3550
established as a duty of the issuing authority, and of each such 3551
officer, member, or employee having authority to perform such 3552
duty, specifically enjoined by the law resulting from an office, 3553
trust, or station within the meaning of section 2731.01 of the 3554
Revised Code. 3555

The person who is at the time the issuing authority, or the 3556
issuing authority's officers or employees, are not liable in their 3557
personal capacities on any obligations issued by the issuing 3558
authority or any agreements of or with the issuing authority. 3559

(L) The issuing authority may authorize and issue obligations 3560
for the refunding, including funding and retirement, and advance 3561
refunding with or without payment or redemption prior to maturity, 3562
of any obligations previously issued by the issuing authority. 3563
Such obligations may be issued in amounts sufficient for payment 3564
of the principal amount of the prior obligations, any redemption 3565
premiums thereon, principal maturities of any such obligations 3566
maturing prior to the redemption of the remaining obligations on a 3567
parity therewith, interest accrued or to accrue to the maturity 3568
dates or dates of redemption of such obligations, and any expenses 3569

incurred or to be incurred in connection with such issuance and 3570
such refunding, funding, and retirement. Subject to the bond 3571
proceedings therefor, the portion of proceeds of the sale of 3572
obligations issued under this division to be applied to bond 3573
service charges on the prior obligations shall be credited to an 3574
appropriate account held by the trustee for such prior or new 3575
obligations or to the appropriate account in the bond service fund 3576
for such obligations. Obligations authorized under this division 3577
shall be deemed to be issued for those purposes for which such 3578
prior obligations were issued and are subject to the provisions of 3579
this section pertaining to other obligations, except as otherwise 3580
provided in this section. The last maturity of obligations 3581
authorized under this division shall not be later than twenty-five 3582
years from the date of issuance of the original securities issued 3583
for the original purpose. 3584

(M) The authority to issue obligations under this section 3585
includes authority to issue obligations in the form of bond 3586
anticipation notes and to renew the same from time to time by the 3587
issuance of new notes. The holders of such notes or interest 3588
coupons pertaining thereto shall have a right to be paid solely 3589
from the pledged receipts and special funds that may be pledged to 3590
the payment of the bonds anticipated, or from the proceeds of such 3591
bonds or renewal notes, or both, as the issuing authority provides 3592
in the order authorizing such notes. Such notes may be 3593
additionally secured by covenants of the issuing authority to the 3594
effect that the issuing authority and the state will do such or 3595
all things necessary for the issuance of such bonds or renewal 3596
notes in the appropriate amount, and apply the proceeds thereof to 3597
the extent necessary, to make full payment of the principal of and 3598
interest on such notes at the time or times contemplated, as 3599
provided in such order. For such purpose, the issuing authority 3600
may issue bonds or renewal notes in such principal amount and upon 3601

such terms as may be necessary to provide funds to pay when 3602
required the principal of and interest on such notes, 3603
notwithstanding any limitations prescribed by or for purposes of 3604
this section. Subject to this division, all provisions for and 3605
references to obligations in this section are applicable to notes 3606
authorized under this division. 3607

The issuing authority in the bond proceedings authorizing the 3608
issuance of bond anticipation notes shall set forth for such bonds 3609
an estimated interest rate and a schedule of principal payments 3610
for such bonds and the annual maturity dates thereof. 3611

(N) Obligations issued under this section are lawful 3612
investments for banks, societies for savings, savings and loan 3613
associations, deposit guarantee associations, trust companies, 3614
trustees, fiduciaries, insurance companies, including domestic for 3615
life and domestic not for life, trustees or other officers having 3616
charge of sinking and bond retirement or other special funds of 3617
political subdivisions and taxing districts of this state, the 3618
commissioners of the sinking fund of the state, the administrator 3619
of workers' compensation ~~in accordance with the investment policy~~ 3620
~~established by the workers' compensation oversight commission~~ 3621
~~pursuant to section 4121.12 of the Revised Code~~, the state 3622
teachers retirement system, the public employees retirement 3623
system, the school employees retirement system, and the Ohio 3624
police and fire pension fund, notwithstanding any other provisions 3625
of the Revised Code or rules adopted pursuant thereto by any 3626
agency of the state with respect to investments by them, and are 3627
also acceptable as security for the deposit of public moneys. 3628

(O) Unless otherwise provided in any applicable bond 3629
proceedings, moneys to the credit of or in the special funds 3630
established by or pursuant to this section may be invested by or 3631
on behalf of the issuing authority only in notes, bonds, or other 3632
obligations of the United States, or of any agency or 3633

instrumentality of the United States, obligations guaranteed as to 3634
principal and interest by the United States, obligations of this 3635
state or any political subdivision of this state, and certificates 3636
of deposit of any national bank located in this state and any 3637
bank, as defined in section 1101.01 of the Revised Code, subject 3638
to inspection by the superintendent of financial institutions. If 3639
the law or the instrument creating a trust pursuant to division 3640
(J) of this section expressly permits investment in direct 3641
obligations of the United States or an agency of the United 3642
States, unless expressly prohibited by the instrument, such moneys 3643
also may be invested in no-front-end-load money market mutual 3644
funds consisting exclusively of obligations of the United States 3645
or an agency of the United States and in repurchase agreements, 3646
including those issued by the fiduciary itself, secured by 3647
obligations of the United States or an agency of the United 3648
States; and in collective investment funds as defined in division 3649
(A) of section 1111.01 of the Revised Code and consisting 3650
exclusively of any such securities. The income from such 3651
investments shall be credited to such funds as the issuing 3652
authority determines, and such investments may be sold at such 3653
times as the issuing authority determines or authorizes. 3654

(P) Provision may be made in the applicable bond proceedings 3655
for the establishment of separate accounts in the bond service 3656
fund and for the application of such accounts only to the 3657
specified bond service charges on obligations pertinent to such 3658
accounts and bond service fund and for other accounts therein 3659
within the general purposes of such fund. Unless otherwise 3660
provided in any applicable bond proceedings, moneys to the credit 3661
of or in the several special funds established pursuant to this 3662
section shall be disbursed on the order of the treasurer of state, 3663
provided that no such order is required for the payment from the 3664
bond service fund when due of bond service charges on obligations. 3665

(Q)(1) The issuing authority may pledge all, or such portion 3666
as the issuing authority determines, of the pledged receipts to 3667
the payment of bond service charges on obligations issued under 3668
this section, and for the establishment and maintenance of any 3669
reserves, as provided in the bond proceedings, and make other 3670
provisions therein with respect to pledged receipts as authorized 3671
by this chapter, which provisions are controlling notwithstanding 3672
any other provisions of law pertaining thereto. 3673

(2) An action taken under division (Q)(2) of this section 3674
does not limit the generality of division (Q)(1) of this section, 3675
and is subject to division (C) of this section and, if and to the 3676
extent otherwise applicable, Section 13 of Article VIII, Ohio 3677
Constitution. The bond proceedings may contain a covenant that, in 3678
the event the pledged receipts primarily pledged and required to 3679
be used for the payment of bond service charges on obligations 3680
issued under this section, and for the establishment and 3681
maintenance of any reserves, as provided in the bond proceedings, 3682
are insufficient to make any such payment in full when due, or to 3683
maintain any such reserve, the director of transportation shall so 3684
notify the governor, and shall determine to what extent, if any, 3685
the payment may be made or moneys may be restored to the reserves 3686
from lawfully available moneys previously appropriated for that 3687
purpose to the department of transportation. The covenant also may 3688
provide that if the payments are not made or the moneys are not 3689
immediately and fully restored to the reserves from such moneys, 3690
the director shall promptly submit to the governor and to the 3691
director of budget and management a written request for either or 3692
both of the following: 3693

(a) That the next biennial budget submitted by the governor 3694
to the general assembly include an amount to be appropriated from 3695
lawfully available moneys to the department for the purpose of and 3696
sufficient for the payment in full of bond service charges 3697

previously due and for the full replenishment of the reserves; 3698

(b) That the general assembly be requested to increase 3699
appropriations from lawfully available moneys for the department 3700
in the current biennium sufficient for the purpose of and for the 3701
payment in full of bond service charges previously due and to come 3702
due in the biennium and for the full replenishment of the 3703
reserves. 3704

The director of transportation shall include with such 3705
requests a recommendation that the payment of the bond service 3706
charges and the replenishment of the reserves be made in the 3707
interest of maximizing the benefits of the state infrastructure 3708
bank. Any such covenant shall not obligate or purport to obligate 3709
the state to pay the bond service charges on such bonds or notes 3710
or to deposit moneys in a reserve established for such payments 3711
other than from moneys that may be lawfully available and 3712
appropriated for that purpose during the then-current biennium. 3713

(R) There is hereby created the state infrastructure bank 3714
revenue bond service fund, which shall be in the custody of the 3715
treasurer of state but shall not be a part of the state treasury. 3716
All moneys received by or on account of the issuing authority or 3717
state agencies and required by the applicable bond proceedings, 3718
consistent with this section, to be deposited, transferred, or 3719
credited to the bond service fund, and all other moneys 3720
transferred or allocated to or received for the purposes of the 3721
fund, shall be deposited and credited to such fund and to any 3722
separate accounts therein, subject to applicable provisions of the 3723
bond proceedings, but without necessity for any act of 3724
appropriation. The state infrastructure bank revenue bond service 3725
fund is a trust fund and is hereby pledged to the payment of bond 3726
service charges to the extent provided in the applicable bond 3727
proceedings, and payment thereof from such fund shall be made or 3728
provided for by the treasurer of state in accordance with such 3729

bond proceedings without necessity for any act of appropriation. 3730

(S) The obligations issued pursuant to this section, the 3731
transfer thereof, and the income therefrom, including any profit 3732
made on the sale thereof, shall at all times be free from taxation 3733
within this state. 3734

Sec. 5537.161. Notwithstanding section 5537.16 of the Revised 3735
Code, the Ohio turnpike commission shall allow the operation on 3736
any turnpike project of a motor vehicle transporting two or fewer 3737
steel coils under a special permit issued by the director of 3738
transportation under section 4513.34 of the Revised Code. 3739
3740

Sec. 5537.17. (A) Each turnpike project open to traffic shall 3741
be maintained and kept in good condition and repair by the Ohio 3742
turnpike commission. The Ohio turnpike system shall be policed and 3743
operated by a force of police, toll collectors, and other 3744
employees and agents that the commission employs or contracts for. 3745
3746

(B) All public or private property damaged or destroyed in 3747
carrying out the powers granted by this chapter shall be restored 3748
or repaired and placed in its original condition, as nearly as 3749
practicable, or adequate compensation or consideration made 3750
therefor out of moneys provided under this chapter. 3751

(C) All governmental agencies may lease, lend, grant, or 3752
convey to the commission at its request, upon terms that the 3753
proper authorities of the governmental agencies consider 3754
reasonable and fair and without the necessity for an 3755
advertisement, order of court, or other action or formality, other 3756
than the regular and formal action of the authorities concerned, 3757
any property that is necessary or convenient to the effectuation 3758
of the purposes of the commission, including public roads and 3759

other property already devoted to public use. 3760

(D) Each bridge constituting part of a turnpike project shall 3761
be inspected at least once each year by a professional engineer 3762
employed or retained by the commission. 3763

(E) On or before the first day of ~~April~~ July in each year, 3764
the commission shall make an annual report of its activities for 3765
the preceding calendar year to the governor and the general 3766
assembly. Each such report shall set forth a complete operating 3767
and financial statement covering the commission's operations 3768
during the year. The commission shall cause an audit of its books 3769
and accounts to be made at least once each year by certified 3770
public accountants, and the cost thereof may be treated as a part 3771
of the cost of operations of the commission. The auditor of state, 3772
at least once a year and without previous notice to the 3773
commission, shall audit the accounts and transactions of the 3774
commission. 3775

