

**As Reported by the Senate Highways and Transportation
Committee**

**126th General Assembly
Regular Session
2005-2006**

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, 127.16, 307.12,	1
315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06,	2
4501.21, 4501.26, 4503.02, 4503.103, 4503.26,	3
4503.40, 4503.42, 4504.02, 4504.15, 4504.16,	4
4504.18, 4505.021, 4505.031, 4505.032, 4505.06,	5
4505.08, 4506.01, 4506.03, 4506.05, 4506.08,	6
4506.09, 4506.10, 4506.11, 4506.12, 4506.14,	7
4506.15, 4506.16, 4506.17, 4506.20, 4506.23,	8
4506.25, 4507.02, 4508.06, 4509.27, 4511.191,	9
4511.21, 4513.263, 4513.34, 4513.61, 4519.58,	10
4749.02, 4749.03, 4749.06, 4749.10, 4765.07,	11
4765.11, 5501.11, 5503.04, 5513.04, 5525.01,	12
5525.10, 5525.15, 5525.25, 5531.09, 5531.10,	13
5537.16, 5537.17, 5543.02, 5735.05, 5735.23,	14
5735.25, 5735.27, 5735.28, and 5735.29; to enact	15
sections 4503.85, 4508.10, and 5531.11; and to	16
repeal sections 4501.12, 4501.35, 4506.02, and	17
4506.26 of the Revised Code and to amend Section 5	18
of Sub. S.B. 59 of the 124th General Assembly to	19
make appropriations for programs related to	20

transportation and public safety for the biennium 21
beginning July 1, 2005, and ending June 30, 2007, 22
and to provide authorization and conditions for 23
the operation of those programs. 24

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

Section 101.01. That sections 109.572, 122.14, 127.16, 25
307.12, 315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06, 26
4501.21, 4501.26, 4503.02, 4503.103, 4503.26, 4503.40, 4503.42, 27
4504.02, 4504.15, 4505.16, 4504.18, 4505.021, 4505.031, 4505.032, 28
4505.06, 4505.08, 4506.01, 4506.03, 4506.05, 4506.08, 4506.09, 29
4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 4506.17, 30
4506.20, 4506.23, 4506.25, 4507.02, 4508.06, 4509.27, 4511.191, 31
4511.21, 4513.263, 4513.34, 4513.61, 4519.58, 4749.02, 4749.03, 32
4749.06, 4749.10, 4765.07, 4765.11, 5501.11, 5503.04, 5513.04, 33
5525.01, 5525.10, 5525.15, 5525.25, 5531.09, 5531.10, 5537.16, 34
5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 35
5735.29 be amended and sections 4503.85, 4508.10, and 5531.11 of 36
the Revised Code be enacted to read as follows: 37

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 38
section 121.08, 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 39
5104.013, or 5153.111 of the Revised Code, a completed form 40
prescribed pursuant to division (C)(1) of this section, and a set 41
of fingerprint impressions obtained in the manner described in 42
division (C)(2) of this section, the superintendent of the bureau 43
of criminal identification and investigation shall conduct a 44
criminal records check in the manner described in division (B) of 45
this section to determine whether any information exists that 46
indicates that the person who is the subject of the request 47
previously has been convicted of or pleaded guilty to any of the 48
following: 49

(a) A violation of section 2903.01, 2903.02, 2903.03, 50
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 51
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 52
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 53
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 54
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 55
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 56
2925.06, or 3716.11 of the Revised Code, felonious sexual 57
penetration in violation of former section 2907.12 of the Revised 58
Code, a violation of section 2905.04 of the Revised Code as it 59
existed prior to July 1, 1996, a violation of section 2919.23 of 60
the Revised Code that would have been a violation of section 61
2905.04 of the Revised Code as it existed prior to July 1, 1996, 62
had the violation been committed prior to that date, or a 63
violation of section 2925.11 of the Revised Code that is not a 64
minor drug possession offense; 65

(b) A violation of an existing or former law of this state, 66
any other state, or the United States that is substantially 67
equivalent to any of the offenses listed in division (A)(1)(a) of 68
this section. 69

(2) On receipt of a request pursuant to section 5123.081 of 70
the Revised Code with respect to an applicant for employment in 71
any position with the department of mental retardation and 72
developmental disabilities, pursuant to section 5126.28 of the 73
Revised Code with respect to an applicant for employment in any 74
position with a county board of mental retardation and 75
developmental disabilities, or pursuant to section 5126.281 of the 76
Revised Code with respect to an applicant for employment in a 77
direct services position with an entity contracting with a county 78
board for employment, a completed form prescribed pursuant to 79
division (C)(1) of this section, and a set of fingerprint 80
impressions obtained in the manner described in division (C)(2) of 81

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 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, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03,
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12,
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, 2919.12,
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,
2925.03, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.41,
3712.09, 3721.121, or 3722.151 of the Revised Code, 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 with respect to any person who has applied
for employment in a position that involves providing direct care
to an older adult. 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, 114
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 115
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 116
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 117
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 118
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 119
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 120
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 121
2925.22, 2925.23, or 3716.11 of the Revised Code; 122

(b) An existing or former law of this state, any other state, 123
or the United States that is substantially equivalent to any of 124
the offenses listed in division (A)(3)(a) of this section. 125

(4) On receipt of a request pursuant to section 3701.881 of 126
the Revised Code with respect to an applicant for employment with 127
a home health agency as a person responsible for the care, 128
custody, or control of a child, a completed form prescribed 129
pursuant to division (C)(1) of this section, and a set of 130
fingerprint impressions obtained in the manner described in 131
division (C)(2) of this section, the superintendent of the bureau 132
of criminal identification and investigation shall conduct a 133
criminal records check. The superintendent shall conduct the 134
criminal records check in the manner described in division (B) of 135
this section to determine whether any information exists that 136
indicates that the person who is the subject of the request 137
previously has been convicted of or pleaded guilty to any of the 138
following: 139

(a) A violation of section 2903.01, 2903.02, 2903.03, 140
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 141
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 142
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 143
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 144
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 145

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 146
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 147
violation of section 2925.11 of the Revised Code that is not a 148
minor drug possession offense; 149

(b) An existing or former law of this state, any other state, 150
or the United States that is substantially equivalent to any of 151
the offenses listed in division (A)(4)(a) of this section. 152

(5) On receipt of a request pursuant to section 5111.95 or 153
5111.96 of the Revised Code with respect to an applicant for 154
employment with a waiver agency participating in a department of 155
job and family services administered home and community-based 156
waiver program or an independent provider participating in a 157
department administered home and community-based waiver program in 158
a position that involves providing home and community-based waiver 159
services to consumers with disabilities, a completed form 160
prescribed pursuant to division (C)(1) of this section, and a set 161
of fingerprint impressions obtained in the manner described in 162
division (C)(2) of this section, the superintendent of the bureau 163
of criminal identification and investigation shall conduct a 164
criminal records check. The superintendent shall conduct the 165
criminal records check in the manner described in division (B) of 166
this section to determine whether any information exists that 167
indicates that the person who is the subject of the request 168
previously has been convicted of or pleaded guilty to any of the 169
following: 170

(a) A violation of section 2903.01, 2903.02, 2903.03, 171
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 172
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 173
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 174
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 175
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 176
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 177

2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 178
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 179
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 180
Revised Code, felonious sexual penetration in violation of former 181
section 2907.12 of the Revised Code, a violation of section 182
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 183
violation of section 2919.23 of the Revised Code that would have 184
been a violation of section 2905.04 of the Revised Code as it 185
existed prior to July 1, 1996, had the violation been committed 186
prior to that date; 187

(b) An existing or former law of this state, any other state, 188
or the United States that is substantially equivalent to any of 189
the offenses listed in division (A)(5)(a) of this section. 190

(6) On receipt of a request pursuant to section 3701.881 of 191
the Revised Code with respect to an applicant for employment with 192
a home health agency in a position that involves providing direct 193
care to an older adult, a completed form prescribed pursuant to 194
division (C)(1) of this section, and a set of fingerprint 195
impressions obtained in the manner described in division (C)(2) of 196
this section, the superintendent of the bureau of criminal 197
identification and investigation shall conduct a criminal records 198
check. The superintendent shall conduct the criminal records check 199
in the manner described in division (B) of this section to 200
determine whether any information exists that indicates that the 201
person who is the subject of the request previously has been 202
convicted of or pleaded guilty to any of the following: 203

(a) A violation of section 2903.01, 2903.02, 2903.03, 204
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 205
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 206
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 207
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 208
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 209

2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,	210
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,	211
2925.22, 2925.23, or 3716.11 of the Revised Code;	212
(b) An existing or former law of this state, any other state,	213
or the United States that is substantially equivalent to any of	214
the offenses listed in division (A)(6)(a) of this section.	215
(7) When conducting a criminal records check upon a request	216
pursuant to section 3319.39 of the Revised Code for an applicant	217
who is a teacher, in addition to the determination made under	218
division (A)(1) of this section, the superintendent shall	219
determine whether any information exists that indicates that the	220
person who is the subject of the request previously has been	221
convicted of or pleaded guilty to any offense specified in section	222
3319.31 of the Revised Code.	223
(8) On a request pursuant to section 2151.86 of the Revised	224
Code, a completed form prescribed pursuant to division (C)(1) of	225
this section, and a set of fingerprint impressions obtained in the	226
manner described in division (C)(2) of this section, the	227
superintendent of the bureau of criminal identification and	228
investigation shall conduct a criminal records check in the manner	229
described in division (B) of this section to determine whether any	230
information exists that indicates that the person who is the	231
subject of the request previously has been convicted of or pleaded	232
guilty to any of the following:	233
(a) A violation of section 2903.01, 2903.02, 2903.03,	234
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	235
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,	236
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,	237
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	238
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,	239
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,	240

2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 241
violation of section 2905.04 of the Revised Code as it existed 242
prior to July 1, 1996, a violation of section 2919.23 of the 243
Revised Code that would have been a violation of section 2905.04 244
of the Revised Code as it existed prior to July 1, 1996, had the 245
violation been committed prior to that date, a violation of 246
section 2925.11 of the Revised Code that is not a minor drug 247
possession offense, or felonious sexual penetration in violation 248
of former section 2907.12 of the Revised Code; 249

(b) A violation of an existing or former law of this state, 250
any other state, or the United States that is substantially 251
equivalent to any of the offenses listed in division (A)(8)(a) of 252
this section. 253

(9) When conducting a criminal records check on a request 254
pursuant to section 5104.013 of the Revised Code for a person who 255
is an owner, licensee, or administrator of a child day-care center 256
or type A family day-care home or an authorized provider of a 257
certified type B family day-care home, the superintendent, in 258
addition to the determination made under division (A)(1) of this 259
section, shall determine whether any information exists that 260
indicates that the person has been convicted of or pleaded guilty 261
to any of the following: 262

(a) A violation of section 2913.02, 2913.03, 2913.04, 263
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 264
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 265
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 266
2921.13, or 2923.01 of the Revised Code, a violation of section 267
2923.02 or 2923.03 of the Revised Code that relates to a crime 268
specified in this division or division (A)(1)(a) of this section, 269
or a second violation of section 4511.19 of the Revised Code 270
within five years of the date of application for licensure or 271
certification. 272

(b) A violation of an existing or former law of this state, 273
any other state, or the United States that is substantially 274
equivalent to any of the offenses or violations described in 275
division (A)(9)(a) of this section. 276

(10) On receipt of a request for a criminal records check 277
from an individual pursuant to section 4749.03 or 4749.06 of the 278
Revised Code, accompanied by a completed copy of the form 279
prescribed in division (C)(1) of this section and a set of 280
fingerprint impressions obtained in a manner described in division 281
(C)(2) of this section, the superintendent of the bureau of 282
criminal identification and investigation shall conduct a criminal 283
records check in the manner described in division (B) of this 284
section to determine whether any information exists indicating 285
that the person who is the subject of the request has been 286
convicted of or pleaded guilty to a felony in this state or in any 287
other state. If the individual indicates that a firearm will be 288
carried in the course of business, the superintendent shall 289
require information from the federal bureau of investigation as 290
described in division (B)(2) of this section. The superintendent 291
shall report the findings of the criminal records check and any 292
information the federal bureau of investigation provides to the 293
director of public safety. 294

(11) Not later than thirty days after the date the 295
superintendent receives the request, completed form, and 296
fingerprint impressions, the superintendent shall send the person, 297
board, or entity that made the request any information, other than 298
information the dissemination of which is prohibited by federal 299
law, the superintendent determines exists with respect to the 300
person who is the subject of the request that indicates that the 301
person previously has been convicted of or pleaded guilty to any 302
offense listed or described in division (A)(1), (2), (3), (4), 303
(5), (6), (7), (8), ~~or (9)~~, or (10) of this section, as 304

appropriate. The superintendent shall send the person, board, or 305
entity that made the request a copy of the list of offenses 306
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 307
~~or (9),~~ or (10) of this section, as appropriate. If the request 308
was made under section 3701.881 of the Revised Code with regard to 309
an applicant who may be both responsible for the care, custody, or 310
control of a child and involved in providing direct care to an 311
older adult, the superintendent shall provide a list of the 312
offenses specified in divisions (A)(4) and (6) of this section. 313

(B) The superintendent shall conduct any criminal records 314
check requested under section 121.08, 173.41, 2151.86, 3301.32, 315
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 316
4749.06, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 317
5126.281, or 5153.111 of the Revised Code as follows: 318

(1) The superintendent shall review or cause to be reviewed 319
any relevant information gathered and compiled by the bureau under 320
division (A) of section 109.57 of the Revised Code that relates to 321
the person who is the subject of the request, including any 322
relevant information contained in records that have been sealed 323
under section 2953.32 of the Revised Code; 324

(2) If the request received by the superintendent asks for 325
information from the federal bureau of investigation, the 326
superintendent shall request from the federal bureau of 327
investigation any information it has with respect to the person 328
who is the subject of the request and shall review or cause to be 329
reviewed any information the superintendent receives from that 330
bureau. 331

(3) The superintendent or the superintendent's designee may 332
request criminal history records from other states or the federal 333
government pursuant to the national crime prevention and privacy 334
compact set forth in section 109.571 of the Revised Code. 335

(C)(1) The superintendent shall prescribe a form to obtain 336
the information necessary to conduct a criminal records check from 337
any person for whom a criminal records check is required by 338
section 121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 339
3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 340
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 341
5153.111 of the Revised Code. The form that the superintendent 342
prescribes pursuant to this division may be in a tangible format, 343
in an electronic format, or in both tangible and electronic 344
formats. 345

(2) The superintendent shall prescribe standard impression 346
sheets to obtain the fingerprint impressions of any person for 347
whom a criminal records check is required by section 121.08, 348
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 349
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 350
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 351
Code. Any person for whom a records check is required by any of 352
those sections shall obtain the fingerprint impressions at a 353
county sheriff's office, municipal police department, or any other 354
entity with the ability to make fingerprint impressions on the 355
standard impression sheets prescribed by the superintendent. The 356
office, department, or entity may charge the person a reasonable 357
fee for making the impressions. The standard impression sheets the 358
superintendent prescribes pursuant to this division may be in a 359
tangible format, in an electronic format, or in both tangible and 360
electronic formats. 361

(3) Subject to division (D) of this section, the 362
superintendent shall prescribe and charge a reasonable fee for 363
providing a criminal records check requested under section 121.08, 364
173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 365
3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 5111.95, 366
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 367

Code. The person making a criminal records request under section 368
121.08, 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 369
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 5104.012, 5104.013, 370
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 371
Revised Code shall pay the fee prescribed pursuant to this 372
division. A person making a request under section 3701.881 of the 373
Revised Code for a criminal records check for an applicant who may 374
be both responsible for the care, custody, or control of a child 375
and involved in providing direct care to an older adult shall pay 376
one fee for the request. 377

(4) The superintendent of the bureau of criminal 378
identification and investigation may prescribe methods of 379
forwarding fingerprint impressions and information necessary to 380
conduct a criminal records check, which methods shall include, but 381
not be limited to, an electronic method. 382

(D) A determination whether any information exists that 383
indicates that a person previously has been convicted of or 384
pleaded guilty to any offense listed or described in division 385
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 386
(b), (A)(5)(a) or (b), (A)(6), (A)(7)(a) or (b), (A)(8)(a) or (b), 387
or (A)(9)(a) or (b) of this section that is made by the 388
superintendent with respect to information considered in a 389
criminal records check in accordance with this section is valid 390
for the person who is the subject of the criminal records check 391
for a period of one year from the date upon which the 392
superintendent makes the determination. During the period in which 393
the determination in regard to a person is valid, if another 394
request under this section is made for a criminal records check 395
for that person, the superintendent shall provide the information 396
that is the basis for the superintendent's initial determination 397
at a lower fee than the fee prescribed for the initial criminal 398
records check. 399

(E) As used in this section:	400
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	401 402 403 404
(2) "Home and community-based waiver services" and "waiver agency" have the same meanings as in section 5111.95 of the Revised Code.	405 406 407
(3) "Independent provider" has the same meaning as in section 5111.96 of the Revised Code.	408 409
(4) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	410 411
(5) "Older adult" means a person age sixty or older.	412
Sec. 122.14. There is hereby created in the state treasury the roadwork development fund. The fund shall consist of <u>the investment earnings of the security deposit fund created by section 4509.27 of the Revised Code</u> and revenue transferred to it by the director of budget and management from the highway operating fund created in section 5735.291 of the Revised Code and . <u>The fund</u> shall be used by the department of development in accordance with Section 5a of Article XII, Ohio Constitution, to make road improvements associated with retaining or attracting business for this state. All investment earnings of the fund shall be credited to the fund.	413 414 415 416 417 418 419 420 421 422 423
Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this	424 425 426 427 428

section. 429

(B) Except as otherwise provided in this section, no state 430
agency, using money that has been appropriated to it directly, 431
shall: 432

(1) Make any purchase from a particular supplier, that would 433
amount to fifty thousand dollars or more when combined with both 434
the amount of all disbursements to the supplier during the fiscal 435
year for purchases made by the agency and the amount of all 436
outstanding encumbrances for purchases made by the agency from the 437
supplier, unless the purchase is made by competitive selection or 438
with the approval of the controlling board; 439

(2) Lease real estate from a particular supplier, if the 440
lease would amount to seventy-five thousand dollars or more when 441
combined with both the amount of all disbursements to the supplier 442
during the fiscal year for real estate leases made by the agency 443
and the amount of all outstanding encumbrances for real estate 444
leases made by the agency from the supplier, unless the lease is 445
made by competitive selection or with the approval of the 446
controlling board. 447

(C) Any person who authorizes a purchase in violation of 448
division (B) of this section shall be liable to the state for any 449
state funds spent on the purchase, and the attorney general shall 450
collect the amount from the person. 451

(D) Nothing in division (B) of this section shall be 452
construed as: 453

(1) A limitation upon the authority of the director of 454
transportation as granted in sections 5501.17, 5517.02, and 455
5525.14 of the Revised Code; 456

(2) Applying to medicaid provider agreements under Chapter 457
5111. of the Revised Code or payments or provider agreements under 458
the disability medical assistance program established under 459

Chapter 5115. of the Revised Code;	460
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	461 462 463
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	464 465 466 467 468 469 470 471 472
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	473 474 475 476
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	477 478 479 480 481 482 483 484
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	485 486 487
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in	488 489 490

connection with the eligibility determinations it makes for	491
applicants of programs administered by the social security	492
administration;	493
(9) Applying to payments by the department of job and family	494
services under section 5111.13 of the Revised Code for group	495
health plan premiums, deductibles, coinsurance, and other	496
cost-sharing expenses;	497
(10) Applying to any agency of the legislative branch of the	498
state government;	499
(11) Applying to agreements or contracts entered into under	500
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	501
Revised Code;	502
(12) Applying to purchases of services by the adult parole	503
authority under section 2967.14 of the Revised Code or by the	504
department of youth services under section 5139.08 of the Revised	505
Code;	506
(13) Applying to dues or fees paid for membership in an	507
organization or association;	508
(14) Applying to purchases of utility services pursuant to	509
section 9.30 of the Revised Code;	510
(15) Applying to purchases made in accordance with rules	511
adopted by the department of administrative services of motor	512
vehicle, aviation, or watercraft fuel, or emergency repairs of	513
such vehicles;	514
(16) Applying to purchases of tickets for passenger air	515
transportation;	516
(17) Applying to purchases necessary to provide public	517
notifications required by law or to provide notifications of job	518
openings;	519
(18) Applying to the judicial branch of state government;	520

(19) Applying to purchases of liquor for resale by the	521
division of liquor control;	522
(20) Applying to purchases of motor courier and freight	523
services made in accordance with department of administrative	524
services rules;	525
(21) Applying to purchases from the United States postal	526
service and purchases of stamps and postal meter replenishment	527
from vendors at rates established by the United States postal	528
service;	529
(22) Applying to purchases of books, periodicals, pamphlets,	530
newspapers, maintenance subscriptions, and other published	531
materials;	532
(23) Applying to purchases from other state agencies,	533
including state-assisted institutions of higher education;	534
(24) Limiting the authority of the director of environmental	535
protection to enter into contracts under division (D) of section	536
3745.14 of the Revised Code to conduct compliance reviews, as	537
defined in division (A) of that section;	538
(25) Applying to purchases from a qualified nonprofit agency	539
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	540
(26) Applying to payments by the department of job and family	541
services to the United States department of health and human	542
services for printing and mailing notices pertaining to the tax	543
refund offset program of the internal revenue service of the	544
United States department of the treasury;	545
(27) Applying to contracts entered into by the department of	546
mental retardation and developmental disabilities under sections	547
5123.18, 5123.182, and 5123.199 of the Revised Code;	548
(28) Applying to payments made by the department of mental	549
health under a physician recruitment program authorized by section	550

5119.101 of the Revised Code;	551
(29) Applying to contracts entered into with persons by the	552
director of commerce for unclaimed funds collection and remittance	553
efforts as provided in division (F) of section 169.03 of the	554
Revised Code. The director shall keep an itemized accounting of	555
unclaimed funds collected by those persons and amounts paid to	556
them for their services.	557
(30) Applying to purchases made by a state institution of	558
higher education in accordance with the terms of a contract	559
between the vendor and an inter-university purchasing group	560
comprised of purchasing officers of state institutions of higher	561
education;	562
(31) Applying to the department of job and family services'	563
purchases of health assistance services under the children's	564
health insurance program part I provided for under section 5101.50	565
of the Revised Code or the children's health insurance program	566
part II provided for under section 5101.51 of the Revised Code;	567
(32) Applying to payments by the attorney general from the	568
reparations fund to hospitals and other emergency medical	569
facilities for performing medical examinations to collect physical	570
evidence pursuant to section 2907.28 of the Revised Code;	571
(33) Applying to contracts with a contracting authority or	572
administrative receiver under division (G)(2) of section 5126.055	573
of the Revised Code;	574
(34) Applying to reimbursements paid to the United States	575
department of veterans affairs for pharmaceutical and patient	576
supply purchases made on behalf of the Ohio veterans' home agency;	577
(35) Applying to agreements the department of job and family	578
services enters into with terminal distributors of dangerous drugs	579
under section 5110.12 of the Revised Code;	580

(36) Applying to agreements entered into by the director of 581
transportation under section 5531.11 of the Revised Code. 582

(E) Notwithstanding division (B)(1) of this section, the 583
cumulative purchase threshold shall be seventy-five thousand 584
dollars for the departments of mental retardation and 585
developmental disabilities, mental health, rehabilitation and 586
correction, and youth services. 587

(F) When determining whether a state agency has reached the 588
cumulative purchase thresholds established in divisions (B)(1), 589
(B)(2), and (E) of this section, all of the following purchases by 590
such agency shall not be considered: 591

(1) Purchases made through competitive selection or with 592
controlling board approval; 593

(2) Purchases listed in division (D) of this section; 594

(3) For the purposes of the thresholds of divisions (B)(1) 595
and (E) of this section only, leases of real estate. 596

(G) As used in this section, "competitive selection," 597
"purchase," "supplies," and "services" have the same meanings as 598
in section 125.01 of the Revised Code. 599

Sec. 307.12. (A) Except as otherwise provided in divisions 600
(D), (E), and (G) of this section, when the board of county 601
commissioners finds, by resolution, that the county has personal 602
property, including motor vehicles acquired for the use of county 603
officers and departments, and road machinery, equipment, tools, or 604
supplies, which is not needed for public use, is obsolete, or is 605
unfit for the use for which it was acquired, and when the fair 606
market value of the property to be sold or donated under this 607
division is, in the opinion of the board, in excess of two 608
thousand five hundred dollars, the board may do either of the 609
following: 610

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

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

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

(B) When the board of county commissioners finds, by resolution, that the county has 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, and when the fair market value of the property to be sold or donated under this division is, in the opinion of the board, two thousand five hundred dollars or less, the board may do either of the following:

(1) Sell the property by private sale, without advertisement 642
or public notification; 643

(2) Donate the property to an eligible nonprofit organization 644
that is located in this state and is exempt from federal income 645
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 646
any property under this division, the board shall adopt a 647
resolution expressing its intent to make unneeded, obsolete, or 648
unfit-for-use county personal property available to these 649
organizations. The resolution shall include guidelines and 650
procedures the board considers necessary to implement a donation 651
program under this division and shall indicate whether the county 652
will conduct the donation program or the board will contract with 653
a representative to conduct it. If a representative is known when 654
the resolution is adopted, the resolution shall provide contact 655
information such as the representative's name, address, and 656
telephone number. 657

The resolution shall include within its procedures a 658
requirement that any nonprofit organization desiring to obtain 659
donated property under this division shall submit a written notice 660
to the board or its representative. The written notice shall 661
include evidence that the organization is a nonprofit organization 662
that is located in this state and is exempt from federal income 663
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 664
the organization's primary purpose; a description of the type or 665
types of property the organization needs; and the name, address, 666
and telephone number of a person designated by the organization's 667
governing board to receive donated property and to serve as its 668
agent. 669

After adoption of the resolution, the board shall publish, in 670
a newspaper of general circulation in the county, notice of its 671
intent to donate unneeded, obsolete, or unfit-for-use county 672
personal property to eligible nonprofit organizations. The notice 673

shall include a summary of the information provided in the 674
resolution and shall be published at least twice. The second and 675
any subsequent notice shall be published not less than ten nor 676
more than twenty days after the previous notice. A similar notice 677
also shall be posted continually in a conspicuous place in the 678
offices of the county auditor and the board of county 679
commissioners, and, if the county maintains a web site on the 680
internet, the notice shall be posted continually at that web site. 681

The board or its representative shall maintain a list of all 682
nonprofit organizations that notify the board or its 683
representative of their desire to obtain donated property under 684
this division and that the board or its representative determines 685
to be eligible, in accordance with the requirements set forth in 686
this section and in the donation program's guidelines and 687
procedures, to receive donated property. 688

The board or its representatives also shall maintain a list 689
of all county personal property the board finds to be unneeded, 690
obsolete, or unfit for use and to be available for donation under 691
this division. The list shall be posted continually in a 692
conspicuous location in the offices of the county auditor and the 693
board of county commissioners, and, if the county maintains a web 694
site on the internet, the list shall be posted continually at that 695
web site. An item of property on the list shall be donated to the 696
eligible nonprofit organization that first declares to the board 697
or its representative its desire to obtain the item unless the 698
board previously has established, by resolution, a list of 699
eligible nonprofit organizations that shall be given priority with 700
respect to the item's donation. Priority may be given on the basis 701
that the purposes of a nonprofit organization have a direct 702
relationship to specific public purposes of programs provided or 703
administered by the board. A resolution giving priority to certain 704
nonprofit organizations with respect to the donation of an item of 705

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
shall indicate whether the county will conduct the auction or the
board will contract with a representative to conduct the auction
and shall establish the general terms and conditions of sale. If a

representative is known when the resolution is adopted, the 738
resolution shall provide contact information such as the 739
representative's name, address, and telephone number. 740

After adoption of the resolution, the board shall publish, in 741
a newspaper of general circulation in the county, notice of its 742
intent to sell unneeded, obsolete, or unfit-for-use county 743
personal property by internet auction. The notice shall include a 744
summary of the information provided in the resolution and shall be 745
published at least twice. The second and any subsequent notice 746
shall be published not less than ten nor more than twenty days 747
after the previous notice. A similar notice also shall be posted 748
continually throughout the calendar year in a conspicuous place in 749
the offices of the county auditor and the board of county 750
commissioners, and, if the county maintains a web site on the 751
internet, the notice shall be posted continually throughout the 752
calendar year at that web site. 753

When property is to be sold by internet auction, the board or 754
its representative may establish a minimum price that will be 755
accepted for specific items and may establish any other terms and 756
conditions for the particular sale, including requirements for 757
pick-up or delivery, method of payment, and sales tax. This type 758
of information shall be provided on the internet at the time of 759
the auction and may be provided before that time upon request 760
after the terms and conditions have been determined by the board 761
or its representative. 762

(F) When a county officer or department head determines that 763
county-owned personal property under the jurisdiction of the 764
officer or department head, including motor vehicles, road 765
machinery, equipment, tools, or supplies, is not of immediate 766
need, the county officer or department head may notify the board 767
of county commissioners, and the board may lease that personal 768
property to any municipal corporation, township, or other 769

political subdivision of the state. The lease shall require the 770
county to be reimbursed under terms, conditions, and fees 771
established by the board, or under contracts executed by the 772
board. 773

(G) If the board of county commissioners finds, by 774
resolution, that the county has vehicles, equipment, or machinery 775
which is not needed, or is unfit for public use, and the board 776
desires to sell the vehicles, equipment, or machinery to the 777
person or firm from which it proposes to purchase other vehicles, 778
equipment, or machinery, the board may offer to sell the vehicles, 779
equipment, or machinery to that person or firm, and to have the 780
selling price credited to the person or firm against the purchase 781
price of other vehicles, equipment, or machinery. 782

(H) If the board of county commissioners advertises for bids 783
for the sale of new vehicles, equipment, or machinery to the 784
county, it may include in the same advertisement a notice of the 785
willingness of the board to accept bids for the purchase of 786
county-owned vehicles, equipment, or machinery which is obsolete 787
or not needed for public use, and to have the amount of those bids 788
subtracted from the selling price of the other vehicles, 789
equipment, or machinery as a means of determining the lowest 790
responsible bidder. 791

(I) If a board of county commissioners determines that county 792
personal property is not needed for public use, or is obsolete or 793
unfit for the use for which it was acquired, and that the property 794
has no value, the board may discard or salvage that property. 795

(J) A county engineer, in the engineer's discretion, may 796
dispose of scrap construction materials on such terms as the 797
engineer determines reasonable, including disposal without 798
recovery of costs, if the total value of the materials does not 799
exceed twenty-five thousand dollars. The engineer shall maintain 800

records of all dispositions made under this division, including 801
identification of the origin of the materials, the final 802
disposition, and copies of all receipts resulting from the 803
dispositions. 804

As used in division (I) of this section, "scrap construction 805
materials" means construction materials that result from a road or 806
bridge improvement, remain after the improvement is completed, and 807
are not reusable. Construction material that is metal and that 808
results from a road or bridge improvement and remains after the 809
improvement is completed is scrap construction material only if it 810
cannot be used in any other road or bridge improvement or other 811
project in its current state. 812

Sec. 315.08. The county engineer shall perform for the county 813
all duties authorized or declared by law to be done by a 814
registered professional engineer or registered surveyor, except 815
those duties described in sections 307.37 and 307.38 and Chapters 816
343., 6103., and 6117. of the Revised Code. ~~He~~ The engineer shall 817
prepare all plans, specifications, details, estimates of cost, and 818
submit forms of contracts for the construction, maintenance, and 819
repair of all bridges, culverts, roads, drains, ditches, roads on 820
county fairgrounds, and other public improvements, except 821
buildings, constructed under the authority of any board within and 822
for the county. The engineer shall not be required to prepare 823
plans, specifications, details, estimates of costs, or forms of 824
contracts for emergency repairs authorized under section 315.13 of 825
the Revised Code, unless ~~he deems~~ the engineer determines them 826
necessary. 827

Sec. 315.14. The county engineer shall be responsible for the 828
inspection of all public improvements made under authority of the 829
board of county commissioners. The engineer shall keep in suitable 830

books a complete record of all estimates and summaries of bids 831
received and contracts for the various improvements, together with 832
the record of all estimates made for payments on that work. The 833
engineer shall make all surveys required by law, shall perform all 834
necessary services to be performed by a registered surveyor or 835
registered professional engineer in connection with the 836
construction, repair, or opening of all county roads or ditches 837
constructed under the authority of the board, and shall perform 838
other duties as the board requires, provided that the duties 839
described in sections 307.37 and 307.38 and Chapters 343., 6103., 840
and 6117. of the Revised Code shall be performed only pursuant to 841
an agreement between the county engineer and the board; ~~an~~. An 842
agreement of that type may provide for the county engineer's 843
performance of duties described in one or more of those sections 844
or chapters, and may provide for the county engineer's performance 845
of all duties imposed upon a county sanitary engineer under 846
Chapters 6103. and 6117. of the Revised Code or only the duties 847
imposed upon a county sanitary engineer under Chapter 6117. of the 848
Revised Code in relation to drainage. The board shall determine 849
the compensation for performance of the relevant duties described 850
in sections 307.37 and 307.38 and Chapters 343., 6103., and 6117. 851
of the Revised Code and shall pay the county engineer from funds 852
available under the applicable section or chapter ~~or chapters~~ or 853
from the general fund of the county. The performance of the 854
relevant duties described in sections 307.37 and 307.38 and 855
Chapters 343., 6103., and 6117. of the Revised Code shall not 856
constitute engaging in the private practice of engineering or 857
surveying. 858

Sec. 315.18. On the application of any person producing to 859
the county engineer a certificate from the proper officer, ~~such~~ 860
the engineer or ~~his~~ the engineer's deputy ~~shall~~ may survey all 861

lands ~~which~~ that have been sold for taxes, which lie within ~~his~~ 862
the engineer's county. When a portion of any land or lot has been 863
sold for taxes, and, after ~~such~~ the sale and before a survey 864
~~thereof~~ of the land or lot, ~~such~~ the land or lot is set off to 865
another county by the erection of a new county or change of county 866
lines, the engineer of the county in which the sale was made ~~shall~~ 867
may make the survey, and the county auditor of the same county 868
shall make the deed. 869

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 870
deputy marshal, municipal police officer, township constable, 871
police officer of a township or joint township police district, 872
member of a police force employed by a metropolitan housing 873
authority under division (D) of section 3735.31 of the Revised 874
Code, member of a police force employed by a regional transit 875
authority under division (Y) of section 306.35 of the Revised 876
Code, state university law enforcement officer appointed under 877
section 3345.04 of the Revised Code, veterans' home police officer 878
appointed under section 5907.02 of the Revised Code, special 879
police officer employed by a port authority under section 4582.04 880
or 4582.28 of the Revised Code, or a special police officer 881
employed by a municipal corporation at a municipal airport, or 882
other municipal air navigation facility, that has scheduled 883
operations, as defined in section 119.3 of Title 14 of the Code of 884
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 885
required to be under a security program and is governed by 886
aviation security rules of the transportation security 887
administration of the United States department of transportation 888
as provided in Parts 1542. and 1544. of Title 49 of the Code of 889
Federal Regulations, as amended, shall arrest and detain, until a 890
warrant can be obtained, a person found violating, within the 891
limits of the political subdivision, metropolitan housing 892
authority housing project, regional transit authority facilities 893

or areas of a municipal corporation that have been agreed to by a 894
regional transit authority and a municipal corporation located 895
within its territorial jurisdiction, college, university, 896
veterans' home operated under Chapter 5907. of the Revised Code, 897
port authority, or municipal airport or other municipal air 898
navigation facility, in which the peace officer is appointed, 899
employed, or elected, a law of this state, an ordinance of a 900
municipal corporation, or a resolution of a township. 901

(2) A peace officer of the department of natural resources or 902
an individual designated to perform law enforcement duties under 903
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 904
arrest and detain, until a warrant can be obtained, a person found 905
violating, within the limits of the peace officer's or 906
individual's territorial jurisdiction, a law of this state. 907

(3) The house sergeant at arms if the house sergeant at arms 908
has arrest authority pursuant to division (E)(1) of section 909
101.311 of the Revised Code and an assistant house sergeant at 910
arms shall arrest and detain, until a warrant can be obtained, a 911
person found violating, within the limits of the sergeant at 912
arms's or assistant sergeant at arms's territorial jurisdiction 913
specified in division (D)(1)(a) of section 101.311 of the Revised 914
Code or while providing security pursuant to division (D)(1)(f) of 915
section 101.311 of the Revised Code, a law of this state, an 916
ordinance of a municipal corporation, or a resolution of a 917
township. 918

(B)(1) When there is reasonable ground to believe that an 919
offense of violence, the offense of criminal child enticement as 920
defined in section 2905.05 of the Revised Code, the offense of 921
public indecency as defined in section 2907.09 of the Revised 922
Code, the offense of domestic violence as defined in section 923
2919.25 of the Revised Code, the offense of violating a protection 924
order as defined in section 2919.27 of the Revised Code, the 925

offense of menacing by stalking as defined in section 2903.211 of 926
the Revised Code, the offense of aggravated trespass as defined in 927
section 2911.211 of the Revised Code, a theft offense as defined 928
in section 2913.01 of the Revised Code, or a felony drug abuse 929
offense as defined in section 2925.01 of the Revised Code, has 930
been committed within the limits of the political subdivision, 931
metropolitan housing authority housing project, regional transit 932
authority facilities or those areas of a municipal corporation 933
that have been agreed to by a regional transit authority and a 934
municipal corporation located within its territorial jurisdiction, 935
college, university, veterans' home operated under Chapter 5907. 936
of the Revised Code, port authority, or municipal airport or other 937
municipal air navigation facility, in which the peace officer is 938
appointed, employed, or elected or within the limits of the 939
territorial jurisdiction of the peace officer, a peace officer 940
described in division (A) of this section may arrest and detain 941
until a warrant can be obtained any person who the peace officer 942
has reasonable cause to believe is guilty of the violation. 943

(2) For purposes of division (B)(1) of this section, the 944
execution of any of the following constitutes reasonable ground to 945
believe that the offense alleged in the statement was committed 946
and reasonable cause to believe that the person alleged in the 947
statement to have committed the offense is guilty of the 948
violation: 949

(a) A written statement by a person alleging that an alleged 950
offender has committed the offense of menacing by stalking or 951
aggravated trespass; 952

(b) A written statement by the administrator of the 953
interstate compact on mental health appointed under section 954
5119.51 of the Revised Code alleging that a person who had been 955
hospitalized, institutionalized, or confined in any facility under 956
an order made pursuant to or under authority of section 2945.37, 957

2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the
Revised Code has escaped from the facility, from confinement in a
vehicle for transportation to or from the facility, or from
supervision by an employee of the facility that is incidental to
hospitalization, institutionalization, or confinement in the
facility and that occurs outside of the facility, in violation of
section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility
in which a person has been hospitalized, institutionalized, or
confined under an order made pursuant to or under authority of
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or
2945.402 of the Revised Code alleging that the person has escaped
from the facility, from confinement in a vehicle for
transportation to or from the facility, or from supervision by an
employee of the facility that is incidental to hospitalization,
institutionalization, or confinement in the facility and that
occurs outside of the facility, in violation of section 2921.34 of
the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a
peace officer described in division (A) of this section has
reasonable grounds to believe that the offense of domestic
violence or the offense of violating a protection order has been
committed and reasonable cause to believe that a particular person
is guilty of committing the offense if any of the following
occurs:

(i) A person executes a written statement alleging that the
person in question has committed the offense of domestic violence
or the offense of violating a protection order against the person
who executes the statement or against a child of the person who
executes the statement.

(ii) No written statement of the type described in division

(B)(3)(a)(i) of this section is executed, but the peace officer, 989
based upon the peace officer's own knowledge and observation of 990
the facts and circumstances of the alleged incident of the offense 991
of domestic violence or the alleged incident of the offense of 992
violating a protection order or based upon any other information, 993
including, but not limited to, any reasonably trustworthy 994
information given to the peace officer by the alleged victim of 995
the alleged incident of the offense or any witness of the alleged 996
incident of the offense, concludes that there are reasonable 997
grounds to believe that the offense of domestic violence or the 998
offense of violating a protection order has been committed and 999
reasonable cause to believe that the person in question is guilty 1000
of committing the offense. 1001

(iii) No written statement of the type described in division 1002
(B)(3)(a)(i) of this section is executed, but the peace officer 1003
witnessed the person in question commit the offense of domestic 1004
violence or the offense of violating a protection order. 1005

(b) If pursuant to division (B)(3)(a) of this section a peace 1006
officer has reasonable grounds to believe that the offense of 1007
domestic violence or the offense of violating a protection order 1008
has been committed and reasonable cause to believe that a 1009
particular person is guilty of committing the offense, it is the 1010
preferred course of action in this state that the officer arrest 1011
and detain that person pursuant to division (B)(1) of this section 1012
until a warrant can be obtained. 1013

If pursuant to division (B)(3)(a) of this section a peace 1014
officer has reasonable grounds to believe that the offense of 1015
domestic violence or the offense of violating a protection order 1016
has been committed and reasonable cause to believe that family or 1017
household members have committed the offense against each other, 1018
it is the preferred course of action in this state that the 1019
officer, pursuant to division (B)(1) of this section, arrest and 1020

detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was 1053
caused by a person acting in self-defense; 1054

(iii) Each person's fear of physical harm, if any, resulting 1055
from the other person's threatened use of force against any person 1056
or resulting from the other person's use or history of the use of 1057
force against any person, and the reasonableness of that fear; 1058

(iv) The comparative severity of any injuries suffered by the 1059
persons involved in the alleged offense. 1060

(e)(i) A peace officer described in division (A) of this 1061
section shall not require, as a prerequisite to arresting or 1062
charging a person who has committed the offense of domestic 1063
violence or the offense of violating a protection order, that the 1064
victim of the offense specifically consent to the filing of 1065
charges against the person who has committed the offense or sign a 1066
complaint against the person who has committed the offense. 1067

(ii) If a person is arrested for or charged with committing 1068
the offense of domestic violence or the offense of violating a 1069
protection order and if the victim of the offense does not 1070
cooperate with the involved law enforcement or prosecuting 1071
authorities in the prosecution of the offense or, subsequent to 1072
the arrest or the filing of the charges, informs the involved law 1073
enforcement or prosecuting authorities that the victim does not 1074
wish the prosecution of the offense to continue or wishes to drop 1075
charges against the alleged offender relative to the offense, the 1076
involved prosecuting authorities, in determining whether to 1077
continue with the prosecution of the offense or whether to dismiss 1078
charges against the alleged offender relative to the offense and 1079
notwithstanding the victim's failure to cooperate or the victim's 1080
wishes, shall consider all facts and circumstances that are 1081
relevant to the offense, including, but not limited to, the 1082
statements and observations of the peace officers who responded to 1083

the incident that resulted in the arrest or filing of the charges 1084
and of all witnesses to that incident. 1085

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1086
this section whether to arrest a person pursuant to division 1087
(B)(1) of this section, a peace officer described in division (A) 1088
of this section shall not consider as a factor any possible 1089
shortage of cell space at the detention facility to which the 1090
person will be taken subsequent to the person's arrest or any 1091
possibility that the person's arrest might cause, contribute to, 1092
or exacerbate overcrowding at that detention facility or at any 1093
other detention facility. 1094

(g) If a peace officer described in division (A) of this 1095
section intends pursuant to divisions (B)(3)(a) to (g) of this 1096
section to arrest a person pursuant to division (B)(1) of this 1097
section and if the officer is unable to do so because the person 1098
is not present, the officer promptly shall seek a warrant for the 1099
arrest of the person. 1100

(h) If a peace officer described in division (A) of this 1101
section responds to a report of an alleged incident of the offense 1102
of domestic violence or an alleged incident of the offense of 1103
violating a protection order and if the circumstances of the 1104
incident involved the use or threatened use of a deadly weapon or 1105
any person involved in the incident brandished a deadly weapon 1106
during or in relation to the incident, the deadly weapon that was 1107
used, threatened to be used, or brandished constitutes contraband, 1108
and, to the extent possible, the officer shall seize the deadly 1109
weapon as contraband pursuant to section 2933.43 of the Revised 1110
Code. Upon the seizure of a deadly weapon pursuant to division 1111
(B)(3)(h) of this section, section 2933.43 of the Revised Code 1112
shall apply regarding the treatment and disposition of the deadly 1113
weapon. For purposes of that section, the "underlying criminal 1114
offense" that was the basis of the seizure of a deadly weapon 1115

under division (B)(3)(h) of this section and to which the deadly
weapon had a relationship is any of the following that is
applicable:

(i) The alleged incident of the offense of domestic violence
or the alleged incident of the offense of violating a protection
order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and
circumstances as the report of the alleged incident of the offense
of domestic violence or the alleged incident of the offense of
violating a protection order to which the officer who seized the
deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a)
to (g) of this section, a peace officer described in division (A)
of this section arrests and detains a person pursuant to division
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of
this section, a peace officer described in division (A) of this
section seizes a deadly weapon, the officer, to the extent
described in and in accordance with section 9.86 or 2744.03 of the
Revised Code, is immune in any civil action for damages for
injury, death, or loss to person or property that arises from or
is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a
violation of division (A)(1), (2), ~~or (3)~~, (4), or (5) of section
4506.15 or a violation of section 4511.19 of the Revised Code has
been committed by a person operating a motor vehicle subject to
regulation by the public utilities commission of Ohio under Title
XLIX of the Revised Code, a peace officer with authority to
enforce that provision of law may stop or detain the person whom
the officer has reasonable cause to believe was operating the
motor vehicle in violation of the division or section and, after
investigating the circumstances surrounding the operation of the

vehicle, may arrest and detain the person. 1147

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 1148
municipal police officer, member of a police force employed by a 1149
metropolitan housing authority under division (D) of section 1150
3735.31 of the Revised Code, member of a police force employed by 1151
a regional transit authority under division (Y) of section 306.35 1152
of the Revised Code, special police officer employed by a port 1153
authority under section 4582.04 or 4582.28 of the Revised Code, 1154
special police officer employed by a municipal corporation at a 1155
municipal airport or other municipal air navigation facility 1156
described in division (A) of this section, township constable, 1157
police officer of a township or joint township police district, 1158
state university law enforcement officer appointed under section 1159
3345.04 of the Revised Code, peace officer of the department of 1160
natural resources, individual designated to perform law 1161
enforcement duties under section 511.232, 1545.13, or 6101.75 of 1162
the Revised Code, the house sergeant at arms if the house sergeant 1163
at arms has arrest authority pursuant to division (E)(1) of 1164
section 101.311 of the Revised Code, or an assistant house 1165
sergeant at arms is authorized by division (A) or (B) of this 1166
section to arrest and detain, within the limits of the political 1167
subdivision, metropolitan housing authority housing project, 1168
regional transit authority facilities or those areas of a 1169
municipal corporation that have been agreed to by a regional 1170
transit authority and a municipal corporation located within its 1171
territorial jurisdiction, port authority, municipal airport or 1172
other municipal air navigation facility, college, or university in 1173
which the officer is appointed, employed, or elected or within the 1174
limits of the territorial jurisdiction of the peace officer, a 1175
person until a warrant can be obtained, the peace officer, outside 1176
the limits of that territory, may pursue, arrest, and detain that 1177
person until a warrant can be obtained if all of the following 1178
apply: 1179

(1) The pursuit takes place without unreasonable delay after 1180
the offense is committed; 1181

(2) The pursuit is initiated within the limits of the 1182
political subdivision, metropolitan housing authority housing 1183
project, regional transit authority facilities or those areas of a 1184
municipal corporation that have been agreed to by a regional 1185
transit authority and a municipal corporation located within its 1186
territorial jurisdiction, port authority, municipal airport or 1187
other municipal air navigation facility, college, or university in 1188
which the peace officer is appointed, employed, or elected or 1189
within the limits of the territorial jurisdiction of the peace 1190
officer; 1191

(3) The offense involved is a felony, a misdemeanor of the 1192
first degree or a substantially equivalent municipal ordinance, a 1193
misdemeanor of the second degree or a substantially equivalent 1194
municipal ordinance, or any offense for which points are 1195
chargeable pursuant to section 4510.036 of the Revised Code. 1196

(E) In addition to the authority granted under division (A) 1197
or (B) of this section: 1198

(1) A sheriff or deputy sheriff may arrest and detain, until 1199
a warrant can be obtained, any person found violating section 1200
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1201
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1202
portion of any street or highway that is located immediately 1203
adjacent to the boundaries of the county in which the sheriff or 1204
deputy sheriff is elected or appointed. 1205

(2) A member of the police force of a township police 1206
district created under section 505.48 of the Revised Code, a 1207
member of the police force of a joint township police district 1208
created under section 505.481 of the Revised Code, or a township 1209
constable appointed in accordance with section 509.01 of the 1210

Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township police district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person

found violating any section or chapter of the Revised Code listed 1243
in division (E)(1) of this section, other than sections 4513.33 1244
and 4513.34 of the Revised Code, on the portion of any street or 1245
highway that is located immediately adjacent to the boundaries of 1246
the lands and waters that constitute the territorial jurisdiction 1247
of the peace officer. 1248

(F)(1) A department of mental health special police officer 1249
or a department of mental retardation and developmental 1250
disabilities special police officer may arrest without a warrant 1251
and detain until a warrant can be obtained any person found 1252
committing on the premises of any institution under the 1253
jurisdiction of the particular department a misdemeanor under a 1254
law of the state. 1255

A department of mental health special police officer or a 1256
department of mental retardation and developmental disabilities 1257
special police officer may arrest without a warrant and detain 1258
until a warrant can be obtained any person who has been 1259
hospitalized, institutionalized, or confined in an institution 1260
under the jurisdiction of the particular department pursuant to or 1261
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1262
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1263
found committing on the premises of any institution under the 1264
jurisdiction of the particular department a violation of section 1265
2921.34 of the Revised Code that involves an escape from the 1266
premises of the institution. 1267

(2)(a) If a department of mental health special police 1268
officer or a department of mental retardation and developmental 1269
disabilities special police officer finds any person who has been 1270
hospitalized, institutionalized, or confined in an institution 1271
under the jurisdiction of the particular department pursuant to or 1272
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1273
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1274

violation of section 2921.34 of the Revised Code that involves an
escape from the premises of the institution, or if there is
reasonable ground to believe that a violation of section 2921.34
of the Revised Code has been committed that involves an escape
from the premises of an institution under the jurisdiction of the
department of mental health or the department of mental
retardation and developmental disabilities and if a department of
mental health special police officer or a department of mental
retardation and developmental disabilities special police officer
has reasonable cause to believe that a particular person who has
been hospitalized, institutionalized, or confined in the
institution pursuant to or under authority of section 2945.37,
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the
Revised Code is guilty of the violation, the special police
officer, outside of the premises of the institution, may pursue,
arrest, and detain that person for that violation of section
2921.34 of the Revised Code, until a warrant can be obtained, if
both of the following apply:

(i) The pursuit takes place without unreasonable delay after
the offense is committed;

(ii) The pursuit is initiated within the premises of the
institution from which the violation of section 2921.34 of the
Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the
execution of a written statement by the administrator of the
institution in which a person had been hospitalized,
institutionalized, or confined pursuant to or under authority of
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or
2945.402 of the Revised Code alleging that the person has escaped
from the premises of the institution in violation of section
2921.34 of the Revised Code constitutes reasonable ground to
believe that the violation was committed and reasonable cause to

believe that the person alleged in the statement to have committed 1307
the offense is guilty of the violation. 1308

(G) As used in this section: 1309

(1) A "department of mental health special police officer" 1310
means a special police officer of the department of mental health 1311
designated under section 5119.14 of the Revised Code who is 1312
certified by the Ohio peace officer training commission under 1313
section 109.77 of the Revised Code as having successfully 1314
completed an approved peace officer basic training program. 1315

(2) A "department of mental retardation and developmental 1316
disabilities special police officer" means a special police 1317
officer of the department of mental retardation and developmental 1318
disabilities designated under section 5123.13 of the Revised Code 1319
who is certified by the Ohio peace officer training council under 1320
section 109.77 of the Revised Code as having successfully 1321
completed an approved peace officer basic training program. 1322

(3) "Deadly weapon" has the same meaning as in section 1323
2923.11 of the Revised Code. 1324

(4) "Family or household member" has the same meaning as in 1325
section 2919.25 of the Revised Code. 1326

(5) "Street" or "highway" has the same meaning as in section 1327
4511.01 of the Revised Code. 1328

(6) "Interstate system" has the same meaning as in section 1329
5516.01 of the Revised Code. 1330

(7) "Peace officer of the department of natural resources" 1331
means an employee of the department of natural resources who is a 1332
natural resources law enforcement staff officer designated 1333
pursuant to section 1501.013 of the Revised Code, a forest officer 1334
designated pursuant to section 1503.29 of the Revised Code, a 1335
preserve officer designated pursuant to section 1517.10 of the 1336

Revised Code, a wildlife officer designated pursuant to section 1337
1531.13 of the Revised Code, a park officer designated pursuant to 1338
section 1541.10 of the Revised Code, or a state watercraft officer 1339
designated pursuant to section 1547.521 of the Revised Code. 1340

Sec. 4501.04. All moneys paid into the auto registration 1341
distribution fund under section 4501.03 of the Revised Code, 1342
except moneys received under ~~sections~~ section 4504.09 of the 1343
Revised Code and moneys received under section 4503.02 of the 1344
Revised Code in accordance with section 4501.13 of the Revised 1345
Code, and except moneys paid for costs of audits under section 1346
4501.03 of the Revised Code, after receipt by the treasurer of 1347
state of certifications from the commissioners of the sinking fund 1348
certifying, as required by sections 5528.15 and 5528.35 of the 1349
Revised Code, that there are sufficient moneys to the credit of 1350
the highway improvement bond retirement fund created by section 1351
5528.12 of the Revised Code to meet in full all payments of 1352
interest, principal, and charges for the retirement of bonds and 1353
other obligations issued pursuant to Section 2g of Article VIII, 1354
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 1355
Code, due and payable during the current calendar year, and that 1356
there are sufficient moneys to the credit of the highway 1357
obligations bond retirement fund created by section 5528.32 of the 1358
Revised Code to meet in full all payments of interest, principal, 1359
and charges for the retirement of highway obligations issued 1360
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1361
sections 5528.30 and 5528.31 of the Revised Code due and payable 1362
during the current calendar year, shall be distributed as follows: 1363

(A) Thirty-four per cent of all such moneys are for the use 1364
of the municipal corporation or county which constitutes the 1365
district of registration. The portion of such money due to the 1366
municipal corporation shall be paid into its treasury forthwith 1367
upon receipt by the county auditor, and shall be used to plan, 1368

construct, reconstruct, repave, widen, maintain, repair, clear, 1369
and clean public highways, roads, and streets; to maintain and 1370
repair bridges and viaducts; to purchase, erect, and maintain 1371
street and traffic signs and markers; to purchase, erect, and 1372
maintain traffic lights and signals; to pay the principal, 1373
interest, and charges on bonds and other obligations issued 1374
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1375
to section 5531.09 of the Revised Code for the purpose of 1376
acquiring or constructing roads, highways, bridges, or viaducts, 1377
or acquiring or making other highway improvements for which the 1378
municipal corporation may issue bonds; and to supplement revenue 1379
already available for such purposes. 1380

The county portion of such funds shall be retained in the 1381
county treasury and shall be used for the planning, maintenance, 1382
repair, construction, and repaving of public streets, and 1383
maintaining and repairing bridges and viaducts; the payment of 1384
principal, interest, and charges on bonds and other obligations 1385
issued pursuant to Chapter 133. of the Revised Code or incurred 1386
pursuant to section 5531.09 of the Revised Code for the purpose of 1387
acquiring or constructing roads, highways, bridges, or viaducts or 1388
acquiring or making other highway improvements for which the board 1389
of county commissioners may issue bonds under such chapter; and 1390
for no other purpose. 1391

(B) Five per cent of all such moneys, together with interest 1392
earned by the treasurer of state as provided in section 4501.03 of 1393
the Revised Code, shall constitute a fund for the use of the 1394
several counties for the purposes specified in division (C) of 1395
this section. The moneys shall be divided equally among all the 1396
counties in the state and shall be paid out by the registrar of 1397
motor vehicles in equal proportions to the county auditor of each 1398
county within the state. 1399

(C) Forty-seven per cent of all such moneys shall be for the 1400

use of the county in which the owner resides or in which the place
is located at which the established business or branch business in
connection with which the motor vehicle registered is used, for
the planning, construction, reconstruction, improvement,
maintenance, and repair of roads and highways; maintaining and
repairing bridges and viaducts; and the payment of principal,
interest, and charges on bonds and other obligations issued
pursuant to Chapter 133. of the Revised Code or incurred pursuant
to section 5531.09 of the Revised Code for the purpose of
acquiring or constructing roads, highways, bridges, or viaducts or
acquiring or making other highway improvements for which the board
of county commissioners may issue bonds under such chapter.