(F) The commission shall submit a copy of its annual audit by 3776
the auditor of state and its proposed annual budget for each 3777
calendar or fiscal year to the governor, the presiding officers of 3778
each house of the general assembly, the director of budget and 3779
management, and ~~the legislative budget office of the legislative~~ 3780
service commission no later than the first day of that calendar or 3781
fiscal year. 3782

Sec. 5543.02. The county engineer shall report to the board 3783
of county commissioners, on or before the first day of ~~April~~ June 3784
in each year, the condition of the county roads, bridges, and 3785
culverts, and estimate the probable amount of funds required to 3786
maintain and repair or to construct any new roads, bridges, or 3787
culverts required within the county. 3788

The engineer ~~shall~~, on or before the first day of ~~April~~ June 3789

in each year, shall make an annual estimate for the board of 3790
township trustees of each township, setting forth the amount 3791
required by the township for the construction, reconstruction, 3792
resurfacing, or improvement of the public roads within their 3793
jurisdiction. Such estimates shall relate to the year beginning on 3794
the first day of March next ensuing, and shall be for the 3795
information of the board of county commissioners and board of 3796
township trustees, in the making of their annual levies. 3797

The engineer shall approve all estimates which are paid from 3798
county funds for the construction, improvement, maintenance, and 3799
repair of roads and bridges by the county. ~~He~~ The engineer shall 3800
approve all estimates which are paid from township funds for the 3801
construction, reconstruction, resurfacing, or improving of roads 3802
under sections 5571.01, 5571.06, 5571.07, 5571.15, and 5573.01 to 3803
5573.09 of the Revised Code. ~~He~~ The engineer shall also approve 3804
all estimates which are paid from the funds of a road district for 3805
the construction, reconstruction, resurfacing, or improvement of 3806
the roads thereof under section 5573.21 of the Revised Code. 3807

For the construction or repair of a bridge, the entire cost 3808
of which construction or repair exceeds fifty thousand dollars, 3809
the county engineer may request the director of transportation to 3810
review and comment on the plans for conformance with state and 3811
federal requirements. If so requested, the director shall review 3812
and comment on the plans. 3813

Sec. 5735.05. (A) To provide revenue for maintaining the 3814
state highway system; to widen existing surfaces on such highways; 3815
to resurface such highways; to pay that portion of the 3816
construction cost of a highway project which a county, township, 3817
or municipal corporation normally would be required to pay, but 3818
which the director of transportation, pursuant to division (B) of 3819
section 5531.08 of the Revised Code, determines instead will be 3820

paid from moneys in the highway operating fund; to enable the 3821
counties of the state properly to plan, maintain, and repair their 3822
roads and to pay principal, interest, and charges on bonds and 3823
other obligations issued pursuant to Chapter 133. of the Revised 3824
Code or incurred pursuant to section 5531.09 of the Revised Code 3825
for highway improvements; to enable the municipal corporations to 3826
plan, construct, reconstruct, repave, widen, maintain, repair, 3827
clear, and clean public highways, roads, and streets, and to pay 3828
the principal, interest, and charges on bonds and other 3829
obligations issued pursuant to Chapter 133. of the Revised Code or 3830
incurred pursuant to section 5531.09 of the Revised Code for 3831
highway improvements; to enable the Ohio turnpike commission to 3832
construct, reconstruct, maintain, and repair turnpike projects; to 3833
maintain and repair bridges and viaducts; to purchase, erect, and 3834
maintain street and traffic signs and markers; to purchase, erect, 3835
and maintain traffic lights and signals; to pay the costs 3836
apportioned to the public under sections 4907.47 and 4907.471 of 3837
the Revised Code and to supplement revenue already available for 3838
such purposes; to pay the costs incurred by the public utilities 3839
commission in administering sections 4907.47 to 4907.476 of the 3840
Revised Code; to distribute equitably among those persons using 3841
the privilege of driving motor vehicles upon such highways and 3842
streets the cost of maintaining and repairing them; to pay the 3843
interest, principal, and charges on highway capital improvements 3844
bonds and other obligations issued pursuant to Section 2m of 3845
Article VIII, Ohio Constitution, and section 151.06 of the Revised 3846
Code; to pay the interest, principal, and charges on highway 3847
obligations issued pursuant to Section 2i of Article VIII, Ohio 3848
Constitution, and sections 5528.30 and 5528.31 of the Revised 3849
Code; to provide revenue for the purposes of sections 1547.71 to 3850
1547.78 of the Revised Code; and to pay the expenses of the 3851
department of taxation incident to the administration of the motor 3852
fuel laws, a motor fuel excise tax is hereby imposed on all motor 3853

fuel dealers upon receipt of motor fuel within this state at the 3854
rate of two cents plus the cents per gallon rate on each gallon so 3855
received, to be computed in the manner set forth in section 3856
5735.06 of the Revised Code; provided that no tax is hereby 3857
imposed upon the following transactions: 3858

(1) The sale of dyed diesel fuel by a licensed motor fuel 3859
dealer from a location other than a retail service station 3860
provided the licensed motor fuel dealer places on the face of the 3861
delivery document or invoice, or both if both are used, a 3862
conspicuous notice stating that the fuel is dyed and is not for 3863
taxable use, and that taxable use of that fuel is subject to a 3864
penalty. The tax commissioner, by rule, may provide that any 3865
notice conforming to rules or regulations issued by the United 3866
States department of the treasury or the Internal Revenue Service 3867
is sufficient notice for the purposes of division (A)(1) of this 3868
section. 3869

(2) The sale of K-1 kerosene to a retail service station, 3870
except when placed directly in the fuel supply tank of a motor 3871
vehicle. Such sale shall be rebuttably presumed to not be 3872
distributed or sold for use or used to generate power for the 3873
operation of motor vehicles upon the public highways or upon the 3874
waters within the boundaries of this state. 3875

(3) The sale of motor fuel by a licensed motor fuel dealer to 3876
another licensed motor fuel dealer; 3877

(4) The exportation of motor fuel by a licensed motor fuel 3878
dealer from this state to any other state or foreign country; 3879

(5) The sale of motor fuel to the United States government or 3880
any of its agencies, except such tax as is permitted by it, where 3881
such sale is evidenced by an exemption certificate, in a form 3882
approved by the tax commissioner, executed by the United States 3883
government or an agency thereof certifying that the motor fuel 3884

therein identified has been purchased for the exclusive use of the 3885
United States government or its agency; 3886

(6) The sale of motor fuel that is in the process of 3887
transportation in foreign or interstate commerce, except insofar 3888
as it may be taxable under the Constitution and statutes of the 3889
United States, and except as may be agreed upon in writing by the 3890
dealer and the commissioner; 3891

(7) The sale of motor fuel when sold exclusively for use in 3892
the operation of aircraft, where such sale is evidenced by an 3893
exemption certificate prescribed by the commissioner and executed 3894
by the purchaser certifying that the motor fuel purchased has been 3895
purchased for exclusive use in the operation of aircraft; 3896

(8) The sale for exportation of motor fuel by a licensed 3897
motor fuel dealer to a licensed exporter type A; 3898

(9) The sale for exportation of motor fuel by a licensed 3899
motor fuel dealer to a licensed exporter type B, provided that the 3900
destination state motor fuel tax has been paid or will be accrued 3901
and paid by the licensed motor fuel dealer. 3902

(10) The sale to a consumer of diesel fuel, by a motor fuel 3903
dealer for delivery from a bulk lot vehicle, for consumption in 3904
operating a vessel when the use of such fuel in a vessel would 3905
otherwise qualify for a refund under section 5735.14 of the 3906
Revised Code. 3907

Division (A)(1) of this section does not apply to the sale or 3908
distribution of dyed diesel fuel used to operate a motor vehicle 3909
on the public highways or upon water within the boundaries of this 3910
state by persons permitted under regulations of the United States 3911
department of the treasury or of the Internal Revenue Service to 3912
so use dyed diesel fuel. 3913

(B) The two cent motor fuel tax levied by this section is 3914

also for the purpose of paying the expenses of administering and 3915
enforcing the state law relating to the registration and operation 3916
of motor vehicles. 3917

(C) After the tax provided for by this section on the receipt 3918
of any motor fuel has been paid by the motor fuel dealer, the 3919
motor fuel may thereafter be used, sold, or resold by any person 3920
having lawful title to it, without incurring liability for such 3921
tax. 3922

If a licensed motor fuel dealer sells motor fuel received by 3923
the licensed motor fuel dealer to another licensed motor fuel 3924
dealer, the seller may deduct on the report required by section 3925
5735.06 of the Revised Code the number of gallons so sold for the 3926
month within which the motor fuel was sold or delivered. In this 3927
event the number of gallons is deemed to have been received by the 3928
purchaser, who shall report and pay the tax imposed thereon. 3929

Sec. 5735.23. (A) Out of receipts from the tax levied by 3930
section 5735.05 of the Revised Code, the treasurer of state shall 3931
place to the credit of the tax refund fund established by section 3932
5703.052 of the Revised Code amounts equal to the refunds 3933
certified by the tax commissioner pursuant to sections 5735.13, 3934
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 3935
treasurer of state shall then transfer the amount required by 3936
section 5735.051 of the Revised Code to the waterways safety fund, 3937
the amount required by section 4907.472 of the Revised Code to the 3938
grade crossing protection fund, and the amount required by section 3939
5735.053 of the Revised Code to the motor fuel tax administration 3940
fund. 3941

(B) Except as provided in division (D) of this section, each 3942
month the balance of the receipts from the tax levied by section 3943
5735.05 of the Revised Code shall be credited, after receipt by 3944
the treasurer of state of certification from the commissioners of 3945

the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

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

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

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

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

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

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

(1) To the local transportation improvement program fund 3976
created by section 164.14 of the Revised Code, an amount equal to 3977
a fraction of the balance in the state and local government 3978
highway distribution fund, the numerator of which fraction is one 3979
and the denominator of which fraction is that portion of the tax 3980
per gallon determined under division (B)(2)(a) of section 5735.06 3981
of the Revised Code; 3982

(2) An amount equal to five cents multiplied by the number of 3983
gallons of motor fuel sold at stations operated by the Ohio 3984
turnpike commission, such gallonage to be certified by the 3985
commission to the treasurer of state not later than the last day 3986
of the month following. The funds paid to the commission pursuant 3987
to this section shall be expended for the construction, 3988
reconstruction, maintenance, and repair of turnpike projects, 3989
except that the funds may not be expended for the construction of 3990
new interchanges. The funds also may be expended for the 3991
construction, reconstruction, maintenance, and repair of those 3992
portions of connecting public roads that serve existing 3993
interchanges and are determined by the commission and the director 3994
of transportation to be necessary for the safe merging of traffic 3995
between the turnpike and those public roads. 3996

The remainder of the balance shall be distributed as follows 3997
on the fifteenth day of the following month: 3998

(a) Ten and seven-tenths per cent shall be paid to municipal 3999
corporations for distribution pursuant to division (A)(1) of 4000
section 5735.27 of the Revised Code and may be used for any 4001
purpose for which payments received under that division may be 4002
used. ~~Beginning August 15, 2004 Through July 15, 2005,~~ 4003
two hundred forty-eight thousand six hundred twenty-five dollars 4004
shall be monthly subtracted from the amount so computed and 4005
credited to the highway operating fund. Beginning August 15, 2005, 4006
the sum of seven hundred forty-five thousand eight hundred 4007

seventy-five dollars shall be monthly subtracted from the amount 4008
so computed and credited to the highway operating fund. 4009