(D) Nine per cent of all such moneys shall be for the use of
the several counties for the purposes specified in division (C) of
this section and shall be distributed to the several counties in
the ratio which the total number of miles of county roads under
the jurisdiction of each board of county commissioners in each
county bears to the total number of miles of county roads in the
state, as determined by the director of transportation. Before
such distribution is made each board of county commissioners 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.

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

1433

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1434
referred to in division (C)(1) of section 4503.10, division (D) of 1435
section 4503.182, division (A) of section 4508.06, and sections 1436
4505.11, 4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, 1437
and 5502.12 of the Revised Code, unless otherwise designated by 1438
law, shall be deposited in the state treasury to the credit of the 1439
state highway safety fund, which is hereby created, and shall, 1440
after receipt of certifications from the commissioners of the 1441
sinking fund certifying, as required by sections 5528.15 and 1442
5528.35 of the Revised Code, that there are sufficient moneys to 1443
the credit of the highway improvement bond retirement fund created 1444
by section 5528.12 of the Revised Code to meet in full all 1445
payments of interest, principal, and charges for the retirement of 1446
bonds and other obligations issued pursuant to Section 2g of 1447
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 1448
of the Revised Code due and payable during the current calendar 1449
year, and that there are sufficient moneys to the credit of the 1450
highway obligations bond retirement fund created by section 1451
5528.32 of the Revised Code to meet in full all payments of 1452
interest, principal, and charges for the retirement of highway 1453
obligations issued pursuant to Section 2i of Article VIII, Ohio 1454
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 1455
due and payable during the current calendar year, be used for the 1456
purpose of enforcing and paying the expenses of administering the 1457
law relative to the registration and operation of motor vehicles 1458
on the public roads or highways. Amounts credited to the fund may 1459
also be used to pay the expenses of administering and enforcing 1460
the laws under which such fees were collected. All investment 1461
earnings of the state highway safety fund shall be credited to the 1462
fund. 1463

Sec. 4501.21. (A) There is hereby created in the state 1464
treasury the license plate contribution fund. The fund shall 1465
consist of all contributions paid by motor vehicle registrants and 1466
collected by the registrar of motor vehicles pursuant to sections 1467
4503.491, 4503.50, 4503.501, 4503.502, 4503.51, 4503.522, 1468
4503.545, 4503.55, 4503.551, 4503.552, 4503.561, 4503.562, 1469
4503.591, 4503.67, 4503.68, 4503.69, 4503.71, 4503.711, 4503.72, 1470
4503.73, 4503.74, ~~and~~ 4503.75, and 4503.85 of the Revised Code. 1471

(B) The registrar shall ~~disburse~~ pay the contributions the 1472
registrar collects in the fund as follows: 1473

(1) The registrar shall pay the contributions received 1474
pursuant to section 4503.491 of the Revised Code to the breast 1475
cancer fund of Ohio, which shall use that money only to pay for 1476
programs that provide assistance and education to Ohio breast 1477
cancer patients and that improve access for such patients to 1478
quality health care and clinical trials and shall not use any of 1479
the money for abortion information, counseling, services, or other 1480
abortion-related activities. 1481

(2) The registrar shall pay the contributions the registrar 1482
receives pursuant to section 4503.50 of the Revised Code to the 1483
future farmers of America foundation, which shall deposit the 1484
contributions into its general account to be used for educational 1485
and scholarship purposes of the future farmers of America 1486
foundation. 1487

(3) The registrar shall pay the contributions the registrar 1488
receives pursuant to section 4503.501 of the Revised Code to the 1489
4-H youth development program of the Ohio state university 1490
extension program, which shall use those contributions to pay the 1491
expenses it incurs in conducting its educational activities. 1492

(4) The registrar shall pay the contributions received 1493

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
to the national rifle association foundation, which shall use the
money to pay the costs of the educational activities and programs
the foundation holds or sponsors in this state.

(9) In accordance with section 955.202 of the Revised Code,
the registrar shall pay to the pets program funding board created

by that section the contributions the registrar receives pursuant 1525
to section 4503.551 of the Revised Code and any other money from 1526
any other source, including donations, gifts, and grants, that is 1527
designated by the source to be paid to the pets program funding 1528
board. The board shall use the moneys it receives under this 1529
section only to support programs for the sterilization of dogs and 1530
cats and for educational programs concerning the proper veterinary 1531
care of those animals. 1532

(10) The registrar shall pay the contributions the registrar 1533
receives pursuant to section 4503.552 of the Revised Code to the 1534
rock and roll hall of fame and museum, incorporated. 1535

(11) The registrar shall pay the contributions the registrar 1536
receives pursuant to section 4503.561 of the Revised Code to the 1537
state of Ohio chapter of ducks unlimited, inc., which shall 1538
deposit the contributions into a special bank account that it 1539
establishes. The special bank account shall be separate and 1540
distinct from any other account the state of Ohio chapter of ducks 1541
unlimited, inc., maintains and shall be used exclusively for the 1542
purpose of protecting, enhancing, restoring, and managing wetlands 1543
and conserving wildlife habitat. The state of Ohio chapter of 1544
ducks unlimited, inc., annually shall notify the registrar in 1545
writing of the name, address, and account to which payments are to 1546
be made under division (B)(11) of this section. 1547

(12) The registrar shall pay the contributions the registrar 1548
receives pursuant to section 4503.562 of the Revised Code to the 1549
Mahoning river consortium, which shall use the money to pay the 1550
expenses it incurs in restoring and maintaining the Mahoning river 1551
watershed. 1552

(13)(a) The registrar shall pay to a sports commission 1553
created pursuant to section 4503.591 of the Revised Code each 1554
contribution the registrar receives under that section that an 1555

applicant pays to obtain license plates that bear the logo of a 1556
professional sports team located in the county of that sports 1557
commission and that is participating in the license plate program 1558
pursuant to division (E) of that section, irrespective of the 1559
county of residence of an applicant. 1560

(b) The registrar shall pay to a community charity each 1561
contribution the registrar receives under section 4503.591 of the 1562
Revised Code that an applicant pays to obtain license plates that 1563
bear the logo of a professional sports team that is participating 1564
in the license plate program pursuant to division (G) of that 1565
section. 1566

(14) The registrar shall pay the contributions the registrar 1567
receives pursuant to section 4503.67 of the Revised Code to the 1568
Dan Beard council of the boy scouts of America. The council shall 1569
distribute all contributions in an equitable manner throughout the 1570
state to regional councils of the boy scouts. 1571

(15) The registrar shall pay the contributions the registrar 1572
receives pursuant to section 4503.68 of the Revised Code to the 1573
great river council of the girl scouts of the United States of 1574
America. The council shall distribute all contributions in an 1575
equitable manner throughout the state to regional councils of the 1576
girl scouts. 1577

(16) The registrar shall pay the contributions the registrar 1578
receives pursuant to section 4503.69 of the Revised Code to the 1579
Dan Beard council of the boy scouts of America. The council shall 1580
distribute all contributions in an equitable manner throughout the 1581
state to regional councils of the boy scouts. 1582

(17) The registrar shall pay the contributions the registrar 1583
receives pursuant to section 4503.71 of the Revised Code to the 1584
fraternal order of police of Ohio, incorporated, which shall 1585
deposit the fees into its general account to be used for purposes 1586

of the fraternal order of police of Ohio, incorporated. 1587

(18) The registrar shall pay the contributions the registrar 1588
receives pursuant to section 4503.711 of the Revised Code to the 1589
fraternal order of police of Ohio, incorporated, which shall 1590
deposit the contributions into an account that it creates to be 1591
used for the purpose of advancing and protecting the law 1592
enforcement profession, promoting improved law enforcement 1593
methods, and teaching respect for law and order. 1594

(19) The registrar shall pay the contributions the registrar 1595
receives pursuant to section 4503.72 of the Revised Code to the 1596
organization known on March 31, 2003, as the Ohio CASA/GAL 1597
association, a private, nonprofit corporation organized under 1598
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 1599
shall use these contributions to pay the expenses it incurs in 1600
administering a program to secure the proper representation in the 1601
courts of this state of abused, neglected, and dependent children, 1602
and for the training and supervision of persons participating in 1603
that program. 1604

(20) The registrar shall pay the contributions the registrar 1605
receives pursuant to section 4503.73 of the Revised Code to Wright 1606
B. Flyer, incorporated, which shall deposit the contributions into 1607
its general account to be used for purposes of Wright B. Flyer, 1608
incorporated. 1609

(21) The registrar shall pay the contributions the registrar 1610
receives pursuant to section 4503.74 of the Revised Code to the 1611
Columbus zoological park association, which shall disburse the 1612
moneys to Ohio's major metropolitan zoos, as defined in section 1613
4503.74 of the Revised Code, in accordance with a written 1614
agreement entered into by the major metropolitan zoos. 1615

(22) The registrar shall pay the contributions the registrar 1616
receives pursuant to section 4503.75 of the Revised Code to the 1617

rotary foundation, located on March 31, 2003, in Evanston, 1618
Illinois, to be placed in a fund known as the permanent fund and 1619
used to endow educational and humanitarian programs of the rotary 1620
foundation. 1621

(23) The registrar shall pay the contributions the registrar 1622
receives pursuant to section 4503.85 of the Revised Code to the 1623
Ohio sea grant college program to be used for Lake Erie area 1624
research projects. 1625

(C) All investment earnings of the license plate contribution 1626
fund shall be credited to the fund. Not later than the first day 1627
of May of every year, the registrar shall distribute to each 1628
entity described in divisions (B)(1) to ~~(22)~~(23) of this section 1629
the investment income the fund earned the previous calendar year. 1630
The amount of such a distribution paid to an entity shall be 1631
proportionate to the amount of money the entity received from the 1632
fund during the previous calendar year. 1633

Sec. 4501.26. The unidentified ~~motor vehicle~~ public safety 1634
receipts fund is hereby created in the state treasury. The fund 1635
shall consist of money received by the ~~bureau of motor vehicles~~ 1636
department of public safety that is provisional in nature or for 1637
which proper identification or disposition cannot immediately be 1638
determined. Refunds and other disbursements from the fund shall be 1639
made once proper identification and disposition is determined. All 1640
investment earnings of the fund shall be credited to the fund. 1641

Sec. 4503.02. An annual license tax is hereby levied upon the 1642
operation of motor vehicles on the public roads or highways, for 1643
the purpose of enforcing and paying the expense of administering 1644
the law relative to the registration and operation of such 1645
vehicles; planning, constructing, maintaining, and repairing 1646
public roads, highways, and streets; maintaining and repairing 1647

bridges and viaducts; paying the counties' proportion of the cost 1648
and expenses of cooperating with the department of transportation 1649
in the planning, improvement, and construction of state highways; 1650
paying the counties' portion of the compensation, damages, cost, 1651
and expenses of planning, constructing, reconstructing, improving, 1652
maintaining, and repairing roads; paying the principal, interest, 1653
and charges on county bonds and other obligations issued pursuant 1654
to Chapter 133. of the Revised Code or incurred pursuant to 1655
section 5531.09 of the Revised Code for highway improvements; for 1656
the purpose of providing motorcycle safety and education 1657
instruction; enabling municipal corporations to plan, construct, 1658
reconstruct, repave, widen, maintain, repair, clear, and clean 1659
public highways, roads, and streets; paying the principal, 1660
interest, and other charges on municipal bonds and other 1661
obligations issued pursuant to Chapter 133. of the Revised Code or 1662
incurred pursuant to section 5531.09 of the Revised Code for 1663
highway improvements; to maintain and repair bridges and viaducts; 1664
to purchase, erect, and maintain street and traffic signs and 1665
markers; to purchase, erect, and maintain traffic lights and 1666
signals; to supplement revenue already available for such 1667
purposes; to pay the interest, principal, and charges on bonds and 1668
other obligations issued pursuant to Section 2i of Article VIII, 1669
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 1670
Code. Such tax shall be at the rates specified in sections 4503.04 1671
and 4503.042 of the Revised Code. Under section 4503.04 of the 1672
Revised Code, the tax shall be paid to and collected by the 1673
registrar of motor vehicles or deputy registrar at the time of 1674
making application for registration. Under section 4503.042 of the 1675
Revised Code, the tax shall be paid to and collected by the 1676
registrar at the time and manner set forth by ~~him~~ the registrar by 1677
rule. 1678

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 1679

may adopt rules to permit any person or lessee, other than a 1680
person receiving an apportioned license plate under the 1681
international registration plan, who owns or leases one or more 1682
motor vehicles to file a written application for registration for 1683
no more than five succeeding registration years. The rules adopted 1684
by the registrar may designate the classes of motor vehicles that 1685
are eligible for such registration. At the time of application, 1686
all annual taxes and fees shall be paid for each year for which 1687
the person is registering. 1688

(ii) The registrar shall adopt rules to permit any person or 1689
lessee who owns or leases two or more trailers or semitrailers 1690
that are subject to the tax rates prescribed in section 4503.042 1691
of the Revised Code for such trailers or semitrailers to file a 1692
written application for registration for not more than five 1693
succeeding registration years. At the time of application, all 1694
annual taxes and fees shall be paid for each year for which the 1695
person is registering. 1696

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 1697
section, the registrar shall adopt rules to permit any person who 1698
owns a motor vehicle to file an application for registration for 1699
the next two succeeding registration years. At the time of 1700
application, the person shall pay the annual taxes and fees for 1701
each registration year, calculated in accordance with division (C) 1702
of section 4503.11 of the Revised Code. A person who is 1703
registering a vehicle under division (A)(1)(b) of this section 1704
shall pay for each year of registration the additional fee 1705
established under division (C)(1) of section 4503.10 of the 1706
Revised Code. The person shall also pay one and one-half times the 1707
amount of the deputy registrar service fee specified in division 1708
(D) of section 4503.10 of the Revised Code or the bureau of motor 1709
vehicles service fee specified in division (G) of that section, as 1710
applicable. 1711

(ii) Division (A)(1)(b)(i) of this section does not apply to 1712
a person receiving an apportioned license plate under the 1713
international registration plan, or the owner of a commercial car 1714
used solely in intrastate commerce, or the owner of a bus as 1715
defined in section 4513.50 of the Revised Code. 1716

(2) No person applying for a multi-year registration under 1717
division (A)(1) of this section is entitled to a refund of any 1718
taxes or fees paid. 1719

(3) The registrar shall not issue to any applicant who has 1720
been issued a final, nonappealable order under division (B) of 1721
this section a multi-year registration or renewal thereof under 1722
this division or rules adopted under it for any motor vehicle that 1723
is required to be inspected under section 3704.14 of the Revised 1724
Code the district of registration of which, as determined under 1725
section 4503.10 of the Revised Code, is or is located in the 1726
county named in the order. 1727

(B) Upon receipt from the director of environmental 1728
protection of a notice issued under division (J) of section 1729
3704.14 of the Revised Code indicating that an owner of a motor 1730
vehicle that is required to be inspected under that section who 1731
obtained a multi-year registration for the vehicle under division 1732
(A) of this section or rules adopted under that division has not 1733
obtained an inspection certificate for the vehicle in accordance 1734
with that section in a year intervening between the years of 1735
issuance and expiration of the multi-year registration in which 1736
the owner is required to have the vehicle inspected and obtain an 1737
inspection certificate for it under division (F)(1)(a) of that 1738
section, the registrar in accordance with Chapter 119. of the 1739
Revised Code shall issue an order to the owner impounding the 1740
certificate of registration and identification license plates for 1741
the vehicle. The order also shall prohibit the owner from 1742
obtaining or renewing a multi-year registration for any vehicle 1743

that is required to be inspected under that section, the district
of registration of which is or is located in the same county as
the county named in the order during the number of years after
expiration of the current multi-year registration that equals the
number of years for which the current multi-year registration was
issued.

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

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

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

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

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

cents shall be charged for the return of the certificate of 1775
registration and license plates for each vehicle named in the 1776
application. 1777

Sec. 4503.26. As used in this section, "registration 1778
information" means information in license plate applications on 1779
file with the bureau of motor vehicles. 1780

The director of public safety may advertise for and accept 1781
sealed bids for the preparation of lists containing registration 1782
information in such form as the director authorizes. Where the 1783
expenditure is more than five hundred dollars, the director shall 1784
give notice to bidders as provided in section 5513.01 of the 1785
Revised Code as for purchases by the department of transportation. 1786
The notice shall include the latest date, as determined by the 1787
director, on which bids will be accepted and the date, also 1788
determined by the director, on which bids will be opened by the 1789
director at the central office of the department of public safety. 1790
The contract to prepare the list shall be awarded to the lowest 1791
responsive and responsible bidder, in accordance with section 1792
9.312 of the Revised Code, provided there is compliance with the 1793
specifications. Such contract shall not extend beyond twenty-four 1794
consecutive registration periods as provided in section 4503.101 1795
of the Revised Code. The successful bidder shall furnish without 1796
charge a complete list to the bureau of motor vehicles, and shall 1797
also furnish without charge to the county sheriffs or chiefs of 1798
police in cities, at such times and in such manner as the director 1799
determines necessary, lists of registration information for the 1800
county in which they are situated. The registrar shall provide to 1801
the successful bidder all necessary information for the 1802
preparation of such lists. 1803

The registrar may, upon application of any person and payment 1804
of the proper fee, search the records of the bureau and make 1805

reports thereof, and make photographic copies of the bureau 1806
records and attestations thereof. 1807

Fees therefor are as follows: 1808

(A) For searches of the records and written reports thereof, 1809
~~one dollar and fifty cents~~ two dollars for each name, number, or 1810
fact searched or reported on; 1811

(B) For photographic copies of records and attestations 1812
thereof, under the signature and seal of the registrar, two 1813
dollars a copy. Such copy is prima-facie evidence of the facts 1814
therein stated, in any court. 1815

The registrar shall receive these fees and deposit them into 1816
the state treasury to the credit of the state bureau of motor 1817
vehicles ~~safety~~ fund established in section 4501.25 of the Revised 1818
Code. 1819

Sec. 4503.40. The registrar of motor vehicles shall be 1820
allowed a fee, not to exceed ten dollars, for each application 1821
received by the registrar for special state reserved license plate 1822
numbers and the issuing of such licenses, and validation stickers, 1823
in the several series as the registrar may designate. The fee 1824
shall be in addition to the license tax established by this 1825
chapter and, where applicable, Chapter 4504. of the Revised Code. 1826
Seven dollars and fifty cents of the fee shall be for the purpose 1827
of compensating the bureau of motor vehicles for additional 1828
services required in the issuing of such licenses, and the 1829
remaining two dollars and fifty cents shall be ~~transmitted~~ 1830
deposited by the registrar ~~to the treasurer of state for deposit~~ 1831
~~in the highway operating~~ into the state treasury to the credit of 1832
the state highway safety fund created by section ~~5735.291~~ 4501.06 1833
of the Revised Code. The types of motor vehicles for which special 1834
state reserved license plates may be issued in accordance with 1835

this section shall include at least motorcycles, buses, passenger cars, and noncommercial motor vehicles. 1836
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Sec. 4503.42. The registrar of motor vehicles shall be 1838
allowed a fee of not to exceed thirty-five dollars, which shall be 1839
in addition to the regular license fee for tags as prescribed 1840
under section 4503.04 of the Revised Code and any tax levied under 1841
section 4504.02 or 4504.06 of the Revised Code, for each 1842
application received by the registrar for special reserved license 1843
plate numbers containing more than three letters or numerals, and 1844
the issuing of such licenses and validation stickers in the 1845
several series as the registrar may designate. Five dollars of the 1846
fee shall be for the purpose of compensating the bureau of motor 1847
vehicles for additional services required in the issuing of such 1848
licenses and validation stickers, and the remaining thirty dollars 1849
shall be ~~transmitted~~ deposited by the registrar ~~to the treasurer~~ 1850
~~of state for deposit in the highway operating~~ into the state 1851
treasury to the credit of the state highway safety fund created by 1852
section ~~5735.291~~ 4501.06 of the Revised Code. 1853

This section does not apply to the issuance of reserved 1854
license plates as authorized by sections 4503.14, 4503.15, and 1855
4503.40 of the Revised Code. The types of motor vehicles for which 1856
license plate numbers containing more than three letters or 1857
numerals may be issued in accordance with this section shall 1858
include at least buses, passenger cars, and noncommercial motor 1859
vehicles. 1860

Sec. 4503.85. (A) The owner or lessee of any passenger car, 1861
noncommercial motor vehicle, motor home, or other vehicle of a 1862
class approved by the registrar of motor vehicles may apply to the 1863
registrar for the registration of the vehicle and issuance of 1864
"Fish Lake Erie" license plates. The application for "Fish Lake 1865
Erie" license plates may be combined with a request for a special 1866

reserved license plate under section 4503.40 or 4503.42 of the
Revised Code. Upon receipt of the completed application and
compliance with division (B) of this section, the registrar shall
issue to the applicant the appropriate vehicle registration, a set
of "Fish Lake Erie" license plates, and a validation sticker, or a
validation sticker alone when required by section 4503.191 of the
Revised Code.

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In addition to the letters and numbers ordinarily inscribed
on the license plates, "Fish Lake Erie" license plates shall be
inscribed with identifying words or markings designed by the Ohio
sea grant college program and approved by the registrar. "Fish
Lake Erie" license plates shall bear county identification
stickers that identify the county of registration by name or
number.

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

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(C) For each application for registration and registration

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renewal that the registrar receives under this section, the 1898
registrar shall collect a contribution of fifteen dollars. The 1899
registrar shall deposit this contribution into the state treasury 1900
to the credit of the license plate contribution fund created in 1901
section 4501.21 of the Revised Code. 1902

The additional fee of ten dollars described in division (B) 1903
of this section shall be for the purpose of compensating the 1904
bureau of motor vehicles for additional services required in 1905
issuing license plates under this section. The registrar shall 1906
deposit that fee into the state treasury to the credit of the 1907
state bureau of motor vehicles fund created by section 4501.25 of 1908
the Revised Code. 1909

Sec. 4504.02. For the purpose of paying the costs of 1910
enforcing and administering the tax provided for in this section; 1911
and for planning, constructing, improving, maintaining, and 1912
repairing public roads, highways, and streets; maintaining and 1913
repairing bridges and viaducts; paying the county's portion of the 1914
costs and expenses of cooperating with the department of 1915
transportation in the planning, improvement, and construction of 1916
state highways; paying the county's portion of the compensation, 1917
damages, cost, and expenses of planning, constructing, 1918
reconstructing, improving, maintaining, and repairing roads; 1919
paying any costs apportioned to the county under section 4907.47 1920
of the Revised Code; paying debt service charges on notes or bonds 1921
of the county issued for such purposes; paying all or part of the 1922
costs and expenses of municipal corporations in planning, 1923
constructing, reconstructing, improving, maintaining, and 1924
repairing highways, roads, and streets designated as necessary or 1925
conducive to the orderly and efficient flow of traffic within and 1926
through the county pursuant to section 4504.03 of the Revised 1927
Code; purchasing, erecting, and maintaining street and traffic 1928

signs and markers; purchasing, erecting, and maintaining traffic 1929
lights and signals; and to supplement revenue already available 1930
for such purposes, any county by resolution adopted by its board 1931
of county commissioners may levy an annual license tax, in 1932
addition to the tax levied by sections 4503.02, 4503.07, and 1933
4503.18 of the Revised Code, upon the operation of motor vehicles 1934
on the public roads or highways. Such tax shall be at the rate of 1935
five dollars per motor vehicle on all motor vehicles the district 1936
of registration of which, as defined in section 4503.10 of the 1937
Revised Code, is located in the county levying the tax and shall 1938
be in addition to the taxes at the rates specified in sections 1939
4503.04 and 4503.16 of the Revised Code, subject to reductions in 1940
the manner provided in section 4503.11 of the Revised Code and the 1941
exemptions provided in sections 4503.16, 4503.17, 4503.171, 1942
4503.173, 4503.41, ~~and~~ 4503.43, and 4503.46 of the Revised Code. 1943

Prior to the adoption of any resolution ~~levying a county~~ 1944
~~motor vehicle license tax~~ under this section, the board of county 1945
commissioners shall conduct two public hearings thereon, the 1946
second hearing to be not less than three nor more than ten days 1947
after the first. Notice of the date, time, and place of such 1948
hearings shall be given by publication in a newspaper of general 1949
circulation in the county once a week on the same day of the week 1950
for two consecutive weeks, the second publication being not less 1951
than ten nor more than thirty days prior to the first hearing. 1952

No resolution ~~levying a county motor vehicle license tax~~ 1953
under this section shall become effective sooner than thirty days 1954
following its adoption, and such resolution is subject to a 1955
referendum as provided in sections 305.31 to 305.41 of the Revised 1956
Code, unless such resolution is adopted as an emergency measure 1957
necessary for the immediate preservation of the public peace, 1958
health, or safety, in which case it shall go into immediate 1959
effect. Such emergency measure must receive an affirmative vote of 1960

all of the members of the board of county commissioners, and shall 1961
state the reasons for such necessity. A resolution may direct the 1962
board of elections to submit the question of levying the tax to 1963
the electors of the county at the next primary or general election 1964
in the county occurring not less than seventy-five days after such 1965
resolution is certified to the board; no such resolution shall go 1966
into effect unless approved by a majority of those voting upon it. 1967

Sec. 4504.15. For the purpose of paying the costs of 1968
enforcing and administering the tax provided for in this section; 1969
for the various purposes stated in section 4504.02 of the Revised 1970
Code; and to supplement revenue already available for those 1971
purposes, any county may, by resolution adopted by its board of 1972
county commissioners, levy an annual license tax, that shall be in 1973
addition to the tax levied by sections 4503.02, 4503.07, and 1974
4503.18 of the Revised Code, upon the operation of motor vehicles 1975
upon the public roads and highways. The tax shall be at the rate 1976
of five dollars per motor vehicle on all motor vehicles the 1977
district of registration of which, as defined in section 4503.10 1978
of the Revised Code, is located in the county levying the tax but 1979
is not located within any municipal corporation levying the tax 1980
authorized by section 4504.17 of the Revised Code, and shall be in 1981
addition to the taxes at the rates specified in sections 4503.04 1982
and 4503.16 of the Revised Code, subject to reductions in the 1983
manner provided in section 4503.11 of the Revised Code and the 1984
exemptions provided in sections 4503.16, 4503.17, 4503.171, 1985
4503.41, and 4503.43 of the Revised Code. 1986

Prior to the adoption of any resolution ~~levying a county~~ 1987
~~motor vehicle license tax~~ under this section, the board of county 1988
commissioners shall conduct two public hearings thereon, the 1989
second hearing to be not less than three nor more than ten days 1990
after the first. Notice of the date, time, and place of such 1991
hearings shall be given by publication in a newspaper of general 1992

circulation in the county once a week for two consecutive weeks, 1993
the second publication being not less than ten nor more than 1994
thirty days prior to the first hearing. 1995

No resolution ~~levying a county motor vehicle license tax~~ 1996
under this section shall become effective sooner than thirty days 1997
following its adoption, and such resolution is subject to a 1998
referendum as provided in sections 305.31 to 305.41 of the Revised 1999
Code, unless the resolution is adopted as an emergency measure 2000
necessary for the immediate preservation of the public peace, 2001
health, or safety, in which case it shall go into immediate 2002
effect. The emergency measure must receive an affirmative vote of 2003
all of the members of the board of county commissioners, and shall 2004
state the reasons for the necessity. A resolution may direct the 2005
board of elections to submit the question of levying the tax to 2006
the electors of the county at the next primary or general election 2007
occurring not less than seventy-five days after the resolution is 2008
certified to the board; no such resolution shall go into effect 2009
unless approved by a majority of those voting upon it. A county is 2010
not required to enact the tax authorized by section 4504.02 of the 2011
Revised Code in order to levy the tax authorized by this section, 2012
but no county may have in effect the tax authorized by this 2013
section if it repeals the tax authorized by section 4504.02 of the 2014
Revised Code after April 1, 1987. 2015

Sec. 4504.16. For the purpose of paying the costs of 2016
enforcing and administering the tax provided for in this section; 2017
for the various purposes stated in section 4504.02 of the Revised 2018
Code; and to supplement revenue already available for those 2019
purposes, any county that currently levies the tax authorized by 2020
section 4504.15 of the Revised Code may, by resolution adopted by 2021
its board of county commissioners, levy an annual license tax, 2022
that shall be in addition to the tax levied by that section and by 2023
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 2024

the operation of motor vehicles upon the public roads and 2025
highways. The tax shall be at the rate of five ~~dolars~~ dollars per 2026
motor vehicle on all motor vehicles the district of registration 2027
of which, as defined in section 4503.10 of the Revised Code, is 2028
located in the county levying the tax but is not located within 2029
any municipal corporation levying the tax authorized by section 2030
4504.171 of the Revised Code, and shall be in addition to the 2031
taxes at the rates specified in sections 4503.04 and 4503.16 of 2032
the Revised Code, subject to reductions in the manner provided in 2033
section 4503.11 of the Revised Code and the exemptions provided in 2034
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 2035
Revised Code. 2036

Prior to the adoption of any resolution ~~levying a county~~ 2037
~~motor vehicle license tax~~ under this section, the board of county 2038
commissioners shall conduct two public hearings thereon, the 2039
second hearing to be not less than three nor more than ten days 2040
after the first. Notice of the date, time, and place of such 2041
hearings shall be given by publication in a newspaper of general 2042
circulation in the county once a week for two consecutive weeks, 2043
the second publication being not less than ten nor more than 2044
thirty days prior to the first hearing. 2045

No resolution ~~levying a county motor vehicle license tax~~ 2046
under this section shall become effective sooner than thirty days 2047
following its adoption, and such resolution is subject to a 2048
referendum as provided in sections 305.31 to 305.41 of the Revised 2049
Code, unless the resolution is adopted as an emergency measure 2050
necessary for the immediate preservation of the public peace, 2051
health, or safety, in which case it shall go into immediate 2052
effect. The emergency measure must receive an affirmative vote of 2053
all of the members of the board of county commissioners, and shall 2054
state the reasons for the necessity. A resolution may direct the 2055
board of elections to submit the question of levying the tax to 2056

the electors of the county at the next primary or general election 2057
occurring not less than seventy-five days after the resolution is 2058
certified to the board; no such resolution shall go into effect 2059
unless approved by a majority of those voting upon it. 2060

Nothing in this section or in section 4504.15 of the Revised 2061
Code shall be interpreted as preventing a county from levying the 2062
county motor vehicle license taxes authorized by such sections in 2063
a single resolution. 2064

Sec. 4504.18. For the purpose of paying the costs and 2065
expenses of enforcing and administering the tax provided for in 2066
this section; for the construction, reconstruction, improvement, 2067
maintenance, and repair of township roads, bridges, and culverts; 2068
for purchasing, erecting, and maintaining traffic signs, markers, 2069
lights, and signals; for purchasing road machinery and equipment, 2070
and planning, constructing, and maintaining suitable buildings to 2071
house such equipment; for paying any costs apportioned to the 2072
township under section 4907.47 of the Revised Code; and to 2073
supplement revenue already available for such purposes, the board 2074
of township trustees may levy an annual license tax, in addition 2075
to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the 2076
Revised Code, upon the operation of motor vehicles on the public 2077
roads and highways in the unincorporated territory of the 2078
township. The tax shall be at the rate of five dollars per motor 2079
vehicle on all motor vehicles the owners of which reside in the 2080
unincorporated area of the township and shall be in addition to 2081
the taxes at the rates specified in sections 4503.04 and 4503.16 2082
of the Revised Code, subject to reductions in the manner provided 2083
in section 4503.11 of the Revised Code and the exemptions provided 2084
in sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of 2085
the Revised Code. 2086

Prior to the adoption of any resolution ~~levying a township~~ 2087

~~motor vehicle license tax~~ under this section, the board of 2088
township trustees shall conduct two public hearings thereon, the 2089
second hearing to be not less than three nor more than ten days 2090
after the first. Notice of the date, time, and place of such 2091
hearings shall be given by publication in a newspaper of general 2092
circulation in the township once a week on the same day of the 2093
week for two consecutive weeks, the second publication being not 2094
less than ten nor more than thirty days prior to the first 2095
hearing. 2096

No resolution ~~levying a township motor vehicle license tax~~ 2097
under this section shall become effective sooner than thirty days 2098
following its adoption, and such resolution is subject to a 2099
referendum in the same manner, except as to the form of the 2100
petition, as provided in division (H) of section 519.12 of the 2101
Revised Code for a proposed amendment to a township zoning 2102
resolution. In addition, a petition under this section shall be 2103
governed by the rules specified in section 3501.38 of the Revised 2104
Code. No resolution levying a tax under this section for which a 2105
referendum vote has been requested shall go into effect unless 2106
approved by a majority of those voting upon it. 2107

A township license tax levied under this section shall 2108
continue in effect until repealed. 2109

Sec. 4505.021. The owner of a motor vehicle shall apply for a 2110
certificate of title for the vehicle when required by this 2111
chapter, but, except as otherwise specifically required in this 2112
chapter, the owner may elect whether or not to have the clerk of 2113
the court of common pleas to whom the certificate of title 2114
application is submitted issue a physical certificate of title for 2115
the motor vehicle, as provided in section 4505.08 of the Revised 2116
Code. In the case of a title application that is submitted 2117
electronically to the clerk, the clerk shall issue an electronic 2118

certificate of title unless the applicant requests the issuance of 2119
a physical certificate of title. 2120

Except as otherwise specifically provided in this chapter, 2121
any provision of this chapter relating to the cancellation, 2122
issuance, or surrender of a certificate of title, including, but 2123
not limited to, provisions that contain a phrase such as "when a 2124
certificate of title is issued," "the clerk shall issue a 2125
certificate of title," or "the person shall obtain a certificate 2126
of title to the motor vehicle," or another phrase of similar 2127
import, shall include those circumstances when a clerk enters 2128
certificate of title information into the automated title 2129
processing system, but does not take any further action relating 2130
to a physical certificate of title for the motor vehicle. 2131

Sec. 4505.031. (A) No minor under eighteen years of age shall 2132
sell or otherwise dispose of a motor vehicle or purchase or 2133
otherwise acquire a motor vehicle unless the application for a 2134
certificate of title is accompanied by a form prescribed by the 2135
registrar of motor vehicles and signed in the presence of a clerk 2136
or deputy clerk of a court of common pleas or any notary public by 2137
one of the minor's parents, ~~his~~ the minor's guardian, or other 2138
person having custody of the minor authorizing the sale, 2139
disposition, purchase, or acquisition of the motor vehicle. At 2140

~~(B) At the time the application for certificate of title is~~ 2141
~~submitted, the adult who signed~~ signs the form authorizing the 2142
~~sale, disposition, purchase, or acquisition of the motor vehicle~~ 2143
~~by the minor shall be present and,~~ the adult shall provide 2144
identification establishing that ~~he~~ the adult is the individual 2145
whose signature appears on the form. ~~The registrar shall~~ 2146
~~prescribe, by rule, the types of identification that are~~ 2147
~~acceptable for the purposes of this section. If the adult who~~ 2148
~~signed the form does not provide identification as required by~~ 2149

~~this section, the application shall be refused.~~ 2150

~~(C)~~(B) No right, title, claim to or interest in a motor 2151
vehicle shall be acquired by or from a minor unless the 2152
application for a certificate of title is accompanied by the form 2153
required by this section. 2154

~~(D)~~(C) No clerk of a court of common pleas shall be held 2155
liable in any civil action that arises under the law of this state 2156
for injury or loss to persons or property caused when a person has 2157
obtained a certificate of title in violation of this section, 2158
unless the clerk failed to use reasonable diligence in 2159
ascertaining the age of the minor or the identity of the adult who 2160
signed the form authorizing the sale, disposition, purchase, or 2161
acquisition of the motor vehicle by the minor. 2162

Sec. 4505.032. (A)(1) If a person who is not an electronic 2163
motor vehicle dealer owns a motor vehicle for which a physical 2164
certificate of title has not been issued by a clerk of a court of 2165
common pleas and the person sells the motor vehicle to a motor 2166
vehicle dealer licensed under Chapter 4517. of the Revised Code, 2167
the person is not required to obtain a physical certificate of 2168
title to the motor vehicle in order to transfer ownership to the 2169
dealer. The person shall present the dealer, in a manner approved 2170
by the registrar of motor vehicles, with sufficient proof of the 2171
person's identity and complete and sign a form prescribed by the 2172
registrar attesting to the person's identity and assigning the 2173
motor vehicle to the dealer. Except as otherwise provided in this 2174
section, the motor vehicle dealer shall present the assignment 2175
form to any clerk of a court of common pleas together with an 2176
application for a certificate of title and payment of the fees 2177
prescribed by section 4505.09 of the Revised Code. 2178

In a case in which a ~~person who is the owner of a motor~~ 2179
~~vehicle for which a physical~~ an electronic certificate of title 2180

has ~~not~~ been issued ~~assigns~~ and either the buyer or seller of the 2181
motor vehicle ~~to~~ is an electronic motor vehicle dealer, the 2182
electronic motor vehicle dealer instead may inform a clerk of a 2183
court of common pleas via electronic means of the sale of the 2184
motor vehicle and assignment of ownership of the vehicle ~~to the~~ 2185
~~dealer~~. The clerk shall enter the information relating to the 2186
assignment, including, but not limited to, the odometer disclosure 2187
statement required by section 4505.06 of the Revised Code, into 2188
the automated title processing system, and ownership of the 2189
vehicle passes to the ~~dealer~~ applicant when the clerk enters this 2190
information into the system. The dealer is not required to obtain 2191
a physical certificate of title to the vehicle in the dealer's 2192
name. 2193

(2) A clerk shall charge and collect from a dealer a fee of 2194
five dollars for each motor vehicle ~~assigned to~~ assignment sent by 2195
the dealer to the clerk under division (A)(1) of this section. The 2196
fee shall be distributed in accordance with section 4505.09 of the 2197
Revised Code. 2198

(B) If a person who is not an electronic motor vehicle dealer 2199
owns a motor vehicle for which a physical certificate of title has 2200
not been issued by a clerk of a court of common pleas and the 2201
person sells the motor vehicle to a person who is not a motor 2202
vehicle dealer licensed under Chapter 4517. of the Revised Code, 2203
the person shall obtain a physical certificate of title to the 2204
motor vehicle in order to transfer ownership of the vehicle to 2205
that person. 2206

Sec. 4505.06. (A)(1) Application for a certificate of title 2207
shall be made in a form prescribed by the registrar of motor 2208
vehicles and shall be sworn to before a notary public or other 2209
officer empowered to administer oaths. The application shall be 2210
filed with the clerk of any court of common pleas. An application 2211

for a certificate of title may be filed electronically by any 2212
electronic means approved by the registrar in any county with the 2213
clerk of the court of common pleas of that county. Any payments 2214
required by this chapter shall be considered as accompanying any 2215
electronically transmitted application when payment actually is 2216
received by the clerk. Payment of any fee or taxes may be made by 2217
electronic transfer of funds. 2218

(2) The application for a certificate of title shall be 2219
accompanied by the fee prescribed in section 4505.09 of the 2220
Revised Code. The fee shall be retained by the clerk who issues 2221
the certificate of title and shall be distributed in accordance 2222
with that section. If a clerk of a court of common pleas, other 2223
than the clerk of the court of common pleas of an applicant's 2224
county of residence, issues a certificate of title to the 2225
applicant, the clerk shall transmit data related to the 2226
transaction to the automated title processing system. 2227

(3) If a certificate of title previously has been issued for 2228
a motor vehicle in this state, the application for a certificate 2229
of title also shall be accompanied by that certificate of title 2230
duly assigned, unless otherwise provided in this chapter. If a 2231
certificate of title previously has not been issued for the motor 2232
vehicle in this state, the application, unless otherwise provided 2233
in this chapter, shall be accompanied by a manufacturer's or 2234
importer's certificate or by a certificate of title of another 2235
state from which the motor vehicle was brought into this state. If 2236
the application refers to a motor vehicle last previously 2237
registered in another state, the application also shall be 2238
accompanied by the physical inspection certificate required by 2239
section 4505.061 of the Revised Code. If the application is made 2240
by two persons regarding a motor vehicle in which they wish to 2241
establish joint ownership with right of survivorship, they may do 2242
so as provided in section 2131.12 of the Revised Code. If the 2243

applicant requests a designation of the motor vehicle in 2244
beneficiary form so that upon the death of the owner of the motor 2245
vehicle, ownership of the motor vehicle will pass to a designated 2246
transfer-on-death beneficiary or beneficiaries, the applicant may 2247
do so as provided in section 2131.13 of the Revised Code. A person 2248
who establishes ownership of a motor vehicle that is transferable 2249
on death in accordance with section 2131.13 of the Revised Code 2250
may terminate that type of ownership or change the designation of 2251
the transfer-on-death beneficiary or beneficiaries by applying for 2252
a certificate of title pursuant to this section. The clerk shall 2253
retain the evidence of title presented by the applicant and on 2254
which the certificate of title is issued, except that, if an 2255
application for a certificate of title is filed electronically by 2256
an electronic motor vehicle dealer on behalf of the purchaser of a 2257
motor vehicle, the clerk shall retain the completed electronic 2258
record to which the dealer converted the certificate of title 2259
application and other required documents. The registrar, after 2260
consultation with the attorney general, shall adopt rules that 2261
govern the location at which, and the manner in which, are stored 2262
the actual application and all other documents relating to the 2263
sale of a motor vehicle when an electronic motor vehicle dealer 2264
files the application for a certificate of title electronically on 2265
behalf of the purchaser. 2266

The clerk shall use reasonable diligence in ascertaining 2267
whether or not the facts in the application for a certificate of 2268
title are true by checking the application and documents 2269
accompanying it or the electronic record to which a dealer 2270
converted the application and accompanying documents with the 2271
records of motor vehicles in the clerk's office. If the clerk is 2272
satisfied that the applicant is the owner of the motor vehicle and 2273
that the application is in the proper form, the clerk, within five 2274
business days after the application is filed and except as 2275

provided in section 4505.021 of the Revised Code, shall issue a 2276
physical certificate of title over the clerk's signature and 2277
sealed with the clerk's seal, unless the applicant specifically 2278
requests the clerk not to issue a physical certificate of title 2279
and instead to issue an electronic certificate of title. For 2280
purposes of the transfer of a certificate of title, if the clerk 2281
is satisfied that the secured party has duly discharged a lien 2282
notation but has not canceled the lien notation with a clerk, the 2283
clerk may cancel the lien notation on the automated title 2284
processing system and notify the clerk of the county of origin. 2285

(4) In the case of the sale of a motor vehicle to a general 2286
buyer or user by a dealer, by a motor vehicle leasing dealer 2287
selling the motor vehicle to the lessee or, in a case in which the 2288
leasing dealer subleased the motor vehicle, the sublessee, at the 2289
end of the lease agreement or sublease agreement, or by a 2290
manufactured home broker, the certificate of title shall be 2291
obtained in the name of the buyer by the dealer, leasing dealer, 2292
or manufactured home broker, as the case may be, upon application 2293
signed by the buyer. The certificate of title shall be issued, or 2294
the process of entering the certificate of title application 2295
information into the automated title processing system if a 2296
physical certificate of title is not to be issued shall be 2297
completed, within five business days after the application for 2298
title is filed with the clerk. If the buyer of the motor vehicle 2299
previously leased the motor vehicle and is buying the motor 2300
vehicle at the end of the lease pursuant to that lease, the 2301
certificate of title shall be obtained in the name of the buyer by 2302
the motor vehicle leasing dealer who previously leased the motor 2303
vehicle to the buyer or by the motor vehicle leasing dealer who 2304
subleased the motor vehicle to the buyer under a sublease 2305
agreement. 2306

In all other cases, except as provided in section 4505.032 2307

and division (D)(2) of section 4505.11 of the Revised Code, such 2308
certificates shall be obtained by the buyer. 2309

(5)(a)(i) If the certificate of title is being obtained in 2310
the name of the buyer by a motor vehicle dealer or motor vehicle 2311
leasing dealer and there is a security interest to be noted on the 2312
certificate of title, the dealer or leasing dealer shall submit 2313
the application for the certificate of title and payment of the 2314
applicable tax to a clerk within seven business days after the 2315
later of the delivery of the motor vehicle to the buyer or the 2316
date the dealer or leasing dealer obtains the manufacturer's or 2317
importer's certificate, or certificate of title issued in the name 2318
of the dealer or leasing dealer, for the motor vehicle. Submission 2319
of the application for the certificate of title and payment of the 2320
applicable tax within the required seven business days may be 2321
indicated by postmark or receipt by a clerk within that period. 2322

(ii) Upon receipt of the certificate of title with the 2323
security interest noted on its face, the dealer or leasing dealer 2324
shall forward the certificate of title to the secured party at the 2325
location noted in the financing documents or otherwise specified 2326
by the secured party. 2327

(iii) A motor vehicle dealer or motor vehicle leasing dealer 2328
is liable to a secured party for a late fee of ten dollars per day 2329
for each certificate of title application and payment of the 2330
applicable tax that is submitted to a clerk more than seven 2331
business days but less than twenty-one days after the later of the 2332
delivery of the motor vehicle to the buyer or the date the dealer 2333
or leasing dealer obtains the manufacturer's or importer's 2334
certificate, or certificate of title issued in the name of the 2335
dealer or leasing dealer, for the motor vehicle and, from then on, 2336
twenty-five dollars per day until the application and applicable 2337
tax are submitted to a clerk. 2338

(b) In all cases of transfer of a motor vehicle, the 2339
application for certificate of title shall be filed within thirty 2340
days after the assignment or delivery of the motor vehicle. If an 2341
application for a certificate of title is not filed within the 2342
period specified in division (A)(5)(b) of this section, the clerk 2343
shall collect a fee of five dollars for the issuance of the 2344
certificate, except that no such fee shall be required from a 2345
motor vehicle salvage dealer, as defined in division (A) of 2346
section 4738.01 of the Revised Code, who immediately surrenders 2347
the certificate of title for cancellation. The fee shall be in 2348
addition to all other fees established by this chapter, and shall 2349
be retained by the clerk. The registrar shall provide, on the 2350
certificate of title form prescribed by section 4505.07 of the 2351
Revised Code, language necessary to give evidence of the date on 2352
which the assignment or delivery of the motor vehicle was made. 2353

(6) As used in division (A) of this section, "lease 2354
agreement," "lessee," and "sublease agreement" have the same 2355
meanings as in section 4505.04 of the Revised Code. 2356

(B) The clerk, except as provided in this section, shall 2357
refuse to accept for filing any application for a certificate of 2358
title and shall refuse to issue a certificate of title unless the 2359
dealer or manufactured home broker or the applicant, in cases in 2360
which the certificate shall be obtained by the buyer, submits with 2361
the application payment of the tax levied by or pursuant to 2362
Chapters 5739. and 5741. of the Revised Code based on the 2363
purchaser's county of residence. Upon payment of the tax in 2364
accordance with division (E) of this section, the clerk shall 2365
issue a receipt prescribed by the registrar and agreed upon by the 2366
tax commissioner showing payment of the tax or a receipt issued by 2367
the commissioner showing the payment of the tax. When submitting 2368
payment of the tax to the clerk, a dealer shall retain any 2369
discount to which the dealer is entitled under section 5739.12 of 2370

the Revised Code. 2371

For receiving and disbursing such taxes paid to the clerk by 2372
a resident of the clerk's county, the clerk may retain a poundage 2373
fee of one and one one-hundredth per cent, and the clerk shall pay 2374
the poundage fee into the certificate of title administration fund 2375
created by section 325.33 of the Revised Code. The clerk shall not 2376
retain a poundage fee from payments of taxes by persons who do not 2377
reside in the clerk's county. 2378

A clerk, however, may retain from the taxes paid to the clerk 2379
an amount equal to the poundage fees associated with certificates 2380
of title issued by other clerks of courts of common pleas to 2381
applicants who reside in the first clerk's county. The registrar, 2382
in consultation with the tax commissioner and the clerks of the 2383
courts of common pleas, shall develop a report from the automated 2384
title processing system that informs each clerk of the amount of 2385
the poundage fees that the clerk is permitted to retain from those 2386
taxes because of certificates of title issued by the clerks of 2387
other counties to applicants who reside in the first clerk's 2388
county. 2389

In the case of casual sales of motor vehicles, as defined in 2390
section 4517.01 of the Revised Code, the price for the purpose of 2391
determining the tax shall be the purchase price on the assigned 2392
certificate of title executed by the seller and filed with the 2393
clerk by the buyer on a form to be prescribed by the registrar, 2394
which shall be prima-facie evidence of the amount for the 2395
determination of the tax. 2396

(C)(1) If the transferor indicates on the certificate of 2397
title that the odometer reflects mileage in excess of the designed 2398
mechanical limit of the odometer, the clerk shall enter the phrase 2399
"exceeds mechanical limits" following the mileage designation. If 2400
the transferor indicates on the certificate of title that the 2401

odometer reading is not the actual mileage, the clerk shall enter 2402
the phrase "nonactual: warning - odometer discrepancy" following 2403
the mileage designation. The clerk shall use reasonable care in 2404
transferring the information supplied by the transferor, but is 2405
not liable for any errors or omissions of the clerk or those of 2406
the clerk's deputies in the performance of the clerk's duties 2407
created by this chapter. 2408

The registrar shall prescribe an affidavit in which the 2409
transferor shall swear to the true selling price and, except as 2410
provided in this division, the true odometer reading of the motor 2411
vehicle. The registrar may prescribe an affidavit in which the 2412
seller and buyer provide information pertaining to the odometer 2413
reading of the motor vehicle in addition to that required by this 2414
section, as such information may be required by the United States 2415
secretary of transportation by rule prescribed under authority of 2416
subchapter IV of the "Motor Vehicle Information and Cost Savings 2417
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 2418

(2) Division (C)(1) of this section does not require the 2419
giving of information concerning the odometer and odometer reading 2420
of a motor vehicle when ownership of a motor vehicle is being 2421
transferred as a result of a bequest, under the laws of intestate 2422
succession, to a survivor pursuant to section 2106.18, 2131.12, or 2423
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 2424
beneficiaries pursuant to section 2131.13 of the Revised Code, in 2425
connection with the creation of a security interest or for a 2426
vehicle with a gross vehicle weight rating of more than sixteen 2427
thousand pounds. 2428

(D) When the transfer to the applicant was made in some other 2429
state or in interstate commerce, the clerk, except as provided in 2430
this section, shall refuse to issue any certificate of title 2431
unless the tax imposed by or pursuant to Chapter 5741. of the 2432
Revised Code based on the purchaser's county of residence has been 2433

paid as evidenced by a receipt issued by the tax commissioner, or
unless the applicant submits with the application payment of the
tax. Upon payment of the tax in accordance with division (E) of
this section, the clerk shall issue a receipt prescribed by the
registrar and agreed upon by the tax commissioner, showing payment
of the tax.

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

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

When the vendor is not regularly engaged in the business of
selling motor vehicles, the vendor shall not be required to
purchase a vendor's license or make reports concerning those
sales.

(E) The clerk shall accept any payment of a tax in cash, or
by cashier's check, certified check, draft, money order, or teller
check issued by any insured financial institution payable to the
clerk and submitted with an application for a certificate of title
under division (B) or (D) of this section. The clerk also may

accept payment of the tax by corporate, business, or personal 2465
check, credit card, electronic transfer or wire transfer, debit 2466
card, or any other accepted form of payment made payable to the 2467
clerk. The clerk may require bonds, guarantees, or letters of 2468
credit to ensure the collection of corporate, business, or 2469
personal checks. Any service fee charged by a third party to a 2470
clerk for the use of any form of payment may be paid by the clerk 2471
from the certificate of title administration fund created in 2472
section 325.33 of the Revised Code, or may be assessed by the 2473
clerk upon the applicant as an additional fee. Upon collection, 2474
the additional fees shall be paid by the clerk into that 2475
certificate of title administration fund. 2476

The clerk shall make a good faith effort to collect any 2477
payment of taxes due but not made because the payment was returned 2478
or dishonored, but the clerk is not personally liable for the 2479
payment of uncollected taxes or uncollected fees. The clerk shall 2480
notify the tax commissioner of any such payment of taxes that is 2481
due but not made and shall furnish the information to the 2482
commissioner that the commissioner requires. The clerk shall 2483
deduct the amount of taxes due but not paid from the clerk's 2484
periodic remittance of tax payments, in accordance with procedures 2485
agreed upon by the tax commissioner. The commissioner may collect 2486
taxes due by assessment in the manner provided in section 5739.13 2487
of the Revised Code. 2488

Any person who presents payment that is returned or 2489
dishonored for any reason is liable to the clerk for payment of a 2490
penalty over and above the amount of the taxes due. The clerk 2491
shall determine the amount of the penalty, and the penalty shall 2492
be no greater than that amount necessary to compensate the clerk 2493
for banking charges, legal fees, or other expenses incurred by the 2494
clerk in collecting the returned or dishonored payment. The 2495
remedies and procedures provided in this section are in addition 2496

to any other available civil or criminal remedies. Subsequently 2497
collected penalties, poundage fees, and title fees, less any title 2498
fee due the state, from returned or dishonored payments collected 2499
by the clerk shall be paid into the certificate of title 2500
administration fund. Subsequently collected taxes, less poundage 2501
fees, shall be sent by the clerk to the treasurer of state at the 2502
next scheduled periodic remittance of tax payments, with 2503
information as the commissioner may require. The clerk may abate 2504
all or any part of any penalty assessed under this division. 2505

(F) In the following cases, the clerk shall accept for filing 2506
an application and shall issue a certificate of title without 2507
requiring payment or evidence of payment of the tax: 2508

(1) When the purchaser is this state or any of its political 2509
subdivisions, a church, or an organization whose purchases are 2510
exempted by section 5739.02 of the Revised Code; 2511

(2) When the transaction in this state is not a retail sale 2512
as defined by section 5739.01 of the Revised Code; 2513

(3) When the purchase is outside this state or in interstate 2514
commerce and the purpose of the purchaser is not to use, store, or 2515
consume within the meaning of section 5741.01 of the Revised Code; 2516

(4) When the purchaser is the federal government; 2517

(5) When the motor vehicle was purchased outside this state 2518
for use outside this state; 2519

(6) When the motor vehicle is purchased by a nonresident of 2520
this state for immediate removal from this state, and will be 2521
permanently titled and registered in another state, as provided by 2522
division (B)(23) of section 5739.02 of the Revised Code, and upon 2523
presentation of a copy of the affidavit provided by that section, 2524
and a copy of the exemption certificate provided by section 2525
5739.03 of the Revised Code. 2526

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 issued by the clerk for a manufactured or mobile home pursuant to division (H) of section 4505.11 of the Revised Code and for each certificate of title issued upon transfer of ownership of the home. The clerk shall credit the fee to the county certificate of title administration fund, and the fee shall be used to pay the expenses of archiving those certificates pursuant to division (A)

of section 4505.08 and division (H)(3) of section 4505.11 of the
Revised Code. The tax commissioner shall administer any tax on a
manufactured or mobile home pursuant to Chapters 5739. and 5741.
of the Revised Code.

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

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

The registrar shall prescribe a uniform method of numbering
certificates of title, and such numbering shall be in such manner
that the county of issuance is indicated. The clerk shall assign
numbers to certificates of title in the manner prescribed by the
registrar. The clerk shall file all certificates of title

according to rules to be prescribed by the registrar, and the 2590
clerk shall maintain in the clerk's office indexes for the 2591
certificates of title. 2592

The clerk need not retain on file any current certificates of 2593
title, current duplicate certificates of title, current memorandum 2594
certificates of title, or current salvage certificates of title, 2595
or supporting evidence of them covering any motor vehicle or 2596
manufactured or mobile home for a period longer than seven years 2597
after the date of its filing; thereafter, the documents and 2598
supporting evidence may be destroyed. The clerk need not retain on 2599
file any inactive records, including certificates of title, 2600
duplicate certificates of title, or memorandum certificates of 2601
title, or supporting evidence of them, including the electronic 2602
record described in division (A) of section 4505.06 of the Revised 2603
Code, covering any motor vehicle or manufactured or mobile home 2604
for a period longer than five years after the date of its filing; 2605
thereafter, the documents and supporting evidence may be 2606
destroyed. 2607

The automated title processing system shall contain all 2608
active records and an index of the active records, a record and 2609
index of all inactive titles for ten years, and a record and index 2610
of all inactive titles for manufactured and mobile homes for 2611
thirty years. If the clerk provides a written copy of any 2612
information contained in the database, the copy shall be 2613
considered the original for purposes of the clerk certifying the 2614
record of the information for use in any legal proceeding. 2615

(B)(1) If the clerk issues a certificate of title for a motor 2616
vehicle that was last previously registered in another state, the 2617
clerk shall record verbatim, where practicable, in the space on 2618
the title described in division (B)(19) of section 4505.07 of the 2619
Revised Code, the words that appear as a notation to the vehicle 2620
on the title issued by the previous state. These notations may 2621

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.