(b) Five per cent shall be paid to townships for distribution 4010
pursuant to division (A)(5) of section 5735.27 of the Revised Code 4011
and may be used for any purpose for which payments received under 4012
that division may be used. ~~Beginning August 15, 2004~~ Through July 4013
15, 2005, the sum of eighty-seven thousand seven hundred fifty 4014
dollars shall be monthly subtracted from the amount so computed 4015
and credited to the highway operating fund. Beginning August 15, 4016
2005, the sum of two hundred sixty-three thousand two hundred 4017
fifty dollars shall be monthly subtracted from the amount so 4018
computed and credited to the highway operating fund. 4019

(c) Nine and three-tenths per cent shall be paid to counties 4020
for distribution pursuant to division (A)(3) of section 5735.27 of 4021
the Revised Code and may be used for any purpose for which 4022
payments received under that division may be used. ~~Beginning~~ 4023
~~August 15, 2004~~ Through July 15, 2005, the sum of two hundred 4024
forty-eight thousand six hundred twenty-five dollars shall be 4025
monthly subtracted from the amount so computed and credited to the 4026
highway operating fund. Beginning August 15, 2005, the sum of 4027
seven hundred forty-five thousand eight hundred seventy-five 4028
dollars shall be monthly subtracted from the amount so computed 4029
and credited to the highway operating fund. 4030

(d) Except as provided in division (D) of this section, the 4031
balance shall be transferred to the highway operating fund and 4032
used for the purposes set forth in division (B)(1) of section 4033
5735.27 of the Revised Code. 4034

(D) ~~Beginning on the first day of~~ Monthly from September to 4035
February of each fiscal year, ~~any~~ an amount equal to one-sixth of 4036
the amount certified in July of that year by the treasurer of 4037
state pursuant to division (O) of section 151.01 of the Revised 4038
Code shall, from amounts required to be credited or transferred to 4039

the highway operating fund pursuant to division (B)(2)(c) or 4040
(C)(2)(d) of this section ~~shall~~, be credited or transferred to the 4041
highway capital improvement bond service fund created in section 4042
151.06 of the Revised Code. If, in any of those months, the amount 4043
available to be credited or transferred to the bond service fund 4044
is less than one-sixth of the amount so certified, the shortfall 4045
shall be added to the amount due the next succeeding month. Any 4046
amount still due at the end of the six-month period shall be 4047
credited or transferred as the money becomes available, until such 4048
time as the office of budget and management receives certification 4049
from the treasurer of state or the treasurer of state's designee 4050
that sufficient money has been credited or transferred to the bond 4051
service fund to meet in full all payments of debt service and 4052
financing costs due during the fiscal year from that fund. 4053

Sec. 5735.25. To provide revenue for supplying the state's 4054
share of the cost of planning, constructing, widening, and 4055
reconstructing the state highways; for supplying the state's share 4056
of the cost of eliminating railway grade crossings upon such 4057
highways; to pay that portion of the construction cost of a 4058
highway project which a county, township, or municipal corporation 4059
normally would be required to pay, but which the director of 4060
transportation, pursuant to division (B) of section 5531.08 of the 4061
Revised Code, determines instead will be paid from moneys in the 4062
highway operating fund; to enable the counties and townships of 4063
the state to properly plan, construct, widen, reconstruct, and 4064
maintain their public highways, roads, and streets; to enable 4065
counties to pay principal, interest, and charges on bonds and 4066
other obligations issued pursuant to Chapter 133. of the Revised 4067
Code or incurred pursuant to section 5531.09 of the Revised Code 4068
for highway improvements; to enable municipal corporations to 4069
plan, construct, reconstruct, repave, widen, maintain, repair, 4070
clear, and clean public highways, roads, and streets; to enable 4071

municipal corporations to pay the principal, interest, and charges 4072
on bonds and other obligations issued pursuant to Chapter 133. of 4073
the Revised Code or incurred pursuant to section 5531.09 of the 4074
Revised Code for highway improvements; to maintain and repair 4075
bridges and viaducts; to purchase, erect, and maintain street and 4076
traffic signs and markers; to purchase, erect, and maintain 4077
traffic lights and signals; to pay the costs apportioned to the 4078
public under section 4907.47 of the Revised Code; to provide 4079
revenue for the purposes of sections 1547.71 to 1547.78 of the 4080
Revised Code and to supplement revenue already available for such 4081
purposes; to pay the expenses of the department of taxation 4082
incident to the administration of the motor fuel laws, to 4083
supplement revenue already available for such purposes, to pay the 4084
interest, principal, and charges on bonds and other obligations 4085
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 4086
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 4087
the interest, principal, and charges on highway obligations issued 4088
pursuant to Section 2i of Article VIII, Ohio Constitution, and 4089
sections 5528.30 and 5528.31 of the Revised Code, a motor fuel 4090
excise tax is hereby imposed on all motor fuel dealers upon their 4091
receipt of motor fuel within this state, at the rate of two cents 4092
per gallon on each gallon so received. This tax is subject to the 4093
specific exemptions set forth in this chapter of the Revised Code. 4094
It shall be reported, computed, paid, collected, administered, 4095
enforced, and refunded, and the failure properly and correctly to 4096
report and pay the tax shall be penalized, in exactly the same 4097
manner as is provided in this chapter. Such sections relating to 4098
motor fuel excise taxes are reenacted and incorporated as if 4099
specifically set forth in this section. The tax levied by this 4100
section shall be in addition to the tax imposed under this 4101
chapter. 4102

Sec. 5735.27. (A) There is hereby created in the state 4103

treasury the gasoline excise tax fund, which shall be distributed 4104
in the following manner: 4105

(1) The amount credited pursuant to divisions (B)(2)(a) and 4106
(C)(2)(a) of section 5735.23 of the Revised Code shall be 4107
distributed among municipal corporations. The amount paid to each 4108
municipal corporation shall be that proportion of the amount to be 4109
so distributed that the number of motor vehicles registered within 4110
such municipal corporation bears to the total number of motor 4111
vehicles registered within all the municipal corporations of this 4112
state during the preceding motor vehicle registration year. When a 4113
new village is incorporated, the registrar of motor vehicles shall 4114
determine from the applications on file in the bureau of motor 4115
vehicles the number of motor vehicles located within the territory 4116
comprising the village during the entire registration year in 4117
which such municipal corporation was incorporated. The registrar 4118
shall forthwith certify the number of motor vehicles so determined 4119
to the tax commissioner for use in distributing motor vehicle fuel 4120
tax funds to such village until such village is qualified to 4121
participate in the distribution of such funds pursuant to this 4122
division. The number of such motor vehicle registrations shall be 4123
determined by the official records of the bureau of motor 4124
vehicles. The amount received by each municipal corporation shall 4125
be used to plan, construct, reconstruct, repave, widen, maintain, 4126
repair, clear, and clean public highways, roads, and streets; to 4127
maintain and repair bridges and viaducts; to purchase, erect, and 4128
maintain street and traffic signs and markers; to pay the costs 4129
apportioned to the municipal corporation under section 4907.47 of 4130
the Revised Code; to purchase, erect, and maintain traffic lights 4131
and signals; to pay the principal, interest, and charges on bonds 4132
and other obligations issued pursuant to Chapter 133. of the 4133
Revised Code or incurred pursuant to section 5531.09 of the 4134
Revised Code for the purpose of acquiring or constructing roads, 4135
highways, bridges, or viaducts or acquiring or making other 4136

highway improvements for which the municipal corporation may issue 4137
bonds; and to supplement revenue already available for such 4138
purposes. 4139

(2) The amount credited pursuant to division (B) of section 4140
5735.26 of the Revised Code shall be distributed among the 4141
municipal corporations within the state, in the proportion which 4142
the number of motor vehicles registered within each municipal 4143
corporation bears to the total number of motor vehicles registered 4144
within all the municipal corporations of the state during the 4145
preceding calendar year, as shown by the official records of the 4146
bureau of motor vehicles, and shall be expended by each municipal 4147
corporation to plan, construct, reconstruct, repave, widen, 4148
maintain, repair, clear, and clean public highways, roads and 4149
streets; to maintain and repair bridges and viaducts; to purchase, 4150
erect, and maintain street and traffic signs and markers; to 4151
purchase, erect, and maintain traffic lights and signals; to pay 4152
costs apportioned to the municipal corporation under section 4153
4907.47 of the Revised Code; to pay the principal, interest, and 4154
charges on bonds and other obligations issued pursuant to Chapter 4155
133. of the Revised Code or incurred pursuant to section 5531.09 4156
of the Revised Code for the purpose of acquiring or constructing 4157
roads, highways, bridges, or viaducts or acquiring or making other 4158
highway improvements for which the municipal corporation may issue 4159
bonds; and to supplement revenue already available for such 4160
purposes. 4161

(3) The amount credited pursuant to divisions (B)(2)(b) and 4162
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 4163
equal proportions to the county treasurer of each county within 4164
the state and shall be used only for the purposes of planning, 4165
maintaining, and repairing the county system of public roads and 4166
highways within such county; the planning, construction, and 4167
repair of walks or paths along county roads in congested areas; 4168

the planning, construction, purchase, lease, and maintenance of 4169
suitable buildings for the housing and repair of county road 4170
machinery, housing of supplies, and housing of personnel 4171
associated with the machinery and supplies; the payment of costs 4172
apportioned to the county under section 4907.47 of the Revised 4173
Code; the payment of principal, interest, and charges on bonds and 4174
other obligations issued pursuant to Chapter 133. of the Revised 4175
Code or incurred pursuant to section 5531.09 of the Revised Code 4176
for the purpose of acquiring or constructing roads, highways, 4177
bridges, or viaducts or acquiring or making other highway 4178
improvements for which the board of county commissioners may issue 4179
bonds under that chapter; and the purchase, installation, and 4180
maintenance of traffic signal lights. 4181

(4) The amount credited pursuant to division (C) of section 4182
5735.26 of the Revised Code shall be paid in equal proportions to 4183
the county treasurer of each county for the purposes of planning, 4184
maintaining, constructing, widening, and reconstructing the county 4185
system of public roads and highways; paying principal, interest, 4186
and charges on bonds and other obligations issued pursuant to 4187
Chapter 133. of the Revised Code or incurred pursuant to section 4188
5531.09 of the Revised Code for the purpose of acquiring or 4189
constructing roads, highways, bridges, or viaducts or acquiring or 4190
making other highway improvements for which the board of county 4191
commissioners may issue bonds under such chapter; and paying costs 4192
apportioned to the county under section 4907.47 of the Revised 4193
Code. 4194

(5)(a) The amount credited pursuant to division (D) of 4195
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 4196
Revised Code shall be divided in equal proportions among the 4197
townships within the state. 4198

(b) As used in division (A)(5)(b) of this section, the 4199
"formula amount" for any township is the amount that would be 4200

allocated to that township if fifty per cent of the amount 4201
credited to townships pursuant to section 5735.291 of the Revised 4202
Code were allocated among townships in the state proportionate to 4203
the number of lane miles within the boundaries of the respective 4204
townships, as determined annually by the department of 4205
transportation, and the other fifty per cent of the amount 4206
credited pursuant to section 5735.291 of the Revised Code were 4207
allocated among townships in the state proportionate to the number 4208
of motor vehicles registered within the respective townships, as 4209
determined annually by the records of the bureau of motor 4210
vehicles. 4211

Beginning on August 15, 2003, the tax levied by section 4212
5735.29 of the Revised Code shall be partially allocated to 4213
provide funding for townships. Each township shall receive the 4214
greater of the following two calculations: 4215

(i) The total statewide amount credited to townships under 4216
division (A) of section 5735.291 of the Revised Code divided by 4217
the number of townships in the state at the time of the 4218
calculation; 4219

(ii) Seventy per cent of the formula amount for that 4220
township. 4221

(c) The total difference between the amount of money credited 4222
to townships under division (A) of section 5735.291 of the Revised 4223
Code and the total amount of money required to make all the 4224
payments specified in division (A)(5)(b) of this section shall be 4225
deducted, in accordance with division (B) of section 5735.291 of 4226
the Revised Code, from the revenues resulting from the tax levied 4227
pursuant to section 5735.29 of the Revised Code prior to crediting 4228
portions of such revenues to counties, municipal corporations, and 4229
the highway operating fund. 4230

(d) All amounts credited pursuant to divisions (a) and (b) of 4231

this section shall be paid to the county treasurer of each county 4232
for the total amount payable to the townships within each of the 4233
counties. The county treasurer shall pay to each township within 4234
the county its proportional share of the funds, which shall be 4235
expended by each township for the sole purpose of planning, 4236
constructing, maintaining, widening, and reconstructing the public 4237
roads and highways within such township, and paying costs 4238
apportioned to the township under section 4907.47 of the Revised 4239
Code. 4240

No part of the funds shall be used for any purpose except to 4241
pay in whole or part the contract price of any such work done by 4242
contract, or to pay the cost of labor in planning, constructing, 4243
widening, and reconstructing such roads and highways, and the cost 4244
of materials forming a part of the improvement; provided, that 4245
such funds may be used for the purchase of road machinery and 4246
equipment and for the planning, construction, and maintenance of 4247
suitable buildings for housing road machinery and equipment, and 4248
that all such improvement of roads shall be under supervision and 4249
direction of the county engineer as provided in section 5575.07 of 4250
the Revised Code. No obligation against such funds shall be 4251
incurred unless plans and specifications for such improvement, 4252
approved by the county engineer, are on file in the office of the 4253
township clerk, and all contracts for material and for work done 4254
by contract shall be approved by the county engineer before being 4255
signed by the board of township trustees. The board of township 4256
trustees of any township may pass a resolution permitting the 4257
board of county commissioners to expend such township's share of 4258
the funds, or any portion thereof, for the improvement of such 4259
roads within the township as may be designated in the resolution. 4260

All investment earnings of the fund shall be credited to the 4261
fund. 4262

(B) Amounts credited to the highway operating fund pursuant 4263

to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 4264
division (A) of section 5735.26 of the Revised Code shall be 4265
expended in the following manner: 4266

(1) The amount credited pursuant to divisions (B)(2)(c) and 4267
(C)(2)(d) of section 5735.23 of the Revised Code shall be 4268
apportioned to and expended by the department of transportation 4269
for the purposes of planning, maintaining, repairing, and keeping 4270
in passable condition for travel the roads and highways of the 4271
state required by law to be maintained by the department; paying 4272
the costs apportioned to the state under section 4907.47 of the 4273
Revised Code; paying that portion of the construction cost of a 4274
highway project which a county, township, or municipal corporation 4275
normally would be required to pay, but which the director of 4276
transportation, pursuant to division (B) of section 5531.08 of the 4277
Revised Code, determines instead will be paid from moneys in the 4278
highway operating fund; and paying the costs of the department of 4279
public safety in administering and enforcing the state law 4280
relating to the registration and operation of motor vehicles. 4281

(2) The amount credited pursuant to division (A) of section 4282
5735.26 of the Revised Code shall be used for paying the state's 4283
share of the cost of planning, constructing, widening, 4284
maintaining, and reconstructing the state highways; paying that 4285
portion of the construction cost of a highway project which a 4286
county, township, or municipal corporation normally would be 4287
required to pay, but which the director of transportation, 4288
pursuant to division (B) of section 5531.08 of the Revised Code, 4289
determines instead will be paid from moneys in the highway 4290
operating fund; and also for supplying the state's share of the 4291
cost of eliminating railway grade crossings upon such highways and 4292
costs apportioned to the state under section 4907.47 of the 4293
Revised Code. The director of transportation may expend portions 4294
of such amount upon extensions of state highways within municipal 4295

corporations or upon portions of state highways within municipal 4296
corporations, as is provided by law. 4297

Sec. 5735.28. Wherever a municipal corporation is on the line 4298
of the state highway system as designated by the director of 4299
transportation as an extension or continuance of the state highway 4300
system, seven and one-half per cent of the amount paid to any 4301
municipal corporation pursuant to sections 4501.04, 5735.23, and 4302
5735.27 of the Revised Code shall be used by it only to construct, 4303
reconstruct, repave, widen, maintain, and repair such highways, to 4304
purchase, erect, and maintain traffic lights and signals, and to 4305
erect and maintain street and traffic signs and markers on such 4306
highways, or to pay principal, interest, and charges on bonds and 4307
other obligations issued pursuant to Chapter 133. of the Revised 4308
Code or incurred pursuant to section 5531.09 of the Revised Code 4309
for such purposes. 4310

Sec. 5735.29. To provide revenue for supplying the state's 4311
share of the cost of constructing, widening, maintaining, and 4312
reconstructing the state highways; to maintain and repair bridges 4313
and viaducts; to purchase, erect, and maintain street and traffic 4314
signs and markers; to purchase, erect, and maintain traffic lights 4315
and signals; to pay the expense of administering and enforcing the 4316
state law relative to the registration and operation of motor 4317
vehicles; to make road improvements associated with retaining or 4318
attracting business for this state, to pay that portion of the 4319
construction cost of a highway project which a county, township, 4320
or municipal corporation normally would be required to pay, but 4321
which the director of transportation, pursuant to division (B) of 4322
section 5531.08 of the Revised Code, determines instead will be 4323
paid from moneys in the highway operating fund; to provide revenue 4324
for the purposes of sections 1547.71 to 1547.78 of the Revised 4325
Code; and to supplement revenue already available for such 4326

purposes, to pay the expenses of the department of taxation 4327
incident to the administration of the motor fuel laws, to 4328
supplement revenue already available for such purposes; and to pay 4329
the interest, principal, and charges on highway obligations issued 4330
pursuant to Section 2i of Article VIII, Ohio Constitution, and 4331
sections 5528.30 and 5528.31 of the Revised Code; to enable the 4332
counties and townships of the state to properly plan, construct, 4333
widen, reconstruct, and maintain their public highways, roads, and 4334
streets; to enable counties to pay principal, interest, and 4335
charges on bonds and other obligations issued pursuant to Chapter 4336
133. of the Revised Code or incurred pursuant to section 5531.09 4337
of the Revised Code for highway improvements; to enable municipal 4338
corporations to plan, construct, reconstruct, repave, widen, 4339
maintain, repair, clear, and clean public highways, roads, and 4340
streets; to enable municipal corporations to pay the principal, 4341
interest, and charges on bonds and other obligations issued 4342
pursuant to Chapter 133. of the Revised Code or incurred pursuant 4343
to section 5531.09 of the Revised Code for highway improvements; 4344
and to pay the costs apportioned to the public under section 4345
4907.47 of the Revised Code, a motor fuel excise tax is hereby 4346
imposed on all motor fuel dealers upon their receipt of motor fuel 4347
within the state at the rate of two cents on each gallon so 4348
received; provided, that effective July 1, 2003, the motor fuel 4349
excise tax imposed by this section shall be at the rate of four 4350
cents on each gallon so received; effective July 1, 2004, the 4351
motor fuel excise tax imposed by this section shall be at the rate 4352
of six cents on each gallon so received; and, subject to section 4353
5735.292 of the Revised Code, effective July 1, 2005, the motor 4354
fuel excise tax imposed by this section shall be at the rate of 4355
eight cents on each gallon so received. This tax is subject to the 4356
specific exemptions set forth in this chapter of the Revised Code. 4357
It shall be reported, computed, paid, collected, administered, 4358
enforced, and refunded, and the failure properly and correctly to 4359

report and pay the tax shall be penalized, in exactly the same 4360
manner as is provided in this chapter. Such sections relating to 4361
motor fuel excise taxes are reenacted and incorporated as if 4362
specifically set forth in this section. The tax levied by this 4363
section is in addition to any other taxes imposed under this 4364
chapter. 4365

No municipal corporation, county, or township shall expend 4366
any revenues received from the tax levied by this section for any 4367
purpose other than one of the specific highway-related purposes 4368
stated in this section. In addition, each municipal corporation, 4369
county, or township shall use at least ninety per cent of all 4370
revenues received from the tax levied by this section to 4371
supplement, rather than supplant, other local funds used for 4372
highway-related purposes. 4373

Section 101.02. That existing sections 109.572, 122.14, 4374
307.12, 315.08, 315.14, 315.18, 4501.04, 4501.06, 4501.21, 4375
4501.26, 4503.02, 4503.103, 4503.181, 4503.19, 4503.21, 4503.23, 4376
4503.26, 4503.40, 4503.42, 4505.021, 4505.031, 4505.032, 4505.06, 4377
4505.08, 4506.08, 4506.14, 4508.06, 4509.27, 4513.34, 4519.58, 4378
4549.10, 4749.03, 4749.06, 4749.10, 5501.11, 5513.04, 5525.01, 4379
5525.10, 5525.15, 5531.09, 5531.10, 5537.17, 5543.02, 5735.05, 4380
5735.23, 5735.25, 5735.27, 5735.28, and 5735.29 of the Revised 4381
Code are hereby repealed. 4382

Section 105.01. That sections 4501.12 and 4501.35 of the 4383
Revised Code are hereby repealed. 4384

Section 200.01. Except as otherwise provided, all 4385
appropriation items in this act are hereby appropriated out of any 4386
moneys in the state treasury to the credit of the designated fund, 4387
which are not otherwise appropriated. For all appropriations made 4388
in this act, the amounts in the first column are for fiscal year 4389

2006 and the amounts in the second column are for fiscal year				4390
2007.				4391
Section 203.03. DOT DEPARTMENT OF TRANSPORTATION				4392
FUND	TITLE	FY 2006	FY 2007	4393
	Transportation Planning and Research			4394
	Highway Operating Fund Group			4395
002 771-411	Planning and Research	\$ 19,000,000	\$ 19,112,000	4396
	- State			
002 771-412	Planning and Research	\$ 40,000,000	\$ 40,000,000	4397
	- Federal			
TOTAL HOF Highway Operating				4398
Fund Group		\$ 59,000,000	\$ 59,112,000	4399
TOTAL ALL BUDGET FUND GROUPS -				4400
Transportation Planning				4401
and Research		\$ 59,000,000	\$ 59,112,000	4402
	Highway Construction			4403
	Highway Operating Fund Group			4404
002 772-421	Highway Construction -	\$ 586,240,305	\$ 579,969,730	4405
	State			
002 772-422	Highway Construction -	\$ 1,021,500,000	\$ 1,131,500,000	4406
	Federal			
002 772-424	Highway Construction -	\$ 62,500,000	\$ 53,500,000	4407
	Other			
214 770-401	Infrastructure Debt	\$ 80,182,400	\$ 105,129,400	4408
	Service - Federal			
214 772-434	Infrastructure Lease	\$ 12,537,100	\$ 12,536,000	4409
	Payments - Federal			
212 772-426	Highway Infrastructure	\$ 1,500,000	\$ 2,000,000	4410
	Bank - Federal			
212 772-427	Highway Infrastructure	\$ 9,353,400	\$ 12,853,400	4411
	Bank - State			