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(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.

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

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(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
of the completion of the process is the same as if the clerk
actually issued a physical certificate of title for the motor
vehicle.

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(G) An electronic motor vehicle dealer who applies for a
certificate of title on behalf of a customer who purchases a motor
vehicle from the dealer may print a non-negotiable evidence of
ownership for the customer if the customer so requests. The

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authorization to print the non-negotiable evidence of ownership 2685
shall come from the clerk with whom the dealer makes application 2686
for the certificate of title for the customer, but the printing by 2687
the dealer does not create an agency relationship of any kind 2688
between the dealer and the clerk. 2689

(H) The owner of a motor vehicle may apply at any time to a 2690
clerk of a court of common pleas for a non-negotiable evidence of 2691
ownership for the motor vehicle. 2692

Sec. 4506.01. As used in this chapter: 2693

(A) "Alcohol concentration" means the concentration of 2694
alcohol in a person's blood, breath, or urine. When expressed as a 2695
percentage, it means grams of alcohol per the following: 2696

(1) One hundred milliliters of whole blood, blood serum, or 2697
blood plasma; 2698

(2) Two hundred ten liters of breath; 2699

(3) One hundred milliliters of urine. 2700

~~(B) "School bus" has the same meaning as in section 4511.01~~ 2701
~~of the Revised Code.~~ 2702

~~(C)~~ "Commercial driver's license" means a license issued in 2703
accordance with this chapter that authorizes an individual to 2704
drive a commercial motor vehicle. 2705

~~(D)~~(C) "Commercial driver license information system" means 2706
the information system established pursuant to the requirements of 2707
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 2708
3207-171, 49 U.S.C.A. App. 2701. 2709

~~(E)~~(D) Except when used in section 4506.25 of the Revised 2710
Code, "commercial motor vehicle" means any motor vehicle designed 2711
or used to transport persons or property that meets any of the 2712
following qualifications: 2713

(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but ~~that either~~ is designed to transport sixteen or more passengers including the driver, ~~or is placarded for hazardous materials;~~

(4) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required ~~by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801~~ under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal highway motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

~~(F)~~(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2) Any substance included in schedules I through V of 21

C.F.R. part 1308, as amended; 2744

(3) Any drug of abuse. 2745

~~(G)~~(F) "Conviction" means an unvacated adjudication of guilt 2746
or a determination that a person has violated or failed to comply 2747
with the law in a court of original jurisdiction or an authorized 2748
administrative tribunal, an unvacated forfeiture of bail or 2749
collateral deposited to secure the person's appearance in court, a 2750
plea of guilty or nolo contendere accepted by the court, the 2751
payment of a fine or court cost, or violation of a condition of 2752
release without bail, regardless of whether or not the penalty is 2753
rebated, suspended, or probated. 2754

~~(H)~~(G) "Disqualification" means any of the following: 2755

(1) The suspension, revocation, or cancellation of a person's 2756
privileges to operate a commercial motor vehicle; 2757

(2) Any withdrawal of the privilege a person's privileges to 2758
drive operate a commercial motor vehicle as the result of a 2759
violation of state or local law relating to motor vehicle traffic 2760
control other than parking, vehicle weight, or vehicle defect 2761
violations; 2762

(3) A determination by the federal motor carrier safety 2763
administration that a person is not qualified to operate a 2764
commercial motor vehicle under 49 C.F.R. 391. 2765

~~(I)~~(H) "Drive" means to drive, operate, or be in physical 2766
control of a motor vehicle. 2767

~~(J)~~(I) "Driver" means any person who drives, operates, or is 2768
in physical control of a commercial motor vehicle or is required 2769
to have a commercial driver's license. 2770

~~(K)~~(J) "Driver's license" means a license issued by the 2771
bureau of motor vehicles that authorizes an individual to drive. 2772

~~(L)~~(K) "Drug of abuse" means any controlled substance, 2773

dangerous drug as defined in section 4729.01 of the Revised Code, 2774
or over-the-counter medication that, when taken in quantities 2775
exceeding the recommended dosage, can result in impairment of 2776
judgment or reflexes. 2777

(L) "Eligible unit of local government" means a village, 2778
township, or county that has a population of not more than three 2779
thousand persons according to the most recent federal census. 2780

(M) "Employer" means any person, including the federal 2781
government, any state, and a political subdivision of any state, 2782
that owns or leases a commercial motor vehicle or assigns a person 2783
to drive such a motor vehicle. 2784

(N) "Endorsement" means an authorization on a person's 2785
commercial driver's license that is required to permit the person 2786
to operate a specified type of commercial motor vehicle. 2787

(O) "Farm truck" means a truck controlled and operated by a 2788
farmer for use in the transportation to or from a farm, for a 2789
distance of not more than one hundred fifty miles, of products of 2790
the farm, including livestock and its products, poultry and its 2791
products, floricultural and horticultural products, and in the 2792
transportation to the farm, from a distance of not more than one 2793
hundred fifty miles, of supplies for the farm, including tile, 2794
fence, and every other thing or commodity used in agricultural, 2795
floricultural, horticultural, livestock, and poultry production, 2796
and livestock, poultry, and other animals and things used for 2797
breeding, feeding, or other purposes connected with the operation 2798
of the farm, when the truck is operated in accordance with this 2799
division and is not used in the operations of a motor 2800
transportation company or private motor carrier. 2801

(P) "Fatality" means the death of a person as the result of a 2802
motor vehicle accident occurring not more than three hundred 2803
sixty-five days prior to the date of death. 2804

~~(O)~~(Q) "Felony" means any offense under federal or state law 2805
that is punishable by death or specifically classified as a felony 2806
under the law of this state, regardless of the penalty that may be 2807
imposed. 2808

~~(P)~~(R) "Foreign jurisdiction" means any jurisdiction other 2809
than a state. 2810

~~(Q)~~(S) "Gross vehicle weight rating" means the value 2811
specified by the manufacturer as the maximum loaded weight of a 2812
single or a combination vehicle. The gross vehicle weight rating 2813
of a combination vehicle is the gross vehicle weight rating of the 2814
power unit plus the gross vehicle weight rating of each towed 2815
unit. 2816

~~(R)~~(T) "Hazardous materials" means ~~materials identified any~~ 2817
material that has been designated as such hazardous under 2818
~~regulations adopted under the "Hazardous Materials Transportation~~ 2819
~~Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801 49 U.S.C. 5103 and is~~ 2820
required to be placarded under subpart F of 49 C.F.R. part 172 or 2821
any quantity of a material listed as a select agent or toxin in 42 2822
C.F.R. part 73, as amended. 2823

~~(S)~~(U) "Imminent hazard" means the existence of a condition 2824
that presents a substantial likelihood that death, serious 2825
illness, severe personal injury, or a substantial endangerment to 2826
health, property, or the environment may occur before the 2827
reasonably foreseeable completion date of a formal proceeding 2828
begun to lessen the risk of that death, illness, injury, or 2829
endangerment. 2830

(V) "Motor vehicle" ~~has the same meaning as in section~~ 2831
~~4511.01 of the Revised Code.~~ 2832

~~(T)~~ Except when used in sections 4506.25 and 4506.26 of the 2833
Revised Code, "out of service means a vehicle, machine, tractor, 2834
trailer, or semitrailer propelled or drawn by mechanical power 2835

used on highways, except that such term does not include a 2836
vehicle, machine, tractor, trailer, or semitrailer operated 2837
exclusively on a rail. 2838

(W) "Out-of-service order" means a temporary prohibition 2839
against driving a declaration by an authorized enforcement officer 2840
of a federal, state, local, Canadian, or Mexican jurisdiction 2841
declaring that a driver, commercial motor vehicle issued under 2842
this chapter or a similar law of another state or of a foreign 2843
jurisdiction. 2844

(U), or commercial motor carrier operation is out of service 2845
as defined in 49 C.F.R. 390.5. 2846

(X) "Peace officer" has the same meaning as in section 2847
2935.01 of the Revised Code. 2848

(Y) "Portable tank" means a liquid or gaseous packaging 2849
designed primarily to be loaded onto or temporarily attached to a 2850
vehicle and equipped with skids, mountings, or accessories to 2851
facilitate handling of the tank by mechanical means. 2852

(Z) "Public safety vehicle" has the same meaning as in 2853
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 2854

(AA) "Recreational vehicle" includes every vehicle that is 2855
defined as a recreational vehicle in section 4501.01 of the 2856
Revised Code and is used exclusively for purposes other than 2857
engaging in business for profit. 2858

(BB) "Residence" means any person's residence determined in 2859
accordance with standards prescribed in rules adopted by the 2860
registrar. 2861

(V) "Temporary residence" means residence on a temporary 2862
basis as determined by the registrar in accordance with standards 2863
prescribed in rules adopted by the registrar. 2864

(W)(CC) "School bus" has the same meaning as in section 2865

<u>4511.01 of the Revised Code.</u>	2866
(DD) "Serious traffic violation" means a conviction arising	2867
from the operation <u>a single charge of operating</u> a commercial motor	2868
vehicle <u>in violation of any provision of section 4506.03 of the</u>	2869
<u>Revised Code or a conviction arising from the operation of any</u>	2870
<u>motor vehicle</u> that involves any of the following:	2871
(1) A single charge of any speed that is in excess of the	2872
posted speed limit by an amount specified by the United States	2873
secretary of transportation and that the director of public safety	2874
designates as such by rule <u>fifteen miles per hour or more;</u>	2875
(2) Violation of section 4511.20 7 , <u>or</u> 4511.201, or 4511.202 of	2876
the Revised Code or any similar ordinance or resolution, or of any	2877
similar law of another state or political subdivision of another	2878
state;	2879
(3) Violation of a law of this state or an ordinance or	2880
resolution relating to traffic control, other than a parking	2881
violation, or of any similar law of another state or political	2882
subdivision of another state, that results in a fatal accident;	2883
(4) <u>Violation of section 4506.03 of the Revised Code or a</u>	2884
<u>substantially similar municipal ordinance or county or township</u>	2885
<u>resolution, or of any similar law of another state or political</u>	2886
<u>subdivision of another state, that involves the operation of a</u>	2887
<u>commercial motor vehicle without a valid commercial driver's</u>	2888
<u>license with the proper class or endorsement for the specific</u>	2889
<u>vehicle group being operated or for the passengers or type of</u>	2890
<u>cargo being transported;</u>	2891
(5) <u>Violation of section 4506.03 of the Revised Code or a</u>	2892
<u>substantially similar municipal ordinance or county or township</u>	2893
<u>resolution, or of any similar law of another state or political</u>	2894
<u>subdivision of another state, that involves the operation of a</u>	2895
<u>commercial motor vehicle without a valid commercial driver's</u>	2896

<u>license being in the person's possession;</u>	2897
<u>(6) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;</u>	2898
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<u>(7) Violation of any other law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States secretary of transportation and the director designates as such by rule.</u>	2903
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(X) <u>(EE)</u> "State" means a state of the United States and includes the District of Columbia.	2908
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(Y) <u>(FF)</u> "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid and has a maximum capacity greater than one hundred nineteen gallons or is designed to transport gaseous materials and has a water capacity greater than one thousand pounds within a tank that is either permanently or temporarily attached to the vehicle or its chassis. "Tank vehicle" does not include any of the following:	2910
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(1) Any portable tank having a rated capacity of less than one thousand gallons;	2917
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(2) Tanks used exclusively as a fuel tank for the motor vehicle to which it is attached;	2919
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(3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;	2921
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(4) Ready-mix concrete mixers.	2924
(Z) <u>(GG)</u> "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to division (B) of section	2925
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<u>4506.09 of the Revised Code.</u>	2927
(HH) "United States" means the fifty states and the District of Columbia.	2928 2929
(AA) (II) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.	2930 2931
(BB) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2932 2933
(CC) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.	2934 2935 2936 2937
Sec. 4506.03. (A) On and after April 1, 1992 <u>Except as provided in divisions (B) and (C) of this section,</u> the following shall apply:	2938 2939 2940
(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, <u>and has in the person's possession,</u> a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the registrar of motor vehicles, a valid examiner's commercial driving permit issued under section 4506.13 of the Revised Code, a valid restricted commercial driver's license and waiver for farm-related service industries issued under section 4506.24 of the Revised Code, or a valid commercial driver's license temporary instruction permit issued by the registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.	2941 2942 2943 2944 2945 2946 2947 2948 2949 2950 2951 2952 2953 2954
(2) No person shall be issued a commercial driver's license until the person surrenders to the registrar of motor vehicles all	2955 2956

valid licenses issued to the person by another jurisdiction 2957
recognized by this state. All ~~surrendered licenses shall be~~ 2958
~~returned by the~~ The registrar shall report the surrender of a 2959
license to the issuing authority, together with information that a 2960
license is now issued in this state. The registrar shall destroy 2961
any such license that is not returned to the issuing authority. 2962

(3) No person who has been a resident of this state for 2963
thirty days or longer shall drive a commercial motor vehicle under 2964
the authority of a commercial driver's license issued by another 2965
jurisdiction. 2966

(B) ~~As used in this section and in section 4506.09 of the~~ 2967
~~Revised Code, "tester" means a person or entity acting pursuant to~~ 2968
~~a valid agreement entered into under division (B) of section~~ 2969
~~4506.09 of the Revised Code~~ Nothing in division (A) of this 2970
section applies to any qualified person when engaged in the 2971
operation of any of the following: 2972

(1) A farm truck; 2973

(2) Fire equipment for a fire department, volunteer or 2974
nonvolunteer fire company, fire district, or joint fire district; 2975

(3) A public safety vehicle used to provide transportation or 2976
emergency medical service for ill or injured persons; 2977

(4) A recreational vehicle; 2978

(5) A commercial motor vehicle within the boundaries of an 2979
eligible unit of local government, if the person is employed by 2980
the eligible unit of local government and is operating the 2981
commercial motor vehicle for the purpose of removing snow or ice 2982
from a roadway by plowing, sanding, or salting, but only if either 2983
the employee who holds a commercial driver's license issued under 2984
this chapter and ordinarily operates a commercial motor vehicle 2985
for these purposes is unable to operate the vehicle, or the 2986

employing eligible unit of local government determines that a snow 2987
or ice emergency exists that requires additional assistance; 2988

(6) A vehicle operated for military purposes by any member or 2989
uniformed employee of the armed forces of the United States or 2990
their reserve components, including the Ohio national guard. This 2991
exception does not apply to United States reserve technicians. 2992

(7) A commercial motor vehicle that is operated for 2993
nonbusiness purposes. "Operated for nonbusiness purposes" means 2994
that the commercial motor vehicle is not used in commerce as 2995
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 2996
regulated by the public utilities commission pursuant to Chapter 2997
4919., 4921., or 4923. of the Revised Code. 2998

(8) A motor vehicle that is designed primarily for the 2999
transportation of goods and not persons, while that motor vehicle 3000
is being used for the occasional transportation of personal 3001
property by individuals not for compensation and not in the 3002
furtherance of a commercial enterprise. 3003

(C) Nothing contained in division (B)(5) of this section 3004
shall be construed as preempting or superseding any law, rule, or 3005
regulation of this state concerning the safe operation of 3006
commercial motor vehicles. 3007

~~(C)~~(D) Whoever violates this section is guilty of a 3008
misdemeanor of the first degree. 3009

Sec. 4506.05. (A) Notwithstanding any other provision of law, 3010
a person may drive a commercial motor vehicle on a highway in this 3011
state if all of the following conditions are met: 3012

(1) The person has a valid commercial driver's license or 3013
commercial driver's license temporary instruction permit issued by 3014
any state or jurisdiction in accordance with the minimum standards 3015
adopted by the federal ~~highway~~ motor carrier safety administration 3016

under the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3017
3207-171, 49 U.S.C.A. App. for issuance of commercial drivers' 3018
licenses; 3019

(2) The person's commercial driver's license or permit is not 3020
suspended, revoked, or canceled; 3021

(3) The person is not disqualified from driving a commercial 3022
motor vehicle; 3023

(4) The person is not subject to an out-of-service order. 3024

(B) Whoever violates this section is guilty of a misdemeanor 3025
of the first degree. 3026

Sec. 4506.08. (A)(1) Each application for a commercial 3027
driver's license temporary instruction permit shall be accompanied 3028
by a fee of ten dollars;~~except as provided in division (B) of~~ 3029
~~this section, each.~~ Each application for a commercial driver's 3030
license, restricted commercial driver's license, ~~or~~ renewal of 3031
such a license, or waiver for farm-related service industries 3032
shall be accompanied by a fee of twenty-five dollars;~~and each,~~ 3033
except that an application for a commercial driver's license or 3034
restricted commercial driver's license received pursuant to 3035
division (A)(3) of section 4506.14 of the Revised Code shall be 3036
accompanied by a fee of eighteen dollars and seventy-five cents if 3037
the license will expire on the licensee's birthday three years 3038
after the date of issuance, a fee of twelve dollars and fifty 3039
cents if the license will expire on the licensee's birthday two 3040
years after the date of issuance, and a fee of six dollars and 3041
twenty-five cents if the license will expire on the licensee's 3042
birthday one year after the date of issuance. Each application for 3043
a duplicate commercial driver's license shall be accompanied by a 3044
fee of ten dollars. ~~In~~ 3045

(2) In addition, the registrar of motor vehicles or deputy 3046

registrar may collect and retain an additional fee of no more than 3047
two dollars and seventy-five cents commencing on July 1, 2001, 3048
three dollars and twenty-five cents commencing on January 1, 2003, 3049
and three dollars and fifty cents commencing on January 1, 2004, 3050
for each application for a commercial driver's license temporary 3051
instruction permit, commercial driver's license, renewal of a 3052
commercial driver's license, or duplicate commercial driver's 3053
license received by the registrar or deputy. ~~No fee shall be 3054~~
~~charged for the annual issuance of a waiver for farm related 3055~~
~~service industries pursuant to section 4506.24 of the Revised 3056~~
~~Code. 3057~~

(B) Each deputy registrar shall transmit the fees collected 3058
under division (A)(1) of this section to the registrar at the time 3059
and in the manner prescribed by the registrar by rule. The 3060
registrar shall pay the fees into the state highway safety fund 3061
established in section 4501.06 of the Revised Code. 3062

~~(B)~~(C) In addition to the fees imposed under division (A) of 3063
this section, the registrar of motor vehicles or deputy registrar 3064
shall collect a fee of twelve dollars commencing on October 1, 3065
2003, for each application for a commercial driver's license 3066
temporary instruction permit, commercial driver's license, or 3067
duplicate commercial driver's license and for each application for 3068
renewal of a commercial driver's license with an expiration date 3069
on or after that date received by the registrar or deputy 3070
registrar. The additional fee is for the purpose of defraying the 3071
department of public safety's costs associated with the 3072
administration and enforcement of the motor vehicle and traffic 3073
laws of Ohio. Each deputy registrar shall transmit the fees 3074
collected under division ~~(B)~~(C) of this section in the time and 3075
manner prescribed by the registrar. The registrar shall deposit 3076
all moneys received under division ~~(B)~~(C) of this section into the 3077
state highway safety fund established in section 4501.06 of the 3078

Revised Code. 3079

~~(C)~~(D) Information regarding the driving record of any person 3080
holding a commercial driver's license issued by this state shall 3081
be furnished by the registrar, upon request and payment of a fee 3082
of two dollars, to the employer or prospective employer of such a 3083
person and to any insurer. 3084

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 3085
approval by the director of public safety, shall adopt rules 3086
conforming with applicable standards adopted by the federal motor 3087
carrier safety administration as regulations under Pub. L. No. 3088
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 3089
31317. The rules shall establish requirements for the 3090
qualification and testing of persons applying for a commercial 3091
driver's license, which shall be in addition to other requirements 3092
established by this chapter. Except as provided in division (B) of 3093
this section, the highway patrol or any other employee of the 3094
department of public safety the registrar authorizes shall 3095
supervise and conduct the testing of persons applying for a 3096
commercial driver's license. 3097

(B) The director may adopt rules, in accordance with Chapter 3098
119. of the Revised Code and applicable requirements of the 3099
federal motor carrier safety administration, authorizing the 3100
skills test specified in this section to be administered by any 3101
person, by an agency of this or another state, or by an agency, 3102
department, or instrumentality of local government. Each party 3103
authorized under this division to administer the skills test may 3104
charge a maximum divisible fee of eighty-five dollars for each 3105
skills test given as part of a commercial driver's license 3106
examination. The fee shall consist of not more than twenty dollars 3107
for the pre-trip inspection portion of the test, not more than 3108
twenty dollars for the off-road maneuvering portion of the test, 3109

and not more than forty-five dollars for the on-road portion of 3110
the test. Each such party may require an appointment fee in the 3111
same manner provided in division (E)(2) of this section, except 3112
that the maximum amount such a party may require as an appointment 3113
fee is eighty-five dollars. The skills test administered by 3114
another party under this division shall be the same as otherwise 3115
would be administered by this state. The other party shall enter 3116
into an agreement with the director that, without limitation, does 3117
all of the following: 3118

(1) Allows the director or the director's representative and 3119
the federal motor carrier safety administration or its 3120
representative to conduct random examinations, inspections, and 3121
audits of the other party without prior notice; 3122

(2) Requires the director or the director's representative to 3123
conduct on-site inspections of the other party at least annually; 3124

(3) Requires that all examiners of the other party meet the 3125
same qualification and training standards as examiners of the 3126
department of public safety, to the extent necessary to conduct 3127
skills tests in the manner required by 49 C.F.R. 383.110 through 3128
383.135; 3129

(4) Requires either that state employees take, at least 3130
annually and as though the employees were test applicants, the 3131
tests actually administered by the other party, that the director 3132
test a sample of drivers who were examined by the other party to 3133
compare the test results, or that state employees accompany a test 3134
applicant during an actual test; 3135

(5) Reserves to this state the right to take prompt and 3136
appropriate remedial action against testers of the other party if 3137
the other party fails to comply with standards of this state or 3138
federal standards for the testing program or with any other terms 3139
of the contract. 3140

(C) The director shall enter into an agreement with the 3141
department of education authorizing the skills test specified in 3142
this section to be administered by the department at any location 3143
operated by the department for purposes of training and testing 3144
school bus drivers, provided that the agreement between the 3145
director and the department complies with the requirements of 3146
division (B) of this section. Skills tests administered by the 3147
department shall be limited to persons applying for a commercial 3148
driver's license with a school bus endorsement. 3149

(D) The director shall adopt rules, in accordance with 3150
Chapter 119. of the Revised Code, authorizing waiver of the skills 3151
test specified in this section for any applicant for a commercial 3152
driver's license who meets all of the following requirements: 3153

(1) Certifies that, during the two-year period immediately 3154
preceding application for a commercial driver's license, all of 3155
the following apply: 3156

(a) The applicant has not had more than one license~~+~~. 3157

(b) The applicant has not had any license suspended, revoked, 3158
or canceled~~+~~. 3159

(c) The applicant has not had any convictions for any type of 3160
motor vehicle for the offenses for which disqualification is 3161
prescribed in section 4506.16 of the Revised Code~~+~~. 3162

(d) The applicant has not had any violation of a state or 3163
local law relating to motor vehicle traffic control other than a 3164
parking violation arising in connection with any traffic accident 3165
and has no record of an accident in which the applicant was at 3166
fault. 3167

(e) The applicant has previously taken and passed a skills 3168
test given by a state with a classified licensing and testing 3169
system in which the test was behind-the-wheel in a representative 3170

<u>vehicle for the applicant's commercial driver's license</u>	3171
<u>classification.</u>	3172
(2) Certifies and also provides evidence that the applicant	3173
is regularly employed in a job requiring operation of a commercial	3174
motor vehicle and that one of the following applies:	3175
(a) The applicant has previously taken and passed a skills	3176
test given by a state with a classified licensing and testing	3177
system in which the test was behind-the-wheel in a representative	3178
vehicle for the applicant's commercial driver's license	3179
classification.	3180
(b) The applicant has regularly operated, for at least two	3181
years immediately preceding application for a commercial driver's	3182
license, a vehicle representative of the commercial motor vehicle	3183
the applicant operates or expects to operate.	3184
(E)(1) The department of public safety may charge and collect	3185
a divisible fee of fifty dollars for each skills test given as	3186
part of a commercial driver's license examination. The fee shall	3187
consist of ten dollars for the pre-trip inspection portion of the	3188
test, ten dollars for the off-road maneuvering portion of the	3189
test, and thirty dollars for the on-road portion of the test.	3190
(2) The director may require an applicant for a commercial	3191
driver's license who schedules an appointment with the highway	3192
patrol or other authorized employee of the department of public	3193
safety to take all portions of the skills test, to pay an	3194
appointment fee of fifty dollars at the time of scheduling the	3195
appointment. If the applicant appears at the time and location	3196
specified for the appointment and takes all portions of the skills	3197
test during that appointment, the appointment fee shall serve as	3198
the skills test fee. If the applicant schedules an appointment to	3199
take all portions of the skills test and fails to appear at the	3200
time and location specified for the appointment, no portion of the	3201

3202 appointment fee shall be refunded. If the applicant schedules an
3203 appointment to take all portions of the skills test and appears at
3204 the time and location specified for the appointment, but declines
3205 or is unable to take all portions of the skills test, no portion
3206 of the appointment fee shall serve as the skills test fee be
3207 refunded. If the applicant cancels a scheduled appointment
3208 forty-eight hours or more prior to the time of the appointment
3209 time, the applicant shall not forfeit the appointment fee.

3210 An applicant for a commercial driver's license who schedules
3211 an appointment to take one or more, but not all, portions of the
3212 skills test shall ~~not~~ be required to pay ~~any~~ an appointment fee
3213 equal to the costs of each test scheduled, as prescribed in
3214 division (E)(1) of this section, when scheduling such an
3215 appointment. If the applicant appears at the time and location
3216 specified for the appointment and takes all the portions of the
3217 skills test during that appointment that the applicant was
3218 scheduled to take, the appointment fee shall serve as the skills
3219 test fee. If the applicant schedules an appointment to take one or
3220 more, but not all, portions of the skills test and fails to appear
3221 at the time and location specified for the appointment, no portion
3222 of the appointment fee shall be refunded. If the applicant
3223 schedules an appointment to take one or more, but not all,
3224 portions of the skills test and appears at the time and location
3225 specified for the appointment, but declines or is unable to take
3226 all portions of the skills test that the applicant was scheduled
3227 to take, no portion of the appointment fee shall be refunded. If
3228 the applicant cancels a scheduled appointment forty-eight hours or
3229 more prior to the time of the appointment time, the applicant
3230 shall not forfeit the appointment fee.

3231 (3) The department of public safety shall deposit all fees it
3232 collects under division (E) of this section in the state highway
3233 safety fund.

(F) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so. Each person who drives or expects to drive a commercial motor vehicle in interstate or foreign commerce or is otherwise subject to 49 C.F.R. 391, et seq., as amended, shall certify to the registrar of motor vehicles at the time of application for a commercial driver's license that the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391, et seq., as amended, also shall certify at the time of application that the person is not subject to these standards.

(B) A person is qualified to drive a ~~class B commercial motor vehicle with a school bus endorsement~~ if the person holds a valid commercial driver's license along with the proper endorsements, and if the person has been certified as medically qualified in accordance with rules adopted by the department of education.

(C)(1) Except as provided in division (C)(2) of this section, any medical examination required by this section shall be performed only by one of the following:

(a) A person licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery in this state, or licensed under any similar law of another state;

(b) A physician assistant who is authorized by the

supervising physician to perform such a medical examination; 3264

(c) A certified nurse practitioner, a clinical nurse 3265
specialist, or a certified nurse-midwife; 3266

(d) A doctor of chiropractic. 3267

(2) Any part of an examination required by this section that 3268
pertains to visual acuity, field of vision, and the ability to 3269
recognize colors may be performed by a person licensed under 3270
Chapter 4725. of the Revised Code to practice optometry in this 3271
state, or licensed under any similar law of another state. 3272

(3) Any written documentation of a physical examination 3273
conducted pursuant to this section shall be completed by the 3274
individual who performed the examination. 3275

(D) Whenever good cause appears, the registrar, upon issuing 3276
a commercial driver's license under this chapter, may impose 3277
restrictions suitable to the licensee's driving ability with 3278
respect to the type of motor vehicle or special mechanical control 3279
devices required on a motor vehicle that the licensee may operate, 3280
or such other restrictions applicable to the licensee as the 3281
registrar determines to be necessary. 3282

The registrar may either issue a special restricted license 3283
or may set forth upon the usual license form the restrictions 3284
imposed. 3285

The registrar, upon receiving satisfactory evidence of any 3286
violation of the restrictions of the license, may impose a class D 3287
license suspension of the license for the period of time specified 3288
in division (B)(4) of section 4510.02 of the Revised Code. 3289

The registrar, upon receiving satisfactory evidence that an 3290
applicant or holder of a commercial driver's license has violated 3291
division (A)(4) of section 4506.04 of the Revised Code and 3292
knowingly given false information in any application or 3293

certification required by section 4506.07 of the Revised Code, 3294
shall cancel the commercial driver's license of the person or any 3295
pending application from the person for a commercial driver's 3296
license or class D driver's license for a period of at least sixty 3297
days, during which time no application for a commercial driver's 3298
license or class D driver's license shall be received from the 3299
person. 3300

(E) Whoever violates this section is guilty of a misdemeanor 3301
of the first degree. 3302

Sec. 4506.11. (A) Every commercial driver's license shall be 3303
marked "commercial driver's license" or "CDL" and shall be of such 3304
material and so designed as to prevent its reproduction or 3305
alteration without ready detection, and, to this end, shall be 3306
laminated with a transparent plastic material. The commercial 3307
driver's license for licensees under twenty-one years of age shall 3308
have characteristics prescribed by the registrar of motor vehicles 3309
distinguishing it from that issued to a licensee who is twenty-one 3310
years of age or older. Every commercial driver's license shall 3311
display all of the following information: 3312

(1) The name and residence address of the licensee; 3313

(2) A color photograph of the licensee showing the licensee's 3314
uncovered face; 3315

(3) A physical description of the licensee, including sex, 3316
height, weight, and color of eyes and hair; 3317

(4) The licensee's date of birth; 3318

(5) The licensee's social security number if the person has 3319
requested that the number be displayed in accordance with section 3320
4501.31 of the Revised Code or if federal law requires the social 3321
security number to be displayed and any number or other identifier 3322
the director of public safety considers appropriate and 3323

establishes by rules adopted under Chapter 119. of the Revised	3324
Code and in compliance with federal law;	3325
(6) The licensee's signature;	3326
(7) The classes of commercial motor vehicles the licensee is	3327
authorized to drive and any endorsements or restrictions relating	3328
to the licensee's driving of those vehicles;	3329
(8) The name of this state;	3330
(9) The dates of issuance and of expiration of the license;	3331
(10) If the licensee has certified willingness to make an	3332
anatomical donation under section 2108.04 of the Revised Code, any	3333
symbol chosen by the registrar of motor vehicles to indicate that	3334
the licensee has certified that willingness;	3335
(11) If the licensee has executed a durable power of attorney	3336
for health care or a declaration governing the use or	3337
continuation, or the withholding or withdrawal, of life-sustaining	3338
treatment and has specified that the licensee wishes the license	3339
to indicate that the licensee has executed either type of	3340
instrument, any symbol chosen by the registrar to indicate that	3341
the licensee has executed either type of instrument;	3342
(12) Any other information the registrar considers advisable	3343
and requires by rule.	3344
(B) The registrar may establish and maintain a file of	3345
negatives of photographs taken for the purposes of this section.	3346
(C) Neither the registrar nor any deputy registrar shall	3347
issue a commercial driver's license to anyone under twenty-one	3348
years of age that does not have the characteristics prescribed by	3349
the registrar distinguishing it from the commercial driver's	3350
license issued to persons who are twenty-one years of age or	3351
older.	3352
(D) Whoever violates division (C) of this section is guilty	3353

of a minor misdemeanor.

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Sec. 4506.12. (A) Commercial drivers' licenses shall be issued in the following classes and shall include any endorsements and restrictions that are applicable. Subject to any such endorsements and restrictions, the holder of a valid commercial driver's license may drive all commercial motor vehicles in the class for which that license is issued and all lesser classes of vehicles, except that the holder shall not operate a motorcycle unless the holder is licensed to do so under Chapter 4507. of the Revised Code.

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(B) The classes of commercial drivers' licenses and the commercial motor vehicles that they authorize the operation of are as follows:

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(1) Class A--any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, if the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds.

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(2) Class B--any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds.

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(3) Class C--any single vehicle, or combination of vehicles, that is not a class A or class B vehicle, but that ~~either~~ is designed to transport sixteen or more passengers, including the driver, or is ~~placarded for transporting hazardous materials and~~ in an amount requiring placarding, or any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver.

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(C) The following endorsements and restrictions apply to

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commercial drivers' licenses:	3384
(1) H--authorizes the driver to drive a vehicle transporting hazardous materials <u>in an amount requiring placarding;</u>	3385 3386
(2) K--restricts the driver to only intrastate operation;	3387
(3) L--restricts the driver to vehicles not equipped with air brakes;	3388 3389
(4) T--authorizes the driver to drive <u>a vehicle configured with double and or triple trailers that create more than one articulation point for the combination;</u>	3390 3391 3392
(5) P--authorizes the driver to drive vehicles carrying <u>designed to transport sixteen or more passengers, including the driver;</u>	3393 3394 3395
(6) P1--authorizes the driver to drive class A vehicles with <u>designed for fewer than fifteen sixteen passengers, including the driver,</u> and all lesser classes of vehicles without restriction as to the number <u>designed passenger capacity of passengers the vehicle;</u>	3396 3397 3398 3399 3400
(7) P2--authorizes the driver to drive class A or B vehicles with <u>designed for fewer than fifteen sixteen passengers, including the driver,</u> and all lesser classes of vehicles without restriction as to the number <u>designed passenger capacity of passengers the vehicle;</u>	3401 3402 3403 3404 3405
(8) P3 restricts the driver to driving class B school buses;	3406
(9) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	3407 3408 3409
(10) (9) N--authorizes the driver to drive tank vehicles;	3410
(11) (10) S--authorizes the driver to drive school buses <u>transporting children;</u>	3411 3412

~~(12)~~(11) X--authorizes the driver to drive tank vehicles 3413
transporting hazardous materials in a quantity requiring 3414
placarding; 3415

~~(13)~~(12) W--restricts the driver to the operation of 3416
commercial motor vehicles in accordance with a waiver for 3417
farm-related service industries issued under section 4506.24 of 3418
the Revised Code. 3419

(D) In addition to any endorsement that otherwise may apply, 3420
a person who is engaged in the towing of a disabled or wrecked 3421
motor vehicle shall hold a commercial driver's license bearing any 3422
endorsement required to drive the towed vehicle except the driver 3423
is not required to have either of the following: 3424

(1) A passenger endorsement to tow an unoccupied passenger 3425
vehicle; 3426

(2) Any endorsement required for the wrecked or disabled 3427
vehicle when the driver initially removes a vehicle from the site 3428
of the emergency where the vehicle became wrecked or disabled to 3429
the nearest appropriate repair, disposal, or storage facility, as 3430
applicable. 3431

(E) No person shall drive any commercial motor vehicle for 3432
which an endorsement is required under this section unless the 3433
proper endorsement appears on the person's commercial driver's 3434
license. 3435

(F) Whoever violates this section is guilty of a misdemeanor 3436
of the first degree. 3437

Sec. 4506.14. (A) Commercial driver's licenses shall expire 3438
as follows: 3439

(1) Except as provided in division (A)(3) or (4) of this 3440
section, each such license issued to replace an operator's or 3441
chauffeur's license shall expire on the original expiration date 3442

of the operator's or chauffeur's license and, upon renewal, shall 3443
expire on the licensee's birthday in the fourth year after the 3444
date of issuance. 3445

(2) Except as provided in division (A)(3) or (4) of this 3446
section, each such license issued as an original license to a 3447
person whose residence is in this state shall expire on the 3448
licensee's birthday in the fourth year after the date of issuance, 3449
and each such license issued to a person whose temporary residence 3450
is in this state shall expire in accordance with rules adopted by 3451
the registrar of motor vehicles. A license issued to a person with 3452
a temporary residence in this state is nonrenewable, but may be 3453
replaced with a new license within ninety days prior to its 3454
expiration upon the applicant's compliance with all applicable 3455
requirements. 3456

(3) The registrar or a deputy registrar may issue a license 3457
that expires on a date earlier than the licensee's birthday in the 3458
fourth year after the date of issuance if the licensee has 3459
undergone a security threat assessment required by federal law to 3460
obtain a hazardous materials endorsement and the assessment will 3461
expire before that date. 3462

(4) Each such license issued to replace the operator's or 3463
chauffeur's license of a person who is less than twenty-one years 3464
of age, and each such license issued as an original license to a 3465
person who is less than twenty-one years of age, shall expire on 3466
the licensee's twenty-first birthday. 3467

(B) No commercial driver's license shall be issued for a 3468
period longer than four years and ~~ninety~~ one hundred eighty days. 3469
Except as provided in section 4507.12 of the Revised Code, the 3470
registrar may waive the examination of any person applying for the 3471
renewal of a commercial driver's license issued under this 3472
chapter, provided that the applicant presents either an unexpired 3473
commercial driver's license or a commercial driver's license that 3474

has expired not more than six months prior to the date of application. 3475
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(C) Subject to the requirements of this chapter and except as provided in division (A)(2) of this section in regard to a person whose temporary residence is in this state, every commercial driver's license shall be renewable ~~ninety~~ one hundred eighty days before its expiration upon payment of the fees required by section 4506.08 of the Revised Code. Each person applying for renewal or transfer of a commercial driver's license shall complete the application form prescribed by section 4506.07 of the Revised Code and shall provide all certifications required. If the person wishes to retain an endorsement authorizing the person to transport hazardous materials, the person shall take and successfully complete the written test for the endorsement and shall submit to any background check required by federal law. 3477
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(D) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person. 3490
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(E) Whoever violates division (D) of this section is guilty of a minor misdemeanor. 3496
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Sec. 4506.15. (A) No person shall do any of the following: 3498

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine; 3499
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3501

(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath; 3502
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<u>(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;</u>	3505
	3506
	3507
<u>(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;</u>	3508
	3509
	3510
(3) <u>(5) Drive a commercial motor vehicle while under the influence of a controlled substance;</u>	3511
	3512
(4) Knowingly leave the scene of an accident involving a commercial motor vehicle driven by the person;	3513
	3514
(5) <u>(6) Use a commercial motor vehicle in the commission of a felony;</u>	3515
	3516
(6) <u>(7) Refuse to submit to a test under section 4506.17 of the Revised Code;</u>	3517
	3518
(7) Violate an out of service order issued under this chapter;	3519
	3520
(8) Violate any prohibition described in divisions (A)(2) to (7) of this section while transporting hazardous materials;	3521
	3522
(9) <u>(8) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;</u>	3523
	3524
	3525
<u>(9) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;</u>	3526
	3527
	3528
	3529
<u>(10) Use a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;</u>	3530
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~~(10)~~(11) Drive a commercial motor vehicle in violation of any 3535
provision of sections 4511.61 to 4511.63 of the Revised Code or 3536
any federal or local law or ordinance pertaining to 3537
railroad-highway grade crossings; 3538

(12) Violate any prohibition described in divisions (A)(2) to 3539
(11) of this section while transporting hazardous materials. 3540

(B) Whoever violates this section is guilty of a misdemeanor 3541
of the first degree. 3542

Sec. 4506.16. (A) Any person who is found to have been 3543
convicted of a violation of an out-of-service order shall be 3544
disqualified by the registrar of motor vehicles as follows: 3545

(1) If the person has not been convicted previously of a 3546
violation of an out-of-service order, the period of 3547
disqualification is ninety days. 3548

(2) If, during any ten-year period, the driver is convicted 3549
of a second violation of an out-of-service order in an incident 3550
separate from the incident that resulted in the first violation, 3551
the period of disqualification is one year. 3552

(3) If, during any ten-year period, the driver is convicted 3553
of a third or subsequent violation of an out-of-service order in 3554
an incident separate from the incidents that resulted in the 3555
previous violations during that ten-year period, the period of 3556
disqualification is three years. 3557

(B)(1) A driver is disqualified for one hundred eighty days 3558
if the driver is convicted of a first violation of an 3559
out-of-service order while transporting hazardous materials 3560
required to be placarded under the "Hazardous Materials 3561
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 3562
amended, or while operating a motor vehicle designed to transport 3563
sixteen or more passengers, including the driver. 3564

(2) A driver is disqualified for a period of three years if, during any ten-year period, the driver is convicted of a second or subsequent violation, in an incident separate from the incident that resulted in a previous violation during that ten-year period, of an out-of-service order while transporting hazardous materials required to be placarded under that act, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver.

(C) Whoever violates division (A)(1) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.

~~(B)~~(D) The registrar of motor vehicles shall disqualify any person holder of a commercial driver's license, or any operator of a commercial motor vehicle for which a commercial driver's license is required, from operating a commercial motor vehicle as follows:

(1) Upon a first conviction for a violation of any provision of divisions (A)(2) to ~~(7)~~(9) of section 4506.15 of the Revised Code, or of section 4511.19 or sections 4549.02 to 4549.03 of the Revised Code, or a similar law of another state or a foreign jurisdiction, one year and upon;

(2) Upon a second conviction for a violation of any provision of divisions (A)(2) to (9) of section 4506.15 of the Revised Code, or of section 4511.19 or sections 4549.02 to 4549.03 of the Revised Code, or a similar law of another state or a foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person shall be disqualified for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule;

~~(2)(3)~~ Upon a first conviction for a violation of division 3596
(A)~~(8)(12)~~ of section 4506.15 of the Revised Code or a similar law 3597
of another state or a foreign jurisdiction, three years; 3598

~~(3)(4)~~ Upon conviction of a violation of division (A)~~(9)(10)~~ 3599
of section 4506.15 of the Revised Code or a similar law of another 3600
state or a foreign jurisdiction, the person shall be disqualified 3601
for life; 3602

~~(4)~~ Upon a first conviction for a violation of division 3603
~~(A)(10)~~ of section 4506.15 of the Revised Code or a similar law of 3604
another state or a foreign jurisdiction, occurring in a three-year 3605
period, the person shall be disqualified for not less than sixty 3606
days, upon a second conviction occurring in the three-year period, 3607
the person shall be disqualified for not less than one hundred 3608
twenty days, and upon a subsequent conviction occurring within a 3609
three-year period, the person shall be disqualified for not less 3610
than one year; 3611

(5) Upon conviction of two serious traffic violations 3612
involving the operation of a ~~commercial~~ motor vehicle by the 3613
person and arising from separate incidents occurring in a 3614
three-year period, the person shall be disqualified for sixty days 3615
if the conviction results in the suspension, cancellation, or 3616
revocation of the holder's commercial driver's license or 3617
noncommercial motor vehicle driving privileges; 3618

(6) Upon conviction of three serious traffic violations 3619
involving the operation of a ~~commercial~~ motor vehicle by the 3620
person and arising from separate incidents occurring in a 3621
three-year period, the person shall be disqualified for one 3622
hundred twenty days if the conviction results in the suspension, 3623
cancellation, or revocation of the holder's commercial driver's 3624
license or noncommercial motor vehicle driving privileges. 3625

(7) Upon a first conviction involving the operation of a 3626

commercial motor vehicle in violation of any provisions of 3627
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3628
of another state or foreign jurisdiction, not less than sixty 3629
days; 3630

(8) Upon a second conviction involving the operation of a 3631
commercial motor vehicle in violation of any provisions of 3632
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3633
of another state or foreign jurisdiction within three years of the 3634
first such conviction, not less than one hundred twenty days; 3635

(9) Upon a third or subsequent conviction involving the 3636
operation of a commercial motor vehicle in violation of any 3637
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 3638
similar law of another state or foreign jurisdiction within three 3639
years of the first such conviction, not less than one year; 3640

(10) Upon receiving notification from the federal motor 3641
carrier safety administration, the registrar shall disqualify any 3642
commercial motor vehicle driver whose driving is determined to 3643
constitute an imminent hazard as defined under federal motor 3644
carrier safety regulation 49 C.F.R. 383.52. 3645

~~(C)~~(E) For the purposes of this section, conviction of a 3646
violation for which disqualification is required may be evidenced 3647
by any of the following: 3648

(1) A judgment entry of a court of competent jurisdiction in 3649
this or any other state; 3650

(2) An administrative order of a state agency of this or any 3651
other state having statutory jurisdiction over commercial drivers; 3652

(3) A computer record obtained from or through the commercial 3653
driver's license information system; 3654

(4) A computer record obtained from or through a state agency 3655
of this or any other state having statutory jurisdiction over 3656

commercial drivers or the records of commercial drivers. 3657

~~(D)~~(F) For purposes of this section, conviction of 3658
disqualifying offenses committed in a noncommercial motor vehicle 3659
are included if either of the following applies: 3660

(1) The offense occurred after the person obtained the 3661
person's commercial driver's license. 3662

(2) The offense occurs on or after September 30, 2005. 3663

(G) If a person commits a serious traffic violation by 3664
operating a commercial motor vehicle without having a commercial 3665
driver's license in the person's possession as described in 3666
division (DD)(7) of section 4506.01 of the Revised Code and the 3667
person then submits proof to either the enforcement agency that 3668
issued the citation for the violation or to the court with 3669
jurisdiction over the case before the date of the person's initial 3670
appearance that shows that the person held a valid commercial 3671
driver's license at the time of the violation, the violation shall 3672
not be deemed to be a serious traffic violation. 3673

(H) Any record described in division (C) of this section 3674
shall be deemed to be self-authenticating when it is received by 3675
the bureau of motor vehicles. 3676

~~(E)~~(I) When disqualifying a driver, the registrar shall cause 3677
the records of the bureau to be updated to reflect that action 3678
within ten days after it occurs. 3679

~~(F)~~(J) The registrar immediately shall notify a driver who is 3680
finally convicted of any offense described in section 4506.15 of 3681
the Revised Code or division (B)~~(3)~~ (4), (5), or (6) of this 3682
section and thereby is subject to disqualification, of the offense 3683
or offenses involved, of the length of time for which 3684
disqualification is to be imposed, and that the driver may request 3685
a hearing within thirty days of the mailing of the notice to show 3686

cause why the driver should not be disqualified from operating a 3687
commercial motor vehicle. If a request for such a hearing is not 3688
made within thirty days of the mailing of the notice, the order of 3689
disqualification is final. The registrar may designate hearing 3690
examiners who, after affording all parties reasonable notice, 3691
shall conduct a hearing to determine whether the disqualification 3692
order is supported by reliable evidence. The registrar shall adopt 3693
rules to implement this division. 3694

~~(G)~~(K) Any person who is disqualified from operating a 3695
commercial motor vehicle under this section may apply to the 3696
registrar for a driver's license to operate a motor vehicle other 3697
than a commercial motor vehicle, provided the person's commercial 3698
driver's license is not otherwise suspended. A person whose 3699
commercial driver's license is suspended shall not apply to the 3700
registrar for or receive a driver's license under Chapter 4507. of 3701
the Revised Code during the period of suspension. 3702

~~(H)~~(L) The disqualifications imposed under this section are 3703
in addition to any other penalty imposed by the Revised Code. 3704

Sec. 4506.17. (A) Any person who ~~drives~~ holds a commercial 3705
driver's license or operates a commercial motor vehicle requiring 3706
a commercial driver's license within this state shall be deemed to 3707
have given consent to a test or tests of the person's whole blood, 3708
blood serum or plasma, breath, or urine for the purpose of 3709
determining the person's alcohol concentration or the presence of 3710
any controlled substance. 3711

(B) A test or tests as provided in division (A) of this 3712
section may be administered at the direction of a peace officer 3713
having reasonable ground to stop or detain the person and, after 3714
investigating the circumstances surrounding the operation of the 3715
commercial motor vehicle, also having reasonable ground to believe 3716
the person was driving the commercial vehicle while having a 3717

measurable or detectable amount of alcohol or of a controlled 3718
substance in the person's whole blood, blood serum or plasma, 3719
breath, or urine. Any such test shall be given within two hours of 3720
the time of the alleged violation. 3721

(C) A person requested to submit to a test under division (A) 3722
of this section shall be advised by the peace officer requesting 3723
the test that a refusal to submit to the test will result in the 3724
person immediately being placed out-of-service for a period of 3725
twenty-four hours and being disqualified from operating a 3726
commercial motor vehicle for a period of not less than one year, 3727
and that the person is required to surrender the person's 3728
commercial driver's license to the peace officer. 3729

(D) If a person refuses to submit to a test after being 3730
warned as provided in division (C) of this section or submits to a 3731
test that discloses the presence of a controlled substance ~~or~~ an 3732
alcohol concentration of four-hundredths of one per cent or more 3733
by whole blood or breath, an alcohol concentration of 3734
forty-eight-thousandths of one per cent or more by blood serum or 3735
blood plasma, or an alcohol concentration of fifty-six-thousandths 3736
of one per cent or more by urine, the person immediately shall 3737
surrender the person's commercial driver's license to the peace 3738
officer. The peace officer shall forward the license, together 3739
with a sworn report, to the registrar of motor vehicles certifying 3740
that the test was requested pursuant to division (A) of this 3741
section and that the person either refused to submit to testing or 3742
submitted to a test that disclosed the presence of a controlled 3743
substance or ~~an~~ a prohibited alcohol concentration ~~of~~ 3744
~~four hundredths of one per cent or more.~~ The form and contents of 3745
the report required by this section shall be established by the 3746
registrar by rule, but shall contain the advice to be read to the 3747
driver and a statement to be signed by the driver acknowledging 3748
that the driver has been read the advice and that the form was 3749

shown to the driver. 3750

(E) Upon receipt of a sworn report from a peace officer as 3751
provided in division (D) of this section, the registrar shall 3752
disqualify the person named in the report from driving a 3753
commercial motor vehicle for the period described below: 3754

(1) Upon a first incident, one year; 3755

(2) Upon an incident of refusal or of a prohibited 3756
concentration of alcohol after one or more previous incidents of 3757
either refusal or of a prohibited concentration of alcohol, the 3758
person shall be disqualified for life or such lesser period as 3759
prescribed by rule by the registrar. 3760

(F) A test of a person's whole blood or a person's blood 3761
serum or plasma given under this section shall comply with the 3762
applicable provisions of division (D) of section 4511.19 of the 3763
Revised Code and any physician, registered nurse, or qualified 3764
technician, chemist, or phlebotomist who withdraws whole blood or 3765
blood serum or plasma from a person under this section, and any 3766
hospital, first-aid station, clinic, or other facility at which 3767
whole blood or blood serum or plasma is withdrawn from a person 3768
pursuant to this section, is immune from criminal liability, and 3769
from civil liability that is based upon a claim of assault and 3770
battery or based upon any other claim of malpractice, for any act 3771
performed in withdrawing whole blood or blood serum or plasma from 3772
the person. 3773

(G) When a person submits to a test under this section, the 3774
results of the test, at the person's request, shall be made 3775
available to the person, the person's attorney, or the person's 3776
agent, immediately upon completion of the chemical test analysis. 3777
The person also may have an additional test administered by a 3778
physician, a registered nurse, or a qualified technician, chemist, 3779
or phlebotomist of the person's own choosing as provided in 3780

division (D) of section 4511.19 of the Revised Code for tests 3781
administered under that section, and the failure to obtain such a 3782
test has the same effect as in that division. 3783

(H) No person shall refuse to immediately surrender the 3784
person's commercial driver's license to a peace officer when 3785
required to do so by this section. 3786

(I) A peace officer issuing an out-of-service order or 3787
receiving a commercial driver's license surrendered under this 3788
section may remove or arrange for the removal of any commercial 3789
motor vehicle affected by the issuance of that order or the 3790
surrender of that license. 3791

(J)(1) Except for civil actions arising out of the operation 3792
of a motor vehicle and civil actions in which the state is a 3793
plaintiff, no peace officer of any law enforcement agency within 3794
this state is liable in compensatory damages in any civil action 3795
that arises under the Revised Code or common law of this state for 3796
an injury, death, or loss to person or property caused in the 3797
performance of official duties under this section and rules 3798
adopted under this section, unless the officer's actions were 3799
manifestly outside the scope of the officer's employment or 3800
official responsibilities, or unless the officer acted with 3801
malicious purpose, in bad faith, or in a wanton or reckless 3802
manner. 3803

(2) Except for civil actions that arise out of the operation 3804
of a motor vehicle and civil actions in which the state is a 3805
plaintiff, no peace officer of any law enforcement agency within 3806
this state is liable in punitive or exemplary damages in any civil 3807
action that arises under the Revised Code or common law of this 3808
state for any injury, death, or loss to person or property caused 3809
in the performance of official duties under this section of the 3810
Revised Code and rules adopted under this section, unless the 3811

officer's actions were manifestly outside the scope of the 3812
officer's employment or official responsibilities, or unless the 3813
officer acted with malicious purpose, in bad faith, or in a wanton 3814
or reckless manner. 3815

(K) When disqualifying a driver, the registrar shall cause 3816
the records of the bureau of motor vehicles to be updated to 3817
reflect the disqualification within ten days after it occurs. 3818

(L) The registrar immediately shall notify a driver who is 3819
subject to disqualification of the disqualification, of the length 3820
of the disqualification, and that the driver may request a hearing 3821
within thirty days of the mailing of the notice to show cause why 3822
the driver should not be disqualified from operating a commercial 3823
motor vehicle. If a request for such a hearing is not made within 3824
thirty days of the mailing of the notice, the order of 3825
disqualification is final. The registrar may designate hearing 3826
examiners who, after affording all parties reasonable notice, 3827
shall conduct a hearing to determine whether the disqualification 3828
order is supported by reliable evidence. The registrar shall adopt 3829
rules to implement this division. 3830

(M) Any person who is disqualified from operating a 3831
commercial motor vehicle under this section may apply to the 3832
registrar for a driver's license to operate a motor vehicle other 3833
than a commercial motor vehicle, provided the person's commercial 3834
driver's license is not otherwise suspended. A person whose 3835
commercial driver's license is suspended shall not apply to the 3836
registrar for or receive a driver's license under Chapter 4507. of 3837
the Revised Code during the period of suspension. 3838

(N) Whoever violates division (H) of this section is guilty 3839
of a misdemeanor of the first degree. 3840

Sec. 4506.20. (A) Each employer shall require every applicant 3841

for employment as a driver of a commercial motor vehicle to 3842
provide the applicant's employment history for the ten years 3843
preceding the date the employment application is submitted to the 3844
prospective employer. The following information specified in 3845
section 4506.20 of the Revised Code shall be submitted: 3846

(1) A list of the names and addresses of the applicant's 3847
previous employers for which the applicant was the operator of a 3848
commercial motor vehicle; 3849

(2) The dates the applicant was employed by these employers; 3850

(3) The reason for leaving each of these employers. 3851

(B) No employer shall knowingly permit or authorize any 3852
driver employed by the employer to drive a commercial motor 3853
vehicle during any period in which any of the following apply: 3854

(1) The driver's commercial driver's license is suspended, 3855
revoked, or canceled by any state or a foreign jurisdiction; 3856

(2) The driver has lost the privilege to drive, or currently 3857
is disqualified from driving, a commercial motor vehicle in any 3858
state or foreign jurisdiction; 3859

(3) The driver, the commercial motor vehicle the driver is 3860
driving, or the motor carrier operation is subject to an 3861
out-of-service order in any state or foreign jurisdiction; 3862

(4) The driver has more than one driver's license. 3863

(C) No employer shall knowingly permit or authorize a driver 3864
to operate a commercial motor vehicle in violation of section 3865
4506.15 of the Revised Code. 3866