212	772-429	Highway Infrastructure	\$	12,500,000	\$	12,500,000	4412
		Bank - Local					
212	772-430	Infrastructure Debt	\$	1,500,000	\$	1,500,000	4413
		Reserve Title 23-49					
213	772-432	Roadway Infrastructure	\$	7,000,000	\$	7,000,000	4414
		Bank - Local					
TOTAL HOF Highway Operating							4415
Fund Group				\$ 1,794,813,205	\$ 1,918,488,530		4416
Highway Capital Improvement Fund Group							4417
042	772-723	Highway Construction -	\$	220,000,000	\$	150,000,000	4418
		Bonds					
Infrastructure Bank Obligations Fund Group							4419
045	772-428	Highway Infrastructure	\$	180,000,000	\$	160,000,000	4420
		Bank - Bonds					
TOTAL 045 Infrastructure Bank							4421
Obligations Fund Group				\$ 180,000,000	\$ 160,000,000		4422
TOTAL ALL BUDGET FUND GROUPS -							4423
Highway Construction				\$ 2,194,813,205	\$ 2,228,488,530		4424
Highway Maintenance							4425
Highway Operating Fund Group							4426
002	773-431	Highway Maintenance -	\$	386,527,582	\$	393,313,472	4427
		State					
TOTAL HOF Highway Operating							4428
Fund Group				\$ 386,527,582	\$ 393,313,472		4429
							4430
TOTAL ALL BUDGET FUND GROUPS -							4431
Highway Maintenance				\$ 386,527,582	\$ 393,313,472		4432
Public Transportation							4433
Highway Operating Fund Group							4434
002	775-452	Public Transportation	\$	30,000,000	\$	30,365,000	4435
		- Federal					
002	775-454	Public Transportation	\$	1,500,000	\$	1,500,000	4436

	- Other					
002	775-459	Elderly and Disabled	\$	4,595,000	\$ 4,595,000	4437
		Special Equipment -				
		Federal				
212	775-408	Transit Infrastructure	\$	2,500,000	\$ 2,500,000	4438
		Bank - Local				
213	775-460	Transit Infrastructure	\$	1,000,000	\$ 1,000,000	4439
		Bank - Local				
TOTAL HOF Highway Operating						4440
Fund Group			\$	39,595,000	\$ 39,960,000	4441
TOTAL ALL BUDGET FUND GROUPS -						4442
Public Transportation			\$	39,595,000	\$ 39,960,000	4443
		Rail Transportation				4444
Highway Operating Fund Group						4445
002	776-462	Grade Crossings -	\$	15,000,000	\$ 15,000,000	4446
		Federal				
TOTAL HOF Highway Operating						4447
Fund Group			\$	15,000,000	\$ 15,000,000	4448
TOTAL ALL BUDGET FUND GROUPS -						4449
Rail Transportation			\$	15,000,000	\$ 15,000,000	4450
		Aviation				4451
Highway Operating Fund Group						4452
002	777-472	Airport Improvements -	\$	405,000	\$ 405,000	4453
		Federal				
002	777-475	Aviation	\$	4,007,600	\$ 4,046,900	4454
		Administration				
213	777-477	Aviation	\$	3,000,000	\$ 3,000,000	4455
		Infrastructure Bank -				
		State				
213	777-478	Aviation	\$	7,000,000	\$ 7,000,000	4456
		Infrastructure Bank -				
		Local				

TOTAL HOF Highway Operating				4457	
Fund Group	\$	14,412,600	\$	14,451,900	4458
TOTAL ALL BUDGET FUND GROUPS -				4459	
Aviation	\$	14,412,600	\$	14,451,900	4460
Administration				4461	
Highway Operating Fund Group				4462	
002 779-491 Administration - State	\$	119,624,513	\$	121,057,898	4463
TOTAL HOF Highway Operating				4464	
Fund Group	\$	119,624,513	\$	121,057,898	4465
TOTAL ALL BUDGET FUND GROUPS -				4466	
Administration	\$	119,624,513	\$	121,057,898	4467
Debt Service				4468	
Highway Operating Fund Group				4469	
002 770-003 Administration - State	\$	13,074,500	\$	10,923,100	4470
- Debt Service					
TOTAL HOF Highway Operating				4471	
Fund Group	\$	13,074,500	\$	10,923,100	4472
TOTAL ALL BUDGET FUND GROUPS -				4473	
Debt Service	\$	13,074,500	\$	10,923,100	4474
TOTAL Department of Transportation				4475	
TOTAL HOF Highway Operating				4476	
Fund Group	\$	2,442,047,400	\$	2,572,306,900	4477
TOTAL 042 Highway Capital				4478	
Improvement Fund Group	\$	220,000,000	\$	150,000,000	4479
TOTAL 045 Infrastructure Bank				4480	
Obligations Fund Group	\$	180,000,000	\$	160,000,000	4481
TOTAL ALL BUDGET FUND GROUPS	\$	2,842,047,400	\$	2,882,306,900	4482

Section 203.03.03. ISSUANCE OF BONDS 4484

The Treasurer of State, upon the request of the Director of 4485
Transportation, is authorized to issue and sell, in accordance 4486
with Section 2m of Article VIII, Ohio Constitution, and Chapter 4487

151. and particularly sections 151.01 and 151.06 of the Revised
Code, obligations, including bonds and notes, of the State of Ohio
in the aggregate amount of \$360,000,000 in addition to the
original issuance of obligations heretofore authorized by prior
acts of the General Assembly.

The obligations shall be dated, issued, and sold from time to
time in such amounts as may be necessary to provide sufficient
moneys to the credit of the Highway Capital Improvement Fund (Fund
042) created by section 5528.53 of the Revised Code to pay costs
charged to the fund when due as estimated by the Director of
Transportation, provided, however, that such obligations shall be
issued and sold at such time or times so that not more than
\$220,000,000 original principal amount of obligations, plus the
principal amount of obligations that in prior fiscal years could
have been, but were not, issued within the \$220,000,000 limit, may
be issued in any fiscal year, and not more than \$1,200,000,000
original principal amount of such obligations are outstanding at
any one time.

Section 203.03.04. MAINTENANCE INTERSTATE HIGHWAYS

The Director of Transportation may remove snow and ice and
maintain, repair, improve, or provide lighting upon interstate
highways that are located within the boundaries of municipal
corporations, adequate to meet the requirements of federal law.
When agreed in writing by the Director of Transportation and the
legislative authority of a municipal corporation and
notwithstanding sections 125.01 and 125.11 of the Revised Code,
the Department of Transportation may reimburse the municipal
corporation for all or any part of the costs, as provided by such
agreement, incurred by the municipal corporation in maintaining,
repairing, lighting, and removing snow and ice from the interstate
system.

Section 203.03.06. TRANSFER OF FUND 002 APPROPRIATIONS: 4519
PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, 4520
RAIL, AVIATION, AND ADMINISTRATION 4521

The Director of Budget and Management may approve requests 4522
from the Department of Transportation for transfer of Fund 002 4523
appropriations for highway planning and research (appropriation 4524
items 771-411 and 771-412), highway construction (appropriation 4525
items 772-421, 772-422, and 772-424), highway maintenance 4526
(appropriation item 773-431), rail grade crossings (appropriation 4527
item 776-462), aviation (appropriation item 777-475), and 4528
administration (appropriation item 779-491). Transfers of 4529
appropriations may be made upon the written request of the 4530
Director of Transportation and with the approval of the Director 4531
of Budget and Management. The transfers shall be reported to the 4532
Controlling Board at the next regularly scheduled meeting of the 4533
board. 4534

This transfer authority is intended to provide for emergency 4535
situations and flexibility to meet unforeseen conditions that 4536
could arise during the budget period. It also is intended to allow 4537
the department to optimize the use of available resources and 4538
adjust to circumstances affecting the obligation and expenditure 4539
of federal funds. 4540

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL 4541
TRANSIT 4542

The Director of Budget and Management may approve written 4543
requests from the Director of Transportation for the transfer of 4544
appropriations between appropriation items 772-422, Highway 4545
Construction - Federal, and 775-452, Public Transportation - 4546
Federal, based upon transit capital projects meeting Federal 4547
Highway Administration and Federal Transit Administration funding 4548

guidelines. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. 4549
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TRANSFER OF APPROPRIATIONS: STATE INFRASTRUCTURE BANK 4551

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2006 and 2007. The transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and projected debt, rental, or lease payments. 4552
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Should the appropriation and any reappropriations from prior years in appropriation item 770-401, Infrastructure Debt Service - Federal, and appropriation item 772-434, Infrastructure Lease Payments - Federal, exceed the actual and projected debt, rental, or lease payments for fiscal year 2006 or 2007, then prior to June 30, 2007, the balance may be transferred to appropriation item 772-422 upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. The transfer shall be reported to the Controlling Board at its next regularly scheduled meeting. 4562
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The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash from the Highway Operating Fund (Fund 002) to the Infrastructure Bank funds created in section 5531.09 of the Revised Code. The Director of Budget and Management may transfer from the Infrastructure Bank funds to the Highway Operating Fund up to the amounts originally transferred to the Infrastructure Bank funds under this section. However, the director may not make 4572
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transfers between modes and transfers between different funding 4580
sources. The transfers shall be reported to the Controlling Board 4581
at its next regularly scheduled meeting. 4582

INCREASE APPROPRIATION AUTHORITY: STATE FUNDS 4583

In the event that receipts or unexpended balances credited to 4584
the Highway Operating Fund exceed the estimates upon which the 4585
appropriations have been made in this act, upon the request of the 4586
Director of Transportation, the Controlling Board may increase 4587
appropriation authority in the manner prescribed in section 131.35 4588
of the Revised Code. 4589

INCREASE APPROPRIATION AUTHORITY: FEDERAL AND LOCAL FUNDS 4590

In the event that receipts or unexpended balances credited to 4591
the Highway Operating Fund or apportionments or allocations made 4592
available from the federal and local government exceed the 4593
estimates upon which the appropriations have been made in this 4594
act, upon the request of the Director of Transportation, the 4595
Controlling Board may increase appropriation authority in the 4596
manner prescribed in section 131.35 of the Revised Code. 4597

REAPPROPRIATIONS 4598

All appropriations of the Highway Operating Fund (Fund 002), 4599
the Highway Capital Improvement Fund (Fund 042), and the 4600
Infrastructure Bank funds created in section 5531.09 of the 4601
Revised Code remaining unencumbered on June 30, 2005, are hereby 4602
reappropriated for the same purpose in fiscal year 2006. 4603

All appropriations of the Highway Operating Fund (Fund 002), 4604
the Highway Capital Improvement Fund (Fund 042), and the 4605
Infrastructure Bank funds created in section 5531.09 of the 4606
Revised Code remaining unencumbered on June 30, 2006, are hereby 4607
reappropriated for the same purpose in fiscal year 2007. 4608

Any balances of prior years' appropriations to the Highway 4609

Operating Fund (Fund 002), the Highway Capital Improvement Fund 4610
(Fund 042), and the Infrastructure Bank funds created in section 4611
5531.09 of the Revised Code that are unencumbered on June 30, 4612
2005, subject to the availability of revenue as determined by the 4613
Director of Transportation, are hereby reappropriated for the same 4614
purpose in fiscal year 2006 upon the request of the Director of 4615
Transportation and with the approval of the Director of Budget and 4616
Management. The reappropriations shall be reported to the 4617
Controlling Board. 4618

Any balances of prior years' appropriations to the Highway 4619
Operating Fund (Fund 002), the Highway Capital Improvement Fund 4620
(Fund 042), and the Infrastructure Bank funds created in section 4621
5531.09 of the Revised Code that are unencumbered on June 30, 4622
2006, subject to the availability of revenue as determined by the 4623
Director of Transportation, are hereby reappropriated for the same 4624
purpose in fiscal year 2007 upon the request of the Director of 4625
Transportation and with the approval of the Director of Budget and 4626
Management. The reappropriations shall be reported to the 4627
Controlling Board. 4628

Section 203.03.09. PUBLIC ACCESS ROADS FOR STATE FACILITIES 4629

Of the foregoing appropriation item 772-421, Highway 4630
Construction - State, \$4,517,500 shall be used each fiscal year 4631
during the fiscal year 2006-2007 biennium by the Department of 4632
Transportation for the construction, reconstruction, or 4633
maintenance of public access roads, including support features, to 4634
and within state facilities owned or operated by the Department of 4635
Natural Resources, as requested by the Director of Natural 4636
Resources. 4637

Notwithstanding section 5511.06 of the Revised Code, of the 4638
foregoing appropriation item 772-421, Highway Construction - 4639

State, \$2,228,000 in each fiscal year of the fiscal year 2006-2007 4640
biennium shall be used by the Department of Transportation for the 4641
construction, reconstruction, or maintenance of park drives or 4642
park roads within the boundaries of metropolitan parks. 4643

Included in the foregoing appropriation item 772-421, Highway 4644
Construction - State, the department may perform related road work 4645
on behalf of the Ohio Expositions Commission at the state 4646
fairgrounds, including reconstruction or maintenance of public 4647
access roads and support features, to and within fairground 4648
facilities as requested by the commission and approved by the 4649
Director of Transportation. 4650

LIQUIDATION OF UNFORESEEN LIABILITIES 4651

Any appropriation made to the Department of Transportation, 4652
Highway Operating Fund, not otherwise restricted by law, is 4653
available to liquidate unforeseen liabilities arising from 4654
contractual agreements of prior years when the prior year 4655
encumbrance is insufficient. 4656

Section 203.03.10. PREVENTIVE MAINTENANCE 4657

The Department of Transportation shall contract with an 4658
independent party to issue a yearly report on the effectiveness 4659
and progress of preventive maintenance projects that meet warranty 4660
guidelines. The Department shall issue a yearly report on or 4661
before the first day of December for three consecutive years 4662
beginning in fiscal year 2005. 4663

The Department shall provide in its annual report data on 4664
actual and planned pavement preventive maintenance activities. The 4665
data shall include the following: (1) the total number of lane 4666
miles receiving preventive maintenance treatment, by treatment 4667
type and highway system category; (2) the total number of lane 4668
miles programmed to receive treatment; (3) the actual costs of the 4669

pavement preventive maintenance activities per lane mile, by 4670
treatment type and highway system category; (4) the total number 4671
of lane miles rehabilitated or reconstructed; and (5) the actual 4672
cost per lane mile of rehabilitated or reconstructed highway, by 4673
highway system category. 4674

Section 203.03.12. RENTAL PAYMENTS - OBA 4675

The foregoing appropriation item 770-003, Administration - 4676
State - Debt Service, shall be used to pay rent to the Ohio 4677
Building Authority for various capital facilities to be 4678
constructed, reconstructed, or rehabilitated for the use of the 4679
Department of Transportation, including the department's plant and 4680
facilities at its central office, field districts, and county and 4681
outpost locations. The rental payments shall be made from revenues 4682
received from the motor vehicle fuel tax. The amounts of any bonds 4683
and notes to finance such capital facilities shall be at the 4684
request of the Director of Transportation. Notwithstanding section 4685
152.24 of the Revised Code, the Ohio Building Authority may, with 4686
approval of the Office of Budget and Management, lease capital 4687
facilities to the Department of Transportation. 4688

The Director of Transportation shall hold title to any land 4689
purchased and any resulting structures that are attributable to 4690
appropriation item 770-003. Notwithstanding section 152.18 of the 4691
Revised Code, the Director of Transportation shall administer any 4692
purchase of land and any contract for construction, 4693
reconstruction, and rehabilitation of facilities as a result of 4694
this appropriation. 4695

Should the appropriation and any reappropriations from prior 4696
years in appropriation item 770-003 exceed the rental payments for 4697
fiscal year 2006 or 2007, then prior to June 30, 2007, the balance 4698
may be transferred to appropriation item 772-421, 773-431, or 4699
779-491 upon the written request of the Director of Transportation 4700

and with the approval of the Director of Budget and Management. 4701
The transfer shall be reported to the Controlling Board at its 4702
next regularly scheduled meeting. 4703

Section 203.03.15. PUBLIC TRANSPORTATION HIGHWAY PURPOSE 4704
GRANTS 4705

The Director of Transportation may use revenues from the 4706
state motor vehicle fuel tax to match approved federal grants 4707
awarded to the Department of Transportation, regional transit 4708
authorities, or eligible public transportation systems, for public 4709
transportation highway purposes, or to support local or state 4710
funded projects for public transportation highway purposes. Public 4711
transportation highway purposes include: the construction or 4712
repair of high-occupancy vehicle traffic lanes, the acquisition or 4713
construction of park-and-ride facilities, the acquisition or 4714
construction of public transportation vehicle loops, the 4715
construction or repair of bridges used by public transportation 4716
vehicles or that are the responsibility of a regional transit 4717
authority or other public transportation system, or other similar 4718
construction that is designated as an eligible public 4719
transportation highway purpose. Motor vehicle fuel tax revenues 4720
may not be used for operating assistance or for the purchase of 4721
vehicles, equipment, or maintenance facilities. 4722

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 4723

The Director of Budget and Management shall transfer cash in 4724
equal monthly increments totaling \$133,424,000 in fiscal year 2006 4725
and in equal monthly increments totaling \$154,009,400 in fiscal 4726
year 2007 from the Highway Operating Fund, created in section 4727
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 4728
created in division (A) of section 5735.27 of the Revised Code. 4729
The monthly amounts transferred under this section shall be 4730
distributed as follows: 42.86 per cent shall be distributed among 4731

the municipal corporations within the state under division (A)(2) 4732
of section 5735.27 of the Revised Code; 37.14 per cent shall be 4733
distributed among the counties within the state under division 4734
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 4735
shall be distributed among the townships within the state under 4736
division (A)(5)(b) of section 5735.27 of the Revised Code. 4737

Section 203.03.18. ALTERNATIVE SOUNDPROOFING 4738

Of the foregoing appropriation item 772-421, Highway 4739
Construction-State, up to \$250,000 in fiscal year 2006 shall be 4740
used by the Department of Transportation to perform a study of 4741
alternative soundproofing methods or any alternative soundproofing 4742
techniques that could be used in Ohio as an alternative to 4743
traditional sound barriers. The Director of Transportation shall 4744
issue a report of the study findings to the chairperson and 4745
ranking minority members of the House of Representatives and 4746
Senate Transportation Committees, the Speaker of the House of 4747
Representatives, the President of the Senate, and the Minority 4748
Leaders of the House of Representatives and the Senate on or 4749
before June 30, 2006. 4750

Section 203.06. DHS DEPARTMENT OF PUBLIC SAFETY 4751

Highway Safety Information and Education 4752

State Highway Safety Fund Group 4753

036 761-321 Operating Expense - \$ 3,475,147 \$ 3,645,598 4754

Information and
Education

036 761-402 Traffic Safety Match \$ 277,137 \$ 277,137 4755

83N 761-611 Elementary School Seat \$ 447,895 \$ 447,895 4756

Belt Program

831 761-610 Information and \$ 468,982 \$ 468,982 4757

Education - Federal

832	761-612	Traffic Safety-Federal	\$	16,577,565	\$	16,577,565	4758
844	761-613	Seat Belt Education	\$	463,760	\$	463,760	4759
		Program					
846	761-625	Motorcycle Safety	\$	2,299,204	\$	2,391,172	4760
		Education					
TOTAL HSF State Highway Safety							4761
Fund Group			\$	24,009,690	\$	24,272,109	4762
Agency Fund Group							4763
5J9	761-678	Federal Salvage/GSA	\$	100,000	\$	100,000	4764
TOTAL AGY Agency			\$	100,000	\$	100,000	4765
TOTAL ALL BUDGET FUND GROUPS -							4766
Highway Safety Information							4767
and Education			\$	24,109,690	\$	24,372,109	4768

FEDERAL HIGHWAY SAFETY PROGRAM MATCH 4769

The foregoing appropriation item 761-402, Traffic Safety 4770
Match, shall be used to provide the nonfederal portion of the 4771
federal Highway Safety Program. Upon request by the Director of 4772
Public Safety and approval by the Director of Budget and 4773
Management, appropriation item 761-402 shall be used to transfer 4774
cash from the Highway Safety Fund to the Traffic Safety - Federal 4775
Fund (Fund 832) at the beginning of each fiscal year on an 4776
intrastate transfer voucher. 4777

FILM PRODUCTION REIMBURSEMENT FUND 4778

On July 1, 2005, or as soon as possible thereafter, the 4779
Director of Budget and Management shall transfer the cash balance 4780
in the Film Production Reimbursement Fund (Fund 847) to the 4781
Highway Safety Fund (Fund 036) created in section 4501.06 of the 4782
Revised Code. Upon completion of the transfer, notwithstanding any 4783
other provision of law to the contrary, the Film Production 4784
Reimbursement Fund (Fund 847) is abolished. 4785

Section 203.06.03. BUREAU OF MOTOR VEHICLES 4786

State Special Revenue Fund Group				4787
539 762-614 Motor Vehicle Dealers	\$	239,902	\$ 239,902	4788
Board				
TOTAL SSR State Special Revenue				4789
Fund Group	\$	239,902	\$ 239,902	4790
State Highway Safety Fund Group				4791
4W4 762-321 Operating Expense-BMV	\$	77,257,480	\$ 73,702,629	4792
4W4 762-410 Registrations	\$	32,480,610	\$ 32,480,610	4793
Supplement				
5V1 762-682 License Plate	\$	2,388,568	\$ 2,388,568	4794
Contributions				
83R 762-639 Local Immobilization	\$	850,000	\$ 850,000	4795
Reimbursement				
835 762-616 Financial	\$	6,551,535	\$ 6,551,535	4796
Responsibility				
Compliance				
849 762-627 Automated Title	\$	12,818,675	\$ 13,146,218	4797
Processing Board				
TOTAL HSF State Highway Safety				4798
Fund Group	\$	132,346,868	\$ 129,119,560	4799
TOTAL ALL BUDGET FUND GROUPS -				4800
Bureau of Motor Vehicles	\$	132,586,770	\$ 129,359,462	4801
MOTOR VEHICLE REGISTRATION				4802
The Registrar of Motor Vehicles may deposit revenues to meet				4803
the cash needs of the State Bureau of Motor Vehicles Fund (Fund				4804
4W4) established in section 4501.25 of the Revised Code, obtained				4805
under sections 4503.02 and 4504.02 of the Revised Code, less all				4806
other available cash. Revenue deposited pursuant to this section				4807
shall support, in part, appropriations for operating expenses and				4808
defray the cost of manufacturing and distributing license plates				4809
and license plate stickers and enforcing the law relative to the				4810
operation and registration of motor vehicles. Notwithstanding				4811

section 4501.03 of the Revised Code, the revenues shall be paid 4812
into the State Bureau of Motor Vehicles Fund before any revenues 4813
obtained pursuant to sections 4503.02 and 4504.02 of the Revised 4814
Code are paid into any other fund. The deposit of revenues to meet 4815
the aforementioned cash needs shall be in approximate equal 4816
amounts on a monthly basis or as otherwise determined by the 4817
Director of Budget and Management pursuant to a plan submitted by 4818
the Registrar of Motor Vehicles. 4819