(D)(1) Whoever violates division (A) or (B) of this section 3867
is guilty of a misdemeanor of the first degree. 3868

(2) Whoever violates division (C) of this section may be 3869
assessed a fine not to exceed ten thousand dollars. 3870

Sec. 4506.23. Within the jurisdictional limits of ~~his~~ the 3871
appointing authority, any peace officer shall stop and detain any 3872
person found violating section 4506.15 of the Revised Code, 3873
without obtaining a warrant. When there is reasonable ground to 3874
believe that a violation of section 4506.15 of the Revised Code 3875
has been committed and a test or tests of the person's whole 3876
blood, blood plasma or blood serum, breath, or urine is necessary, 3877
the peace officer shall take the person to an appropriate place 3878
for testing. If a person refuses to submit to a test after being 3879
warned as provided in division (C) of section 4506.17 of the 3880
Revised Code or submits to a test that discloses the presence of a 3881
controlled substance or an alcohol concentration of 3882
four-hundredths of one per cent or more by whole blood or breath, 3883
an alcohol concentration of forty-eight-thousandths of one per 3884
cent or more by blood serum or blood plasma, or an alcohol 3885
concentration of fifty-six-thousandths of one per cent or more by 3886
urine, the peace officer shall require that the person immediately 3887
surrender ~~his~~ the person's commercial driver's license to the 3888
peace officer. 3889

As used in this section, "jurisdictional limits" means the 3890
limits within which a peace officer may arrest and detain a person 3891
without a warrant under section 2935.03 of the Revised Code, 3892
except that the superintendent and the troopers of the state 3893
highway patrol may stop and detain, without warrant, any person 3894
who, in the presence of the superintendent or any trooper, is 3895
engaged in the violation of this chapter. 3896

Sec. 4506.25. (A) As used in this section+ 3897

~~(1)~~, "~~Commercial~~ commercial motor vehicle" means any 3898
self-propelled or towed vehicle used on public highways in 3899
intrastate or interstate commerce to transport passengers or 3900

property that meets any of the following specifications: 3901

~~(a)(1)~~ The vehicle has a gross vehicle weight rating or gross 3902
combination weight rating of ten thousand one pounds or more. 3903

~~(b)(2)~~ The vehicle is designed to transport sixteen or more 3904
passengers, including the driver. 3905

~~(c)(3)~~ The vehicle is used in the transportation of hazardous 3906
materials in a quantity requiring placarding under the regulations 3907
issued by the United States secretary of transportation under the 3908
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 3909
U.S.C.A. 1801, as amended. 3910

~~(2) "Out of service order" means a declaration by an 3911
authorized enforcement officer of a federal, state, local, 3912
Canadian, or Mexican jurisdiction declaring that a driver, 3913
commercial motor vehicle, or commercial motor carrier operation is 3914
out of service pursuant to 49 C.F.R. 386.72, 392.5, 395.13, or 3915
396.9, as amended, laws equivalent to those provisions, or the 3916
North American uniform out of service criteria. 3917~~

(B) The registrar of motor vehicles shall disqualify any 3918
person from operating a commercial motor vehicle who receives a 3919
notice of a conviction for violation of an out-of-service order 3920
issued under rules of the public utilities commission adopted 3921
pursuant to section 4919.79, 4921.04, or 4923.20 of the Revised 3922
Code, or a conviction for a violation of the same or similar laws 3923
of another state or jurisdiction applicable to vehicles in 3924
regulated commerce. 3925

Sec. 4507.02. (A)(1) No person shall permit the operation of 3926
a motor vehicle upon any public or private property used by the 3927
public for purposes of vehicular travel or parking knowing the 3928
operator does not have a valid driver's license issued to the 3929
operator by the registrar of motor vehicles under this chapter or 3930

a valid commercial driver's license issued under Chapter 4506. of 3931
the Revised Code. Whoever violates this division is guilty of a 3932
misdemeanor of the first degree. 3933

(2) No person shall receive a driver's license, or a 3934
motorcycle operator's endorsement of a driver's or commercial 3935
driver's license, unless and until the person surrenders to the 3936
registrar all valid licenses issued to the person by another 3937
jurisdiction recognized by this state. ~~All surrendered licenses~~ 3938
~~shall be returned by the~~ The registrar shall report the surrender 3939
of a license to the issuing authority, together with information 3940
that a license is now issued in this state. The registrar shall 3941
destroy any such license that is not returned to the issuing 3942
authority. No person shall be permitted to have more than one 3943
valid license at any time. 3944

(B)(1) If a person is convicted of a violation of section 3945
4510.11, 4510.14, 4510.16, or 4510.21 of the Revised Code or if 3946
division (F) of section 4507.164 of the Revised Code applies, the 3947
trial judge of any court, in addition to or independent of, any 3948
other penalties provided by law or ordinance, shall impound the 3949
identification license plates of any motor vehicle registered in 3950
the name of the person. The court shall send the impounded license 3951
plates to the registrar, who may retain the license plates until 3952
the driver's or commercial driver's license of the owner has been 3953
reinstated or destroy them pursuant to section 4503.232 of the 3954
Revised Code. 3955

If the license plates of a person convicted of a violation of 3956
any provision of those sections have been impounded in accordance 3957
with the provisions of this division, the court shall notify the 3958
registrar of that action. The notice shall contain the name and 3959
address of the driver, the serial number of the driver's driver's 3960
or commercial driver's license, the serial numbers of the license 3961

plates of the motor vehicle, and the length of time for which the
license plates have been impounded. The registrar shall record the
data in the notice as part of the driver's permanent record.

(2) Any motor vehicle owner who has had the license plates of
a motor vehicle impounded pursuant to division (B)(1) of this
section may apply to the registrar, or to a deputy registrar, for
restricted license plates that shall conform to the requirements
of section 4503.231 of the Revised Code. The registrar or deputy
registrar forthwith shall notify the court of the application and,
upon approval of the court, shall issue restricted license plates
to the applicant. Until the driver's or commercial driver's
license of the owner is reinstated, any new license plates issued
to the owner also shall conform to the requirements of section
4503.231 of the Revised Code.

The registrar or deputy registrar shall charge the owner of a
vehicle the fees provided in section 4503.19 of the Revised Code
for restricted license plates that are issued in accordance with
this division, except upon renewal as specified in section 4503.10
of the Revised Code, when the regular fee as provided in section
4503.04 of the Revised Code shall be charged. The registrar or
deputy registrar shall charge the owner of a vehicle the fees
provided in section 4503.19 of the Revised Code whenever
restricted license plates are exchanged, by reason of the
reinstatement of the driver's or commercial driver's license of
the owner, for those ordinarily issued.

(3) If an owner wishes to sell a motor vehicle during the
time the restricted license plates provided under division (B)(2)
of this section are in use, the owner may apply to the court that
impounded the license plates of the motor vehicle for permission
to transfer title to the motor vehicle. If the court is satisfied
that the sale will be made in good faith and not for the purpose
of circumventing the provisions of this section, it may certify

its consent to the owner and to the registrar of motor vehicles 3994
who shall enter notice of the transfer of the title of the motor 3995
vehicle in the vehicle registration record. 3996

If, during the time the restricted license plates provided 3997
under division (B)(2) of this section are in use, the title to a 3998
motor vehicle is transferred by the foreclosure of a chattel 3999
mortgage, a sale upon execution, the cancellation of a conditional 4000
sales contract, or by order of a court, the court shall notify the 4001
registrar of the action and the registrar shall enter notice of 4002
the transfer of the title to the motor vehicle in the vehicle 4003
registration record. 4004

(C) This section is not intended to change or modify any 4005
provision of Chapter 4503. of the Revised Code with respect to the 4006
taxation of motor vehicles or the time within which the taxes on 4007
motor vehicles shall be paid. 4008

Sec. 4508.06. (A) The director of public safety may refuse to 4009
issue, or may suspend or revoke, a license or may impose a fine of 4010
not more than ten thousand dollars per occurrence in any case in 4011
which the director finds the applicant or licensee has violated 4012
any of the provisions of this chapter, or any of the ~~regulations~~ 4013
rules adopted by the director, or has failed to pay a fine imposed 4014
under this division. No person whose license has been suspended or 4015
revoked under this section shall fail to return the license to the 4016
director. 4017

(B) The director shall deposit all fines collected under 4018
division (A) of this section into the state treasury to the credit 4019
of the state highway safety fund created by section 4501.06 of the 4020
Revised Code. 4021

(C) Whoever violates fails to return a license that has been 4022
suspended or revoked under division (A) of this section is guilty 4023

of failing to return a suspended or revoked license, a minor 4024
misdemeanor or, on a second or subsequent offense within two years 4025
after the first offense, a misdemeanor of the fourth degree. 4026

Sec. 4508.10. (A) A driver training school shall issue a 4027
certificate of completion to each person who successfully 4028
completes a course of instruction necessary to obtain or maintain 4029
a driver's license. The department of public safety shall provide 4030
each driver training school with the certificate of completion 4031
forms. 4032

(B) The fee for each driver's license certificate of 4033
completion provided by the department to a driver training school 4034
is four dollars. The director of public safety shall deposit the 4035
fees collected under this section into the state treasury to the 4036
credit of the state highway safety fund created in section 4501.16 4037
of the Revised Code. 4038

(C) As used in this section, "driver's license" has the same 4039
meaning as in section 4507.01 of the Revised Code. 4040

Sec. 4509.27. There is hereby created in the state treasury 4041
the security deposit fund. All security deposits that the 4042
registrar of motor vehicles requires to be paid under section 4043
4509.12 of the Revised Code and that the registrar receives shall 4044
be deposited into the fund. Moneys in the fund shall be applied 4045
only to the payment of a judgment for damages arising out of an 4046
accident as provided in section 4509.28 of the Revised Code and to 4047
the return of security deposits as provided in sections 4509.25 4048
and 4509.29 of the Revised Code. All investment earnings ~~on the~~ 4049
~~cash balance in~~ of the fund shall be credited to the roadwork 4050
development fund created by section 122.14 of the Revised Code. 4051

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 4052
as in section 4511.194 of the Revised Code. 4053

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the

designated chemical test, the registrar shall enter into the
registrar's records the fact that the person's driver's or
commercial driver's license or permit or nonresident operating
privilege was suspended by the arresting officer under this
division and that section and the period of the suspension, as
determined under this section. The suspension shall be subject to
appeal as provided in section 4511.197 of the Revised Code. The
suspension shall be for whichever of the following periods
applies:

(a) Except when division (B)(1)(b), (c), or (d) of this
section applies and specifies a different class or length of
suspension, the suspension shall be a class C suspension for the
period of time specified in division (B)(3) of section 4510.02 of
the Revised Code.

(b) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused one previous request to consent to a chemical
test, the suspension shall be a class B suspension imposed for the
period of time specified in division (B)(2) of section 4510.02 of
the Revised Code.

(c) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused two previous requests to consent to a chemical
test, the suspension shall be a class A suspension imposed for the
period of time specified in division (B)(1) of section 4510.02 of
the Revised Code.

(d) If the arrested person, within six years of the date on
which the person refused the request to consent to the chemical
test, had refused three or more previous requests to consent to a
chemical test, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 4117
of the operating privilege of a nonresident, or a denial of a 4118
driver's or commercial driver's license or permit, imposed 4119
pursuant to division (B)(1) of this section upon receipt of notice 4120
that the person has entered a plea of guilty to, or that the 4121
person has been convicted after entering a plea of no contest to, 4122
operating a vehicle in violation of section 4511.19 of the Revised 4123
Code or in violation of a municipal OVI ordinance, if the offense 4124
for which the conviction is had or the plea is entered arose from 4125
the same incident that led to the suspension or denial. 4126

The registrar shall credit against any judicial suspension of 4127
a person's driver's or commercial driver's license or permit or 4128
nonresident operating privilege imposed pursuant to section 4129
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4130
Revised Code for a violation of a municipal OVI ordinance, any 4131
time during which the person serves a related suspension imposed 4132
pursuant to division (B)(1) of this section. 4133

(C)(1) Upon receipt of the sworn report of the law 4134
enforcement officer who arrested a person for a violation of 4135
division (A) or (B) of section 4511.19 of the Revised Code or a 4136
municipal OVI ordinance that was completed and sent to the 4137
registrar and a court pursuant to section 4511.192 of the Revised 4138
Code in regard to a person whose test results indicate that the 4139
person's whole blood, blood serum or plasma, breath, or urine 4140
contained at least the concentration of alcohol specified in 4141
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 4142
Revised Code, the registrar shall enter into the registrar's 4143
records the fact that the person's driver's or commercial driver's 4144
license or permit or nonresident operating privilege was suspended 4145
by the arresting officer under this division and section 4511.192 4146
of the Revised Code and the period of the suspension, as 4147
determined under divisions (F)(1) to (4) of this section. The 4148

suspension shall be subject to appeal as provided in section 4149
4511.197 of the Revised Code. The suspension described in this 4150
division does not apply to, and shall not be imposed upon, a 4151
person arrested for a violation of section 4511.194 of the Revised 4152
Code or a substantially equivalent municipal ordinance who submits 4153
to a designated chemical test. The suspension shall be for 4154
whichever of the following periods applies: 4155

(a) Except when division (C)(1)(b), (c), or (d) of this 4156
section applies and specifies a different period, the suspension 4157
shall be a class E suspension imposed for the period of time 4158
specified in division (B)(5) of section 4510.02 of the Revised 4159
Code. 4160

(b) The suspension shall be a class C suspension for the 4161
period of time specified in division (B)(3) of section 4510.02 of 4162
the Revised Code if the person has been convicted of or pleaded 4163
guilty to, within six years of the date the test was conducted, 4164
one violation of division (A) or (B) of section 4511.19 of the 4165
Revised Code or one other equivalent offense. 4166

(c) If, within six years of the date the test was conducted, 4167
the person has been convicted of or pleaded guilty to two 4168
violations of a statute or ordinance described in division 4169
(C)(1)(b) of this section, the suspension shall be a class B 4170
suspension imposed for the period of time specified in division 4171
(B)(2) of section 4510.02 of the Revised Code. 4172

(d) If, within six years of the date the test was conducted, 4173
the person has been convicted of or pleaded guilty to more than 4174
two violations of a statute or ordinance described in division 4175
(C)(1)(b) of this section, the suspension shall be a class A 4176
suspension imposed for the period of time specified in division 4177
(B)(1) of section 4510.02 of the Revised Code. 4178

(2) The registrar shall terminate a suspension of the 4179

driver's or commercial driver's license or permit of a resident or 4180
of the operating privilege of a nonresident, or a denial of a 4181
driver's or commercial driver's license or permit, imposed 4182
pursuant to division (C)(1) of this section upon receipt of notice 4183
that the person has entered a plea of guilty to, or that the 4184
person has been convicted after entering a plea of no contest to, 4185
operating a vehicle in violation of section 4511.19 of the Revised 4186
Code or in violation of a municipal OVI ordinance, if the offense 4187
for which the conviction is had or the plea is entered arose from 4188
the same incident that led to the suspension or denial. 4189

The registrar shall credit against any judicial suspension of 4190
a person's driver's or commercial driver's license or permit or 4191
nonresident operating privilege imposed pursuant to section 4192
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 4193
Revised Code for a violation of a municipal OVI ordinance, any 4194
time during which the person serves a related suspension imposed 4195
pursuant to division (C)(1) of this section. 4196

(D)(1) A suspension of a person's driver's or commercial 4197
driver's license or permit or nonresident operating privilege 4198
under this section for the time described in division (B) or (C) 4199
of this section is effective immediately from the time at which 4200
the arresting officer serves the notice of suspension upon the 4201
arrested person. Any subsequent finding that the person is not 4202
guilty of the charge that resulted in the person being requested 4203
to take the chemical test or tests under division (A) of this 4204
section does not affect the suspension. 4205

(2) If a person is arrested for operating a vehicle, 4206
streetcar, or trackless trolley in violation of division (A) or 4207
(B) of section 4511.19 of the Revised Code or a municipal OVI 4208
ordinance, or for being in physical control of a vehicle, 4209
streetcar, or trackless trolley in violation of section 4511.194 4210
of the Revised Code or a substantially equivalent municipal 4211

ordinance, regardless of whether the person's driver's or 4212
commercial driver's license or permit or nonresident operating 4213
privilege is or is not suspended under division (B) or (C) of this 4214
section or Chapter 4510. of the Revised Code, the person's initial 4215
appearance on the charge resulting from the arrest shall be held 4216
within five days of the person's arrest or the issuance of the 4217
citation to the person, subject to any continuance granted by the 4218
court pursuant to section 4511.197 of the Revised Code regarding 4219
the issues specified in that division. 4220

(E) When it finally has been determined under the procedures 4221
of this section and sections 4511.192 ~~through~~ to 4511.197 of the 4222
Revised Code that a nonresident's privilege to operate a vehicle 4223
within this state has been suspended, the registrar shall give 4224
information in writing of the action taken to the motor vehicle 4225
administrator of the state of the person's residence and of any 4226
state in which the person has a license. 4227

(F) At the end of a suspension period under this section, 4228
under section 4511.194, section 4511.196, or division (G) of 4229
section 4511.19 of the Revised Code, or under section 4510.07 of 4230
the Revised Code for a violation of a municipal OVI ordinance and 4231
upon the request of the person whose driver's or commercial 4232
driver's license or permit was suspended and who is not otherwise 4233
subject to suspension, cancellation, or disqualification, the 4234
registrar shall return the driver's or commercial driver's license 4235
or permit to the person upon the occurrence of all of the 4236
conditions specified in divisions (F)(1) and (2) of this section: 4237

(1) A showing that the person has proof of financial 4238
responsibility, a policy of liability insurance in effect that 4239
meets the minimum standards set forth in section 4509.51 of the 4240
Revised Code, or proof, to the satisfaction of the registrar, that 4241
the person is able to respond in damages in an amount at least 4242
equal to the minimum amounts specified in section 4509.51 of the 4243

Revised Code. 4244

(2) Subject to the limitation contained in division (F)(3) of 4245
this section, payment by the person to the bureau of motor 4246
vehicles of a license reinstatement fee of four hundred 4247
twenty-five dollars, which fee shall be deposited in the state 4248
treasury and credited as follows: 4249

(a) One hundred twelve dollars and fifty cents shall be 4250
credited to the statewide treatment and prevention fund created by 4251
section 4301.30 of the Revised Code. The fund shall be used to pay 4252
the costs of driver treatment and intervention programs operated 4253
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 4254
director of alcohol and drug addiction services shall determine 4255
the share of the fund that is to be allocated to alcohol and drug 4256
addiction programs authorized by section 3793.02 of the Revised 4257
Code, and the share of the fund that is to be allocated to 4258
drivers' intervention programs authorized by section 3793.10 of 4259
the Revised Code. 4260

(b) Seventy-five dollars shall be credited to the reparations 4261
fund created by section 2743.191 of the Revised Code. 4262

(c) Thirty-seven dollars and fifty cents shall be credited to 4263
the indigent drivers alcohol treatment fund, which is hereby 4264
established. Except as otherwise provided in division (F)(2)(c) of 4265
this section, moneys in the fund shall be distributed by the 4266
department of alcohol and drug addiction services to the county 4267
indigent drivers alcohol treatment funds, the county juvenile 4268
indigent drivers alcohol treatment funds, and the municipal 4269
indigent drivers alcohol treatment funds that are required to be 4270
established by counties and municipal corporations pursuant to 4271
this section, and shall be used only to pay the cost of an alcohol 4272
and drug addiction treatment program attended by an offender or 4273
juvenile traffic offender who is ordered to attend an alcohol and 4274

drug addiction treatment program by a county, juvenile, or 4275
municipal court judge and who is determined by the county, 4276
juvenile, or municipal court judge not to have the means to pay 4277
for the person's attendance at the program or to pay the costs 4278
specified in division (H)(4) of this section in accordance with 4279
that division. Moneys in the fund that are not distributed to a 4280
county indigent drivers alcohol treatment fund, a county juvenile 4281
indigent drivers alcohol treatment fund, or a municipal indigent 4282
drivers alcohol treatment fund under division (H) of this section 4283
because the director of alcohol and drug addiction services does 4284
not have the information necessary to identify the county or 4285
municipal corporation where the offender or juvenile offender was 4286
arrested may be transferred by the director of budget and 4287
management to the statewide treatment and prevention fund created 4288
by section 4301.30 of the Revised Code, upon certification of the 4289
amount by the director of alcohol and drug addiction services. 4290

(d) Seventy-five dollars shall be credited to the Ohio 4291
rehabilitation services commission established by section 3304.12 4292
of the Revised Code, to the services for rehabilitation fund, 4293
which is hereby established. The fund shall be used to match 4294
available federal matching funds where appropriate, and for any 4295
other purpose or program of the commission to rehabilitate people 4296
with disabilities to help them become employed and independent. 4297

(e) Seventy-five dollars shall be deposited into the state 4298
treasury and credited to the drug abuse resistance education 4299
programs fund, which is hereby established, to be used by the 4300
attorney general for the purposes specified in division ~~(L)~~(F)(4) 4301
of this section. 4302

(f) Thirty dollars shall be credited to the state bureau of 4303
motor vehicles fund created by section 4501.25 of the Revised 4304
Code. 4305

(g) Twenty dollars shall be credited to the ~~trauma and~~ 4306
emergency medical services ~~grants~~ fund created by section 4513.263 4307
of the Revised Code. 4308

(3) If a person's driver's or commercial driver's license or 4309
permit is suspended under this section, under section 4511.196 or 4310
division (G) of section 4511.19 of the Revised Code, under section 4311
4510.07 of the Revised Code for a violation of a municipal OVI 4312
ordinance or under any combination of the suspensions described in 4313
division (F)(3) of this section, and if the suspensions arise from 4314
a single incident or a single set of facts and circumstances, the 4315
person is liable for payment of, and shall be required to pay to 4316
the bureau, only one reinstatement fee of four hundred twenty-five 4317
dollars. The reinstatement fee shall be distributed by the bureau 4318
in accordance with division (F)(2) of this section. 4319

(4) The attorney general shall use amounts in the drug abuse 4320
resistance education programs fund to award grants to law 4321
enforcement agencies to establish and implement drug abuse 4322
resistance education programs in public schools. Grants awarded to 4323
a law enforcement agency under this section shall be used by the 4324
agency to pay for not more than fifty per cent of the amount of 4325
the salaries of law enforcement officers who conduct drug abuse 4326
resistance education programs in public schools. The attorney 4327
general shall not use more than six per cent of the amounts the 4328
attorney general's office receives under division (F)(2)(e) of 4329
this section to pay the costs it incurs in administering the grant 4330
program established by division (F)(2)(e) of this section and in 4331
providing training and materials relating to drug abuse resistance 4332
education programs. 4333

The attorney general shall report to the governor and the 4334
general assembly each fiscal year on the progress made in 4335
establishing and implementing drug abuse resistance education 4336
programs. These reports shall include an evaluation of the 4337

effectiveness of these programs. 4338

(G) Suspension of a commercial driver's license under 4339
division (B) or (C) of this section shall be concurrent with any 4340
period of disqualification under section 3123.611 or 4506.16 of 4341
the Revised Code or any period of suspension under section 3123.58 4342
of the Revised Code. No person who is disqualified for life from 4343
holding a commercial driver's license under section 4506.16 of the 4344
Revised Code shall be issued a driver's license under Chapter 4345
4507. of the Revised Code during the period for which the 4346
commercial driver's license was suspended under division (B) or 4347
(C) of this section. No person whose commercial driver's license 4348
is suspended under division (B) or (C) of this section shall be 4349
issued a driver's license under Chapter 4507. of the Revised Code 4350
during the period of the suspension. 4351

(H)(1) Each county shall establish an indigent drivers 4352
alcohol treatment fund, each county shall establish a juvenile 4353
indigent drivers alcohol treatment fund, and each municipal 4354
corporation in which there is a municipal court shall establish an 4355
indigent drivers alcohol treatment fund. All revenue that the 4356
general assembly appropriates to the indigent drivers alcohol 4357
treatment fund for transfer to a county indigent drivers alcohol 4358
treatment fund, a county juvenile indigent drivers alcohol 4359
treatment fund, or a municipal indigent drivers alcohol treatment 4360
fund, all portions of fees that are paid under division ~~(L)~~(F) of 4361
this section and that are credited under that division to the 4362
indigent drivers alcohol treatment fund in the state treasury for 4363
a county indigent drivers alcohol treatment fund, a county 4364
juvenile indigent drivers alcohol treatment fund, or a municipal 4365
indigent drivers alcohol treatment fund, and all portions of fines 4366
that are specified for deposit into a county or municipal indigent 4367
drivers alcohol treatment fund by section 4511.193 of the Revised 4368
Code shall be deposited into that county indigent drivers alcohol 4369

treatment fund, county juvenile indigent drivers alcohol treatment 4370
fund, or municipal indigent drivers alcohol treatment fund in 4371
accordance with division (H)(2) of this section. Additionally, all 4372
portions of fines that are paid for a violation of section 4511.19 4373
of the Revised Code or of any prohibition contained in Chapter 4374
4510. of the Revised Code, and that are required under section 4375
4511.19 or any provision of Chapter 4510. of the Revised Code to 4376
be deposited into a county indigent drivers alcohol treatment fund 4377
or municipal indigent drivers alcohol treatment fund shall be 4378
deposited into the appropriate fund in accordance with the 4379
applicable division. 4380

(2) That portion of the license reinstatement fee that is 4381
paid under division (F) of this section and that is credited under 4382
that division to the indigent drivers alcohol treatment fund shall 4383
be deposited into a county indigent drivers alcohol treatment 4384
fund, a county juvenile indigent drivers alcohol treatment fund, 4385
or a municipal indigent drivers alcohol treatment fund as follows: 4386

(a) If the suspension in question was imposed under this 4387
section, that portion of the fee shall be deposited as follows: 4388

(i) If the fee is paid by a person who was charged in a 4389
county court with the violation that resulted in the suspension, 4390
the portion shall be deposited into the county indigent drivers 4391
alcohol treatment fund under the control of that court; 4392

(ii) If the fee is paid by a person who was charged in a 4393
juvenile court with the violation that resulted in the suspension, 4394
the portion shall be deposited into the county juvenile indigent 4395
drivers alcohol treatment fund established in the county served by 4396
the court; 4397

(iii) If the fee is paid by a person who was charged in a 4398
municipal court with the violation that resulted in the 4399
suspension, the portion shall be deposited into the municipal 4400

indigent drivers alcohol treatment fund under the control of that court. 4401
4402

(b) If the suspension in question was imposed under section 4403
4511.19 of the Revised Code or under section 4510.07 of the 4404
Revised Code for a violation of a municipal OVI ordinance, that 4405
portion of the fee shall be deposited as follows: 4406

(i) If the fee is paid by a person whose license or permit 4407
was suspended by a county court, the portion shall be deposited 4408
into the county indigent drivers alcohol treatment fund under the 4409
control of that court; 4410

(ii) If the fee is paid by a person whose license or permit 4411
was suspended by a municipal court, the portion shall be deposited 4412
into the municipal indigent drivers alcohol treatment fund under 4413
the control of that court. 4414

(3) Expenditures from a county indigent drivers alcohol 4415
treatment fund, a county juvenile indigent drivers alcohol 4416
treatment fund, or a municipal indigent drivers alcohol treatment 4417
fund shall be made only upon the order of a county, juvenile, or 4418
municipal court judge and only for payment of the cost of the 4419
attendance at an alcohol and drug addiction treatment program of a 4420
person who is convicted of, or found to be a juvenile traffic 4421
offender by reason of, a violation of division (A) of section 4422
4511.19 of the Revised Code or a substantially similar municipal 4423
ordinance, who is ordered by the court to attend the alcohol and 4424
drug addiction treatment program, and who is determined by the 4425
court to be unable to pay the cost of attendance at the treatment 4426
program or for payment of the costs specified in division (H)(4) 4427
of this section in accordance with that division. The alcohol and 4428
drug addiction services board or the board of alcohol, drug 4429
addiction, and mental health services established pursuant to 4430
section 340.02 or 340.021 of the Revised Code and serving the 4431

alcohol, drug addiction, and mental health service district in 4432
which the court is located shall administer the indigent drivers 4433
alcohol treatment program of the court. When a court orders an 4434
offender or juvenile traffic offender to attend an alcohol and 4435
drug addiction treatment program, the board shall determine which 4436
program is suitable to meet the needs of the offender or juvenile 4437
traffic offender, and when a suitable program is located and space 4438
is available at the program, the offender or juvenile traffic 4439
offender shall attend the program designated by the board. A 4440
reasonable amount not to exceed five per cent of the amounts 4441
credited to and deposited into the county indigent drivers alcohol 4442
treatment fund, the county juvenile indigent drivers alcohol 4443
treatment fund, or the municipal indigent drivers alcohol 4444
treatment fund serving every court whose program is administered 4445
by that board shall be paid to the board to cover the costs it 4446
incurs in administering those indigent drivers alcohol treatment 4447
programs. 4448