CAPITAL PROJECTS 4820

The Registrar of Motor Vehicles may transfer cash from the 4821
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 4822
Highway Safety Fund (Fund 036) to meet its obligations for capital 4823
projects CIR-047, Department of Public Safety Office Building, 4824
CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop. 4825

Section 203.06.06. ENFORCEMENT 4826

State Highway Safety Fund Group				4827
036 764-033 Minor Capital Projects	\$	1,250,000	\$ 1,250,000	4828
036 764-321 Operating Expense - Highway Patrol	\$	229,293,561	\$ 237,364,988	4829
036 764-605 Motor Carrier Enforcement Expenses	\$	2,643,022	\$ 2,670,911	4830
5AY 764-688 Traffic Safety Operating	\$	3,082,962	\$ 1,999,437	4831
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$ 622,894	4832
83F 764-657 Law Enforcement Automated Data System	\$	7,324,524	\$ 7,544,260	4833
83G 764-633 OMVI Fines	\$	820,927	\$ 820,927	4834
831 764-610 Patrol - Federal	\$	2,430,950	\$ 2,455,484	4835
831 764-659 Transportation Enforcement - Federal	\$	4,880,671	\$ 5,027,091	4836

837 764-602	Turnpike Policing	\$	9,942,621	\$	10,240,900	4837
838 764-606	Patrol Reimbursement	\$	222,108	\$	222,108	4838
840 764-607	State Fair Security	\$	1,496,283	\$	1,496,283	4839
840 764-617	Security and Investigations	\$	8,145,192	\$	8,145,192	4840
840 764-626	State Fairgrounds Police Force	\$	788,375	\$	788,375	4841
841 764-603	Salvage and Exchange - Highway Patrol	\$	1,305,954	\$	1,339,399	4842
TOTAL HSF State Highway Safety						4843
Fund Group		\$	274,250,044	\$	281,988,249	4844
General Services Fund Group						4845
4S2 764-660	MARCS Maintenance	\$	252,432	\$	262,186	4846
TOTAL GSF General Services						4847
Fund Group		\$	252,432	\$	262,186	4848
TOTAL ALL BUDGET FUND GROUPS -						4849
Enforcement		\$	274,502,476	\$	282,250,435	4850
COLLECTIVE BARGAINING INCREASES						4851
Notwithstanding division (D) of section 127.14 and division						4852
(B) of section 131.35 of the Revised Code, except for the General						4853
Revenue Fund, the Controlling Board may, upon the request of						4854
either the Director of Budget and Management, or the Department of						4855
Public Safety with the approval of the Director of Budget and						4856
Management, increase appropriations for any fund, as necessary for						4857
the Department of Public Safety, to assist in paying the costs of						4858
increases in employee compensation that have occurred pursuant to						4859
collective bargaining agreements under Chapter 4117. of the						4860
Revised Code and, for exempt employees, under section 124.152 of						4861
the Revised Code.						4862
Section 203.06.09. EMERGENCY MEDICAL SERVICES						4863
State Highway Safety Fund Group						4864

83M 765-624	Operating Expenses -	\$	2,519,883	\$	2,519,883	4865
	EMS					
83P 765-637	EMS Grants	\$	5,836,744	\$	5,836,744	4866
831 765-610	EMS/Federal	\$	582,007	\$	582,007	4867
TOTAL HSF State Highway Safety						4868
Fund Group		\$	8,938,634	\$	8,938,634	4869
TOTAL ALL BUDGET FUND GROUPS -						4870
Emergency Medical Services		\$	8,938,634	\$	8,938,634	4871
 Section 203.06.12. INVESTIGATIVE UNIT						4873
State Highway Safety Fund Group						4874
831 767-610	Liquor Enforcement -	\$	514,184	\$	514,184	4875
	Federal					
831 769-610	Food Stamp Trafficking	\$	992,920	\$	1,032,135	4876
	Enforcement - Federal					
TOTAL HSF State Highway Safety						4877
Fund Group		\$	1,507,104	\$	1,546,319	4878
Liquor Control Fund Group						4879
043 767-321	Liquor Enforcement -	\$	10,120,365	\$	10,423,976	4880
	Operations					
TOTAL LCF Liquor Control Fund						4881
Group		\$	10,120,365	\$	10,423,976	4882
State Special Revenue Fund Group						4883
622 767-615	Investigative	\$	404,111	\$	404,111	4884
	Contraband and					
	Forfeiture					
850 767-628	Investigative Unit	\$	120,000	\$	120,000	4885
	Salvage					
TOTAL SSR State Special Revenue						4886
Fund Group		\$	524,111	\$	524,111	4887
TOTAL ALL BUDGET FUND GROUPS -						4888
Special Enforcement		\$	12,151,580	\$	12,494,406	4889

LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				4890
EQUIPMENT				4891
The Director of Public Safety, using intrastate transfer				4892
vouchers, shall make cash transfers to the State Highway Safety				4893
Fund (Fund 036) from other funds to reimburse the State Highway				4894
Safety Fund for the share of lease rental payments to the Ohio				4895
Building Authority that are associated with appropriation item				4896
CAP-076, Investigative Unit MARCS Equipment.				4897
Section 203.06.15. EMERGENCY MANAGEMENT				4898
Federal Special Revenue Fund Group				4899
3N5 763-644 U.S. DOE Agreement	\$	275,000	\$ 275,000	4900
329 763-645 Federal Mitigation	\$	303,504	\$ 303,504	4901
Program				
337 763-609 Federal Disaster	\$	27,269,140	\$ 27,280,000	4902
Relief				
339 763-647 Emergency Management	\$	129,622,000	\$ 129,622,000	4903
Assistance and				
Training				
TOTAL FED Federal Special				4904
Revenue Fund Group	\$	157,469,644	\$ 157,480,504	4905
State Special Revenue Fund Group				4906
4V3 763-662 EMA Service and	\$	696,446	\$ 696,446	4907
Reimbursement				
657 763-652 Utility Radiological	\$	1,260,000	\$ 1,260,000	4908
Safety				
681 763-653 SARA Title III HAZMAT	\$	271,510	\$ 271,510	4909
Planning				
TOTAL SSR State Special Revenue				4910
Fund Group	\$	2,227,956	\$ 2,227,956	4911
TOTAL ALL BUDGET FUND GROUPS -				4912
Emergency Management	\$	159,697,600	\$ 159,708,460	4913

FEDERAL MITIGATION PROGRAM 4914

The fund created by the Controlling Board known as the 4915
Disaster Relief Fund is now the Federal Mitigation Program Fund, 4916
and shall be used to plan and mitigate against future disaster 4917
costs. 4918

STATE DISASTER RELIEF 4919

The appropriation item 763-601, State Disaster Relief, may 4920
accept transfers of cash and appropriations from Controlling Board 4921
appropriation items to reimburse eligible local governments and 4922
private nonprofit organizations for costs related to disasters 4923
that have been declared by local governments or the Governor. The 4924
Ohio Emergency Management Agency shall publish and make available 4925
an application packet outlining eligible items and application 4926
procedures for entities requesting state disaster relief. 4927

Individuals may be eligible for reimbursement of costs 4928
related to disasters that have been declared by the Governor and 4929
the Small Business Administration. The funding in appropriation 4930
item 763-601, State Disaster Relief, shall be used in accordance 4931
with the principles of the federal Individual and Family Grant 4932
Program, which provides grants to households that have been 4933
affected by a disaster to replace basic living items. The Ohio 4934
Emergency Management Agency shall publish and make available an 4935
application procedure for individuals requesting assistance under 4936
the state Individual Assistance Program. 4937

SARA TITLE III HAZMAT PLANNING 4938

The SARA Title III HAZMAT Planning Fund (Fund 681) is 4939
entitled to receive grant funds from the Emergency Response 4940
Commission to implement the Emergency Management Agency's 4941
responsibilities under Chapter 3750. of the Revised Code. 4942

Section 203.06.18. ADMINISTRATION 4943

State Highway Safety Fund Group				4944
036 766-321 Operating Expense -	\$	4,461,836	\$ 4,461,836	4945
Administration				
830 761-603 Salvage and Exchange -	\$	22,070	\$ 22,070	4946
Administration				
TOTAL HSF State Highway Safety				4947
Fund Group	\$	4,483,906	\$ 4,483,906	4948
General Services Fund Group				4949
4S3 766-661 Hilltop Utility	\$	500,000	\$ 500,000	4950
Reimbursement				
TOTAL GSF General Services				4951
Fund Group	\$	500,000	\$ 500,000	4952
TOTAL ALL BUDGET FUND GROUPS -				4953
Administration	\$	4,983,906	\$ 4,983,906	4954

Section 203.06.21. DEBT SERVICE 4956

State Highway Safety Fund Group				4957
036 761-401 Lease Rental Payments	\$	13,387,100	\$ 14,407,000	4958
TOTAL HSF State Highway Safety				4959
Fund Group	\$	13,387,100	\$ 14,407,000	4960
TOTAL ALL BUDGET FUND GROUPS -				4961
Debt Service	\$	13,387,100	\$ 14,407,000	4962

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 4963

The foregoing appropriation item 761-401, Lease Rental 4964
 Payments, shall be used for payments to the Ohio Building 4965
 Authority for the period July 1, 2005, to June 30, 2007, under the 4966
 primary leases and agreements for buildings made under Chapter 4967
 152. of the Revised Code that are pledged for bond service charges 4968
 on related obligations issued under Chapter 152. of the Revised 4969
 Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 4970
 Building Authority may, with approval of the Director of Budget 4971

and Management, lease capital facilities to the Department of 4972
Public Safety. 4973

HILLTOP TRANSFER 4974

The Director of Public Safety shall determine, per an 4975
agreement with the Director of Transportation, the share of each 4976
debt service payment made out of appropriation item 761-401, Lease 4977
Rental Payments, that relates to the Department of 4978
Transportation's portion of the Hilltop Building Project, and 4979
shall certify to the Director of Budget and Management the amounts 4980
of this share. The Director of Budget and Management shall 4981
transfer the amounts of such shares from the Highway Operating 4982
Fund (Fund 002) to the Highway Safety Fund (Fund 036). 4983

Section 203.06.24. REVENUE DISTRIBUTION 4984

Holding Account Redistribution Fund Group 4985

R24 762-619 Unidentified Public \$ 1,885,000 \$ 1,885,000 4986

Safety Receipts

R52 762-623 Security Deposits \$ 250,000 \$ 250,000 4987

TOTAL 090 Holding Account 4988

Redistribution Fund Group \$ 2,135,000 \$ 2,135,000 4989

TOTAL ALL BUDGET FUND GROUPS - 4990

Revenue Distribution \$ 2,135,000 \$ 2,135,000 4991

TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE 4992

REFUND FUND 4993

On July 1, 2005, or as soon as possible thereafter, the 4994
Director of Budget and Management shall transfer the cash balance 4995
in the Highway Patrol Fee Refund Fund (Fund R27) created in former 4996
section 4501.12 of the Revised Code to the Unidentified Public 4997
Safety Receipts Fund (Fund R24). 4998

TOTAL Department of Public Safety 4999

TOTAL HSF State Highway Safety 5000

Fund Group	\$	458,923,346	\$	464,755,777	5001
TOTAL SSR State Special Revenue					5002
Fund Group	\$	2,991,969	\$	2,991,969	5003
TOTAL LCF Liquor Control					5004
Fund Group	\$	10,120,365	\$	10,423,976	5005
TOTAL GSF General Services					5006
Fund Group	\$	752,432	\$	762,186	5007
TOTAL FED Federal Revenue Special					5008
Fund Group	\$	157,469,644	\$	157,480,504	5009
TOTAL AGY Agency Fund Group	\$	100,000	\$	100,000	5010
TOTAL 090 Holding Account					5011
Redistribution					
Fund Group	\$	2,135,000	\$	2,135,000	5012
TOTAL ALL BUDGET FUND GROUPS	\$	632,492,756	\$	638,649,412	5013

Section 203.06.27. CASH BALANCE FUND REVIEW 5015

Not later than the first day of April in each fiscal year of 5016
the biennium, the Director of Budget and Management shall review 5017
the cash balances for each fund, except the State Highway Safety 5018
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4), 5019
in the State Highway Safety Fund Group, and shall recommend to the 5020
Controlling Board an amount to be transferred to the credit of the 5021
State Highway Safety Fund or the Bureau of Motor Vehicles Fund, as 5022
appropriate. 5023

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND 5024

The Director of Budget and Management, under a plan submitted 5025
by the Department of Public Safety or as otherwise determined by 5026
the Director, shall set a cash transfer schedule totaling 5027
\$57,181,700 in fiscal year 2006 and \$38,502,400 in fiscal year 5028
2007 from the Highway Operating Fund, created in section 5735.291 5029
of the Revised Code, to the State Highway Safety Fund, created in 5030
section 4501.06 of the Revised Code. The director shall transfer 5031

the cash at such times as is determined by the transfer schedule. 5032

Section 203.09. DEV DEPARTMENT OF DEVELOPMENT 5033

Highway Operating Fund Group 5034

4W0 195-629 Roadwork Development \$ 17,699,900 \$ 17,699,900 5035

TOTAL HOF Highway Operating 5036

Fund Group \$ 17,699,900 \$ 17,699,900 5037

TOTAL ALL BUDGET FUND GROUPS \$ 17,699,900 \$ 17,699,900 5038

ROADWORK DEVELOPMENT FUND 5039

The Roadwork Development Fund shall be used for road 5040

improvements associated with economic development opportunities 5041

that will retain or attract businesses for Ohio. "Road 5042

improvements" are improvements to public roadway facilities 5043

located on, or serving or capable of serving, a project site. 5044

The Department of Transportation, under the direction of the 5045

Department of Development, shall provide these funds in accordance 5046

with all guidelines and requirements established for Department of 5047

Development appropriation item 195-412, Business Development, 5048

including Controlling Board review and approval as well as the 5049

requirements for usage of gas tax revenue prescribed in Section 5a 5050

of Article XII, Ohio Constitution. Should the Department of 5051

Development require the assistance of the Department of 5052

Transportation to bring a project to completion, the Department of 5053

Transportation shall use its authority under Title LV of the 5054

Revised Code to provide such assistance and enter into contracts 5055

on behalf of the Department of Development. In addition, these 5056

funds may be used in conjunction with appropriation item 195-412, 5057

Business Development, or any other state funds appropriated for 5058

infrastructure improvements. 5059

The Director of Budget and Management, pursuant to a plan 5060

submitted by the Department of Development or as otherwise 5061

determined by the Director of Budget and Management, shall set a
cash transfer schedule to meet the cash needs of the Department of
Development's Roadwork Development Fund (Fund 4W0), less any other
available cash. The director shall transfer to the Roadwork
Development Fund from the Highway Operating Fund (Fund 002),
established in section 5735.291 of the Revised Code, such amounts
at such times as determined by the transfer schedule.

TRANSPORTATION IMPROVEMENT DISTRICTS

Of the foregoing appropriation item 195-629, Roadwork
Development, \$250,000 in each fiscal year of the biennium shall be
paid by the Director of Development to each of the transportation
improvement districts of Butler, Hamilton, Medina, and Montgomery
counties and to the Rossford Transportation Improvement District
in Wood County. The districts may use the payments for any purpose
authorized under Chapter 5540. of the Revised Code, including
administrative activities and the purchase of property and rights
for the construction, maintenance, or operation of a project.
These payments shall not be subject to the restrictions of
appropriation item 195-629, Roadwork Development.

Section 203.12. PWC PUBLIC WORKS COMMISSION

Local Transportation Improvements Fund Group
052 150-402 LTIP - Operating \$ 294,245 \$ 306,509
052 150-701 Local Transportation \$ 66,000,000 \$ 66,000,000
Improvement Program
TOTAL 052 Local Transportation
Improvements Fund Group \$ 66,294,245 \$ 66,306,509
Local Infrastructure Improvements Fund Group
038 150-321 SCIP - Operating \$ 891,324 \$ 919,397
Expenses
TOTAL LIF Local Infrastructure

Improvements Fund Group	\$	891,324	\$	919,397	5090
TOTAL ALL BUDGET FUND GROUPS	\$	67,185,569	\$	67,225,906	5091

DISTRICT ADMINISTRATION COSTS 5092

The Director of the Public Works Commission is authorized to 5093
create a District Administration Costs Program from interest 5094
earnings of the Capital Improvements Fund and Local Transportation 5095
Improvement Program Fund proceeds. The program shall be used to 5096
provide for the direct costs of district administration of the 5097
nineteen public works districts. Districts choosing to participate 5098
in the program shall only expend Capital Improvements Fund moneys 5099
for Capital Improvements Fund costs and Local Transportation 5100
Improvement Program Fund moneys for Local Transportation 5101
Improvement Program Fund costs. The account shall not exceed 5102
\$760,000 per fiscal year. Each public works district may be 5103
eligible for up to \$40,000 per fiscal year from its district 5104
allocation as provided in sections 164.08 and 164.14 of the 5105
Revised Code. 5106

The director, by rule, shall define allowable and 5107
nonallowable costs for the purpose of the District Administration 5108
Costs Program. Nonallowable costs include indirect costs, elected 5109
official salaries and benefits, and project-specific costs. No 5110
district public works committee may participate in the District 5111
Administration Costs Program without the approval of those costs 5112
by the district public works committee under section 164.04 of the 5113
Revised Code. 5114

REAPPROPRIATIONS 5115

All capital appropriations from the Local Transportation 5116
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 87 of the 5117
125th General Assembly remaining unencumbered as of June 30, 2005, 5118
are reappropriated for use during the period July 1, 2005, through 5119
June 30, 2006, for the same purpose. 5120

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 052) in this act remaining unencumbered as of June 30, 2006, are reappropriated for use during the period July 1, 2006, through June 30, 2007, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

Section 303.03. PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Law contained in the main operating appropriations act of the 126th General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act.

Section 303.06. LEASE PAYMENTS TO OBA AND TREASURER

Certain appropriations are in this act for the purpose of lease payments to the Ohio Building Authority or to the Treasurer of State under leases and agreements relating to bonds or notes issued by the Ohio Building Authority or the Treasurer of State under the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 606.03. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified

and uncodified sections contained in this act are composed, and 5150
their applications, are independent and severable. 5151

Section 612.03. Except as otherwise specifically provided in 5152
this act, the codified sections of law amended or enacted in this 5153
act, and the items of law of which the codified sections of law 5154
amended or enacted in this act are composed, are subject to the 5155
referendum. Therefore, under Ohio Constitution, Article II, 5156
Section 1c and section 1.471 of the Revised Code, the codified 5157
sections of law amended or enacted by this act, and the items of 5158
law of which the codified sections of law as amended or enacted by 5159
this act are composed, take effect on the ninety-first day after 5160
this act is filed with the Secretary of State. If, however, a 5161
referendum petition is filed against any such codified section of 5162
law as amended or enacted by this act, or against any item of law 5163
of which any such codified section of law as amended or enacted by 5164
this act is composed, the codified section of law as amended or 5165
enacted, or item of law, unless rejected at the referendum, takes 5166
effect at the earliest time permitted by law. 5167

Section 612.09. Sections 109.572, 4501.26, 4503.26, 4503.40, 5168
4503.42, 4508.06, 4508.10, 4509.27, 4749.03, 4749.06, and 4749.10 5169
of the Revised Code, as amended or enacted by this act, and the 5170
items of law of which such sections as amended or enacted by this 5171
act are composed, are not subject to the referendum. Therefore, 5172
under Ohio Constitution, Article II, Section 1d and section 1.471 5173
of the Revised Code, such sections as amended or enacted by this 5174
act, and the items of law of which such sections as amended or 5175
enacted by this act are composed, are entitled to go into 5176
immediate effect when this act becomes law. However, those 5177
sections as amended by this act, and the items of law which those 5178
sections as amended by this act are composed, take effect on July 5179

1, 2005. 5180

Section 612.12. The repeal by this act of sections 4501.12 5181
and 4501.35 of the Revised Code is not subject to the referendum. 5182
Therefore, under Ohio Constitution, Article II, Section 1d and 5183
section 1.471 of the Revised Code, such repeals are entitled to go 5184
into immediate effect when this act becomes law. However, those 5185
sections as repealed by this act, and the items of law which those 5186
sections as repealed by this act are composed, go into effect on 5187
July 1, 2005. 5188

Section 612.18. If the amendment or enactment in this act of 5189
a codified section of law is subject to the referendum, the 5190
corresponding indications in the amending, enacting, or existing 5191
repeal clauses commanding the amendment or enactment also are 5192
subject to the referendum, along with the amendment or enactment. 5193
If the amendment, enactment, or repeal by this act of a codified 5194
or uncodified section of law is not subject to the referendum, the 5195
corresponding indications in the amending, enacting, or repeal 5196
clauses commanding the amendment, enactment, or repeal also are 5197
not subject to the referendum, the same as the amendment, 5198
enactment, or repeal. 5199

Section 615.03. The items in the uncodified sections of law 5200
contained in this act that appropriate money for the current 5201
expenses of state government, earmark this class of 5202
appropriations, or depend for their implementation upon an 5203
appropriation for the current expenses of state government are not 5204
subject to the referendum. Therefore, under Ohio Constitution, 5205
Article II, Section 1d and section 1.471 of the Revised Code, 5206
these items go into immediate effect when this act becomes law. 5207

The items in the uncodified sections of law contained in this 5208
act that appropriate money other than for the current expenses of 5209

state government, earmark this class of appropriations, or do not
depend for their implementation upon an appropriation for the
current expenses of state government are subject to the
referendum. Therefore, under Ohio Constitution, Article II,
Section 1c and section 1.471 of the Revised Code, these items take
effect on the ninety-first day after this act is filed with the
Secretary of State. If, however, a referendum petition is filed
against such an item, the item, unless rejected at the referendum,
takes effect at the earliest time permitted by law.

This section is not subject to the referendum. Therefore,
under Ohio Constitution, Article II, Section 1d and section 1.471
of the Revised Code, this section goes into immediate effect when
this act becomes law.

Section 618.03. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended by
the acts indicated, are the resulting versions of the sections in
effect prior to the effective date of the sections as presented in
this act:

Section 109.572 of the Revised Code as amended by Am. Sub.
H.B. 117, Am. Sub. H.B. 306, Am. Sub. S.B. 53, and Am. S.B. 178,
all of the 125th General Assembly.

Section 307.12 of the Revised Code as amended by both Sub.
H.B. 204 and Sub. H.B. 323 of the 125th General Assembly.