(4) If a county, juvenile, or municipal court determines, in 4449
consultation with the alcohol and drug addiction services board or 4450
the board of alcohol, drug addiction, and mental health services 4451
established pursuant to section 340.02 or 340.021 of the Revised 4452
Code and serving the alcohol, drug addiction, and mental health 4453
district in which the court is located, that the funds in the 4454
county indigent drivers alcohol treatment fund, the county 4455
juvenile indigent drivers alcohol treatment fund, or the municipal 4456
indigent drivers alcohol treatment fund under the control of the 4457
court are more than sufficient to satisfy the purpose for which 4458
the fund was established, as specified in divisions (H)(1) to (3) 4459
of this section, the court may declare a surplus in the fund. If 4460
the court declares a surplus in the fund, the court may expend the 4461
amount of the surplus in the fund for alcohol and drug abuse 4462
assessment and treatment of persons who are charged in the court 4463

with committing a criminal offense or with being a delinquent 4464
child or juvenile traffic offender and in relation to whom both of 4465
the following apply: 4466

(a) The court determines that substance abuse was a 4467
contributing factor leading to the criminal or delinquent activity 4468
or the juvenile traffic offense with which the person is charged. 4469

(b) The court determines that the person is unable to pay the 4470
cost of the alcohol and drug abuse assessment and treatment for 4471
which the surplus money will be used. 4472

Sec. 4511.21. (A) No person shall operate a motor vehicle, 4473
trackless trolley, or streetcar at a speed greater or less than is 4474
reasonable or proper, having due regard to the traffic, surface, 4475
and width of the street or highway and any other conditions, and 4476
no person shall drive any motor vehicle, trackless trolley, or 4477
streetcar in and upon any street or highway at a greater speed 4478
than will permit the person to bring it to a stop within the 4479
assured clear distance ahead. 4480

(B) It is prima-facie lawful, in the absence of a lower limit 4481
declared pursuant to this section by the director of 4482
transportation or local authorities, for the operator of a motor 4483
vehicle, trackless trolley, or streetcar to operate the same at a 4484
speed not exceeding the following: 4485

(1)(a) Twenty miles per hour in school zones during school 4486
recess and while children are going to or leaving school during 4487
the opening or closing hours, and when twenty miles per hour 4488
school speed limit signs are erected; except that, on 4489
controlled-access highways and expressways, if the right-of-way 4490
line fence has been erected without pedestrian opening, the speed 4491
shall be governed by division (B)(4) of this section and on 4492
freeways, if the right-of-way line fence has been erected without 4493

pedestrian opening, the speed shall be governed by divisions 4494
(B)(8) and (9) of this section. The end of every school zone may 4495
be marked by a sign indicating the end of the zone. Nothing in 4496
this section or in the manual and specifications for a uniform 4497
system of traffic control devices shall be construed to require 4498
school zones to be indicated by signs equipped with flashing or 4499
other lights, or giving other special notice of the hours in which 4500
the school zone speed limit is in effect. 4501

(b) As used in this section and in section 4511.212 of the 4502
Revised Code, "school" means any school chartered under section 4503
3301.16 of the Revised Code and any nonchartered school that 4504
during the preceding year filed with the department of education 4505
in compliance with rule 3301-35-08 of the Ohio Administrative 4506
Code, a copy of the school's report for the parents of the 4507
school's pupils certifying that the school meets Ohio minimum 4508
standards for nonchartered, nontax-supported schools and presents 4509
evidence of this filing to the jurisdiction from which it is 4510
requesting the establishment of a school zone. 4511

(c) As used in this section, "school zone" means that portion 4512
of a street or highway passing a school fronting upon the street 4513
or highway that is encompassed by projecting the school property 4514
lines to the fronting street or highway, and also includes that 4515
portion of a state highway. Upon request from local authorities 4516
for streets and highways under their jurisdiction and that portion 4517
of a state highway under the jurisdiction of the director of 4518
transportation, the director may extend the traditional school 4519
zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), 4520
and (iii) of this section shall not exceed three hundred feet per 4521
approach per direction and are bounded by whichever of the 4522
following distances or combinations thereof the director approves 4523
as most appropriate: 4524

(i) The distance encompassed by projecting the school 4525

building lines normal to the fronting highway and extending a 4526
distance of three hundred feet on each approach direction; 4527

(ii) The distance encompassed by projecting the school 4528
property lines intersecting the fronting highway and extending a 4529
distance of three hundred feet on each approach direction; 4530

(iii) The distance encompassed by the special marking of the 4531
pavement for a principal school pupil crosswalk plus a distance of 4532
three hundred feet on each approach direction of the highway. 4533

Nothing in this section shall be construed to invalidate the 4534
director's initial action on August 9, 1976, establishing all 4535
school zones at the traditional school zone boundaries defined by 4536
projecting school property lines, except when those boundaries are 4537
extended as provided in divisions (B)(1)(a) and (c) of this 4538
section. 4539

(d) As used in this division, "crosswalk" has the meaning 4540
given that term in division (LL)(2) of section 4511.01 of the 4541
Revised Code. 4542

The director may, upon request by resolution of the 4543
legislative authority of a municipal corporation, the board of 4544
trustees of a township, or a county board of mental retardation 4545
and developmental disabilities created pursuant to Chapter 5126. 4546
of the Revised Code, and upon submission by the municipal 4547
corporation, township, or county board of such engineering, 4548
traffic, and other information as the director considers 4549
necessary, designate a school zone on any portion of a state route 4550
lying within the municipal corporation, lying within the 4551
unincorporated territory of the township, or lying adjacent to the 4552
property of a school that is operated by such county board, that 4553
includes a crosswalk customarily used by children going to or 4554
leaving a school during recess and opening and closing hours, 4555
whenever the distance, as measured in a straight line, from the 4556

school property line nearest the crosswalk to the nearest point of 4557
the crosswalk is no more than one thousand three hundred twenty 4558
feet. Such a school zone shall include the distance encompassed by 4559
the crosswalk and extending three hundred feet on each approach 4560
direction of the state route. 4561

(2) Twenty-five miles per hour in all other portions of a 4562
municipal corporation, except on state routes outside business 4563
districts, through highways outside business districts, and 4564
alleys; 4565

(3) Thirty-five miles per hour on all state routes or through 4566
highways within municipal corporations outside business districts, 4567
except as provided in divisions (B)(4) and (6) of this section; 4568

(4) Fifty miles per hour on controlled-access highways and 4569
expressways within municipal corporations; 4570

(5) Fifty-five miles per hour on highways outside of 4571
municipal corporations, other than freeways as provided in 4572
division (B)(12) of this section; 4573

(6) Fifty miles per hour on state routes within municipal 4574
corporations outside urban districts unless a lower prima-facie 4575
speed is established as further provided in this section; 4576

(7) Fifteen miles per hour on all alleys within the municipal 4577
corporation; 4578

(8) Fifty-five miles per hour at all times on freeways with 4579
paved shoulders inside municipal corporations, other than freeways 4580
as provided in division (B)(12) of this section; 4581

(9) Fifty-five miles per hour at all times on freeways 4582
outside municipal corporations, other than freeways as provided in 4583
division (B)(12) of this section; 4584

(10) Fifty-five miles per hour at all times on all portions 4585
of freeways that are part of the interstate system and on all 4586

portions of freeways that are not part of the interstate system, 4587
but are built to the standards and specifications that are 4588
applicable to freeways that are part of the interstate system for 4589
operators of any motor vehicle weighing in excess of eight 4590
thousand pounds empty weight and any noncommercial bus; 4591

(11) Fifty-five miles per hour for operators of any motor 4592
vehicle weighing eight thousand pounds or less empty weight and 4593
any commercial bus at all times on all portions of freeways that 4594
are part of the interstate system and that had such a speed limit 4595
established prior to October 1, 1995, and freeways that are not 4596
part of the interstate system, but are built to the standards and 4597
specifications that are applicable to freeways that are part of 4598
the interstate system and that had such a speed limit established 4599
prior to October 1, 1995, unless a higher speed limit is 4600
established under division (L) of this section; 4601

(12) Sixty-five miles per hour for operators of any motor 4602
vehicle weighing eight thousand pounds or less empty weight and 4603
any commercial bus at all times on all portions of the following: 4604

(a) Freeways that are part of the interstate system and that 4605
had such a speed limit established prior to October 1, 1995, and 4606
freeways that are not part of the interstate system, but are built 4607
to the standards and specifications that are applicable to 4608
freeways that are part of the interstate system and that had such 4609
a speed limit established prior to October 1, 1995; 4610

(b) Freeways that are part of the interstate system and 4611
freeways that are not part of the interstate system but are built 4612
to the standards and specifications that are applicable to 4613
freeways that are part of the interstate system, and that had such 4614
a speed limit established under division (L) of this section; 4615

(c) Rural, divided, multi-lane highways that are designated 4616
as part of the national highway system under the "National Highway 4617

System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 4618
and that had such a speed limit established under division (M) of 4619
this section. 4620

(C) It is prima-facie unlawful for any person to exceed any 4621
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 4622
(6), and (7) of this section, or any declared pursuant to this 4623
section by the director or local authorities and it is unlawful 4624
for any person to exceed any of the speed limitations in division 4625
(D) of this section. No person shall be convicted of more than one 4626
violation of this section for the same conduct, although 4627
violations of more than one provision of this section may be 4628
charged in the alternative in a single affidavit. 4629

(D) No person shall operate a motor vehicle, trackless 4630
trolley, or streetcar upon a street or highway as follows: 4631

(1) At a speed exceeding fifty-five miles per hour, except 4632
upon a freeway as provided in division (B)(12) of this section; 4633

(2) At a speed exceeding sixty-five miles per hour upon a 4634
freeway as provided in division (B)(12) of this section except as 4635
otherwise provided in division (D)(3) of this section; 4636

(3) If a motor vehicle weighing in excess of eight thousand 4637
pounds empty weight or a noncommercial bus as prescribed in 4638
division (B)(10) of this section, at a speed exceeding fifty-five 4639
miles per hour upon a freeway as provided in that division; 4640

(4) At a speed exceeding the posted speed limit upon a 4641
freeway for which the director has determined and declared a speed 4642
limit of not more than sixty-five miles per hour pursuant to 4643
division (L)(2) or (M) of this section; 4644

(5) At a speed exceeding sixty-five miles per hour upon a 4645
freeway for which such a speed limit has been established through 4646
the operation of division (L)(3) of this section; 4647

(6) At a speed exceeding the posted speed limit upon a 4648
freeway for which the director has determined and declared a speed 4649
limit pursuant to division (I)(2) of this section. 4650

(E) In every charge of violation of this section the 4651
affidavit and warrant shall specify the time, place, and speed at 4652
which the defendant is alleged to have driven, and in charges made 4653
in reliance upon division (C) of this section also the speed which 4654
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 4655
declared pursuant to, this section declares is prima-facie lawful 4656
at the time and place of such alleged violation, except that in 4657
affidavits where a person is alleged to have driven at a greater 4658
speed than will permit the person to bring the vehicle to a stop 4659
within the assured clear distance ahead the affidavit and warrant 4660
need not specify the speed at which the defendant is alleged to 4661
have driven. 4662

(F) When a speed in excess of both a prima-facie limitation 4663
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 4664
this section is alleged, the defendant shall be charged in a 4665
single affidavit, alleging a single act, with a violation 4666
indicated of both division (B)(1)(a), (2), (3), (4), (6), or (7) 4667
of this section, or of a limit declared pursuant to this section 4668
by the director or local authorities, and of the limitation in 4669
division (D)(1), (2), (3), (4), (5), or (6) of this section. If 4670
the court finds a violation of division (B)(1)(a), (2), (3), (4), 4671
(6), or (7) of, or a limit declared pursuant to, this section has 4672
occurred, it shall enter a judgment of conviction under such 4673
division and dismiss the charge under division (D)(1), (2), (3), 4674
(4), (5), or (6) of this section. If it finds no violation of 4675
division (B)(1)(a), (2), (3), (4), (6), or (7) of, or a limit 4676
declared pursuant to, this section, it shall then consider whether 4677
the evidence supports a conviction under division (D)(1), (2), 4678
(3), (4), (5), or (6) of this section. 4679

(G) Points shall be assessed for violation of a limitation 4680
under division (D) of this section in accordance with section 4681
4510.036 of the Revised Code. 4682

(H) Whenever the director determines upon the basis of a 4683
geometric and traffic characteristic study that any speed limit 4684
set forth in divisions (B)(1)(a) to (D) of this section is greater 4685
or less than is reasonable or safe under the conditions found to 4686
exist at any portion of a street or highway under the jurisdiction 4687
of the director, the director shall determine and declare a 4688
reasonable and safe prima-facie speed limit, which shall be 4689
effective when appropriate signs giving notice of it are erected 4690
at the location. 4691

(I)(1) Except as provided in divisions (I)(2) and (K) of this 4692
section, whenever local authorities determine upon the basis of an 4693
engineering and traffic investigation that the speed permitted by 4694
divisions (B)(1)(a) to (D) of this section, on any part of a 4695
highway under their jurisdiction, is greater than is reasonable 4696
and safe under the conditions found to exist at such location, the 4697
local authorities may by resolution request the director to 4698
determine and declare a reasonable and safe prima-facie speed 4699
limit. Upon receipt of such request the director may determine and 4700
declare a reasonable and safe prima-facie speed limit at such 4701
location, and if the director does so, then such declared speed 4702
limit shall become effective only when appropriate signs giving 4703
notice thereof are erected at such location by the local 4704
authorities. The director may withdraw the declaration of a 4705
prima-facie speed limit whenever in the director's opinion the 4706
altered prima-facie speed becomes unreasonable. Upon such 4707
withdrawal, the declared prima-facie speed shall become 4708
ineffective and the signs relating thereto shall be immediately 4709
removed by the local authorities. 4710

(2) A local authority may determine on the basis of a 4711

geometric and traffic characteristic study that the speed limit of 4712
sixty-five miles per hour on a portion of a freeway under its 4713
jurisdiction that was established through the operation of 4714
division (L)(3) of this section is greater than is reasonable or 4715
safe under the conditions found to exist at that portion of the 4716
freeway. If the local authority makes such a determination, the 4717
local authority by resolution may request the director to 4718
determine and declare a reasonable and safe speed limit of not 4719
less than fifty-five miles per hour for that portion of the 4720
freeway. If the director takes such action, the declared speed 4721
limit becomes effective only when appropriate signs giving notice 4722
of it are erected at such location by the local authority. 4723

(J) Local authorities in their respective jurisdictions may 4724
authorize by ordinance higher prima-facie speeds than those stated 4725
in this section upon through highways, or upon highways or 4726
portions thereof where there are no intersections, or between 4727
widely spaced intersections, provided signs are erected giving 4728
notice of the authorized speed, but local authorities shall not 4729
modify or alter the basic rule set forth in division (A) of this 4730
section or in any event authorize by ordinance a speed in excess 4731
of fifty miles per hour. 4732

Alteration of prima-facie limits on state routes by local 4733
authorities shall not be effective until the alteration has been 4734
approved by the director. The director may withdraw approval of 4735
any altered prima-facie speed limits whenever in the director's 4736
opinion any altered prima-facie speed becomes unreasonable, and 4737
upon such withdrawal, the altered prima-facie speed shall become 4738
ineffective and the signs relating thereto shall be immediately 4739
removed by the local authorities. 4740

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 4741
section, "unimproved highway" means a highway consisting of any of 4742
the following: 4743

- (a) Unimproved earth; 4744
- (b) Unimproved graded and drained earth; 4745
- (c) Gravel. 4746

(2) Except as otherwise provided in divisions (K)(4) and (5) 4747
of this section, whenever a board of township trustees determines 4748
upon the basis of an engineering and traffic investigation that 4749
the speed permitted by division (B)(5) of this section on any part 4750
of an unimproved highway under its jurisdiction and in the 4751
unincorporated territory of the township is greater than is 4752
reasonable or safe under the conditions found to exist at the 4753
location, the board may by resolution declare a reasonable and 4754
safe prima-facie speed limit of fifty-five but not less than 4755
twenty-five miles per hour. An altered speed limit adopted by a 4756
board of township trustees under this division becomes effective 4757
when appropriate traffic control devices, as prescribed in section 4758
4511.11 of the Revised Code, giving notice thereof are erected at 4759
the location, which shall be no sooner than sixty days after 4760
adoption of the resolution. 4761

(3)(a) Whenever, in the opinion of a board of township 4762
trustees, any altered prima-facie speed limit established by the 4763
board under this division becomes unreasonable, the board may 4764
adopt a resolution withdrawing the altered prima-facie speed 4765
limit. Upon the adoption of such a resolution, the altered 4766
prima-facie speed limit becomes ineffective and the traffic 4767
control devices relating thereto shall be immediately removed. 4768

(b) Whenever a highway ceases to be an unimproved highway and 4769
the board has adopted an altered prima-facie speed limit pursuant 4770
to division (K)(2) of this section, the board shall, by 4771
resolution, withdraw the altered prima-facie speed limit as soon 4772
as the highway ceases to be unimproved. Upon the adoption of such 4773
a resolution, the altered prima-facie speed limit becomes 4774

ineffective and the traffic control devices relating thereto shall 4775
be immediately removed. 4776

(4)(a) If the boundary of two townships rests on the 4777
centerline of an unimproved highway in unincorporated territory 4778
and both townships have jurisdiction over the highway, neither of 4779
the boards of township trustees of such townships may declare an 4780
altered prima-facie speed limit pursuant to division (K)(2) of 4781
this section on the part of the highway under their joint 4782
jurisdiction unless the boards of township trustees of both of the 4783
townships determine, upon the basis of an engineering and traffic 4784
investigation, that the speed permitted by division (B)(5) of this 4785
section is greater than is reasonable or safe under the conditions 4786
found to exist at the location and both boards agree upon a 4787
reasonable and safe prima-facie speed limit of less than 4788
fifty-five but not less than twenty-five miles per hour for that 4789
location. If both boards so agree, each shall follow the procedure 4790
specified in division (K)(2) of this section for altering the 4791
prima-facie speed limit on the highway. Except as otherwise 4792
provided in division (K)(4)(b) of this section, no speed limit 4793
altered pursuant to division (K)(4)(a) of this section may be 4794
withdrawn unless the boards of township trustees of both townships 4795
determine that the altered prima-facie speed limit previously 4796
adopted becomes unreasonable and each board adopts a resolution 4797
withdrawing the altered prima-facie speed limit pursuant to the 4798
procedure specified in division (K)(3)(a) of this section. 4799

(b) Whenever a highway described in division (K)(4)(a) of 4800
this section ceases to be an unimproved highway and two boards of 4801
township trustees have adopted an altered prima-facie speed limit 4802
pursuant to division (K)(4)(a) of this section, both boards shall, 4803
by resolution, withdraw the altered prima-facie speed limit as 4804
soon as the highway ceases to be unimproved. Upon the adoption of 4805
the resolution, the altered prima-facie speed limit becomes 4806

ineffective and the traffic control devices relating thereto shall 4807
be immediately removed. 4808

(5) As used in division (K)(5) of this section: 4809

(a) "Commercial subdivision" means any platted territory 4810
outside the limits of a municipal corporation and fronting a 4811
highway where, for a distance of three hundred feet or more, the 4812
frontage is improved with buildings in use for commercial 4813
purposes, or where the entire length of the highway is less than 4814
three hundred feet long and the frontage is improved with 4815
buildings in use for commercial purposes. 4816

(b) "Residential subdivision" means any platted territory 4817
outside the limits of a municipal corporation and fronting a 4818
highway, where, for a distance of three hundred feet or more, the 4819
frontage is improved with residences or residences and buildings 4820
in use for business, or where the entire length of the highway is 4821
less than three hundred feet long and the frontage is improved 4822
with residences or residences and buildings in use for business. 4823

Whenever a board of township trustees finds upon the basis of 4824
an engineering and traffic investigation that the prima-facie 4825
speed permitted by division (B)(5) of this section on any part of 4826
a highway under its jurisdiction that is located in a commercial 4827
or residential subdivision, except on highways or portions thereof 4828
at the entrances to which vehicular traffic from the majority of 4829
intersecting highways is required to yield the right-of-way to 4830
vehicles on such highways in obedience to stop or yield signs or 4831
traffic control signals, is greater than is reasonable and safe 4832
under the conditions found to exist at the location, the board may 4833
by resolution declare a reasonable and safe prima-facie speed 4834
limit of less than fifty-five but not less than twenty-five miles 4835
per hour at the location. An altered speed limit adopted by a 4836
board of township trustees under this division shall become 4837

effective when appropriate signs giving notice thereof are erected 4838
at the location by the township. Whenever, in the opinion of a 4839
board of township trustees, any altered prima-facie speed limit 4840
established by it under this division becomes unreasonable, it may 4841
adopt a resolution withdrawing the altered prima-facie speed, and 4842
upon such withdrawal, the altered prima-facie speed shall become 4843
ineffective, and the signs relating thereto shall be immediately 4844
removed by the township. 4845

(L)(1) Within one hundred twenty days of February 29, 1996, 4846
the director of transportation, based upon a geometric and traffic 4847
characteristic study of a freeway that is part of the interstate 4848
system or that is not part of the interstate system, but is built 4849
to the standards and specifications that are applicable to 4850
freeways that are part of the interstate system, in consultation 4851
with the director of public safety and, if applicable, the local 4852
authority having jurisdiction over a portion of such freeway, may 4853
determine and declare that the speed limit of less than sixty-five 4854
miles per hour established on such freeway or portion of freeway 4855
either is reasonable and safe or is less than that which is 4856
reasonable and safe. 4857

(2) If the established speed limit for such a freeway or 4858
portion of freeway is determined to be less than that which is 4859
reasonable and safe, the director of transportation, in 4860
consultation with the director of public safety and, if 4861
applicable, the local authority having jurisdiction over the 4862
portion of freeway, shall determine and declare a reasonable and 4863
safe speed limit of not more than sixty-five miles per hour for 4864
that freeway or portion of freeway. 4865

The director of transportation or local authority having 4866
jurisdiction over the freeway or portion of freeway shall erect 4867
appropriate signs giving notice of the speed limit at such 4868
location within one hundred fifty days of February 29, 1996. Such 4869

speed limit becomes effective only when such signs are erected at 4870
the location. 4871

(3) If, within one hundred twenty days of February 29, 1996, 4872
the director of transportation does not make a determination and 4873
declaration of a reasonable and safe speed limit for a freeway or 4874
portion of freeway that is part of the interstate system or that 4875
is not part of the interstate system, but is built to the 4876
standards and specifications that are applicable to freeways that 4877
are part of the interstate system and that has a speed limit of 4878
less than sixty-five miles per hour, the speed limit on that 4879
freeway or portion of a freeway shall be sixty-five miles per 4880
hour. The director of transportation or local authority having 4881
jurisdiction over the freeway or portion of the freeway shall 4882
erect appropriate signs giving notice of the speed limit of 4883
sixty-five miles per hour at such location within one hundred 4884
fifty days of February 29, 1996. Such speed limit becomes 4885
effective only when such signs are erected at the location. A 4886
speed limit established through the operation of division (L)(3) 4887
of this section is subject to reduction under division (I)(2) of 4888
this section. 4889

(M) Within three hundred sixty days after February 29, 1996, 4890
the director of transportation, based upon a geometric and traffic 4891
characteristic study of a rural, divided, multi-lane highway that 4892
has been designated as part of the national highway system under 4893
the "National Highway System Designation Act of 1995," 109 Stat. 4894
568, 23 U.S.C.A. 103, in consultation with the director of public 4895
safety and, if applicable, the local authority having jurisdiction 4896
over a portion of the highway, may determine and declare that the 4897
speed limit of less than sixty-five miles per hour established on 4898
the highway or portion of highway either is reasonable and safe or 4899
is less than that which is reasonable and safe. 4900

If the established speed limit for the highway or portion of 4901

highway is determined to be less than that which is reasonable and
safe, the director of transportation, in consultation with the
director of public safety and, if applicable, the local authority
having jurisdiction over the portion of highway, shall determine
and declare a reasonable and safe speed limit of not more than
sixty-five miles per hour for that highway or portion of highway.
The director of transportation or local authority having
jurisdiction over the highway or portion of highway shall erect
appropriate signs giving notice of the speed limit at such
location within three hundred ninety days after February 29, 1996.
The speed limit becomes effective only when such signs are erected
at the location.

(N) If the boundary of two local authorities rests on the
centerline of a highway and both authorities have jurisdiction
over the highway, the speed limit for the part of the highway
within their joint jurisdiction shall be either prima-facie speed
limit permitted by division (B) of this section as agreed to by
both authorities. If the local authorities are unable to reach an
agreement, the speed limit shall remain as established in division
(B) of this section. Neither local authority may declare an
altered prima-facie speed limit pursuant to this section on the
part of the highway under their joint jurisdiction unless both of
the local authorities determine, upon the basis of an engineering
and traffic investigation, that the speed permitted by this
section is greater than is reasonable or safe under the conditions
found to exist at the location and both authorities agree upon a
uniform reasonable and safe prima-facie speed limit of less than
fifty-five but not less than twenty-five miles per hour for that
location. If both authorities so agree, each shall follow the
procedure specified in this section for altering the prima-facie
speed limit on the highway, and the speed limit for the part of
the highway within their joint jurisdiction shall be uniformly

altered. No altered speed limit may be withdrawn unless both local 4934
authorities determine that the altered prima-facie speed limit 4935
previously adopted becomes unreasonable and each adopts a 4936
resolution withdrawing the altered prima-facie speed limit 4937
pursuant to the procedure specified in this section. 4938

(O) As used in this section: 4939

(1) "Interstate system" has the same meaning as in 23 4940
U.S.C.A. 101. 4941

(2) "Commercial bus" means a motor vehicle designed for 4942
carrying more than nine passengers and used for the transportation 4943
of persons for compensation. 4944

(3) "Noncommercial bus" includes but is not limited to a 4945
school bus or a motor vehicle operated solely for the 4946
transportation of persons associated with a charitable or 4947
nonprofit organization. 4948

~~(O)~~(P)(1) A violation of any provision of this section is one 4949
of the following: 4950

(a) Except as otherwise provided in divisions ~~(O)~~(P)(1)(b), 4951
(1)(c), (2), and (3) of this section, a minor misdemeanor; 4952

(b) If, within one year of the offense, the offender 4953
previously has been convicted of or pleaded guilty to two 4954
violations of any provision of this section or of any provision of 4955
a municipal ordinance that is substantially similar to any 4956
provision of this section, a misdemeanor of the fourth degree; 4957

(c) If, within one year of the offense, the offender 4958
previously has been convicted of or pleaded guilty to three or 4959
more violations of any provision of this section or of any 4960
provision of a municipal ordinance that is substantially similar 4961
to any provision of this section, a misdemeanor of the third 4962
degree. 4963

(2) If the offender has not previously been convicted of or
pleaded guilty to a violation of any provision of this section or
of any provision of a municipal ordinance that is substantially
similar to this section and operated a motor vehicle faster than
thirty-five miles an hour in a business district of a municipal
corporation, faster than fifty miles an hour in other portions of
a municipal corporation, or faster than thirty-five miles an hour
in a school zone during recess or while children are going to or
leaving school during the school's opening or closing hours, a
misdemeanor of the fourth degree.

(3) Notwithstanding division ~~(O)~~(P)(1) of this section, if
the offender operated a motor vehicle in a construction zone where
a sign was then posted in accordance with section 4511.98 of the
Revised Code, the court, in addition to all other penalties
provided by law, shall impose upon the offender a fine of two
times the usual amount imposed for the violation. No court shall
impose a fine of two times the usual amount imposed for the
violation upon an offender if the offender alleges, in an
affidavit filed with the court prior to the offender's sentencing,
that the offender is indigent and is unable to pay the fine
imposed pursuant to this division and if the court determines that
the offender is an indigent person and unable to pay the fine.

Sec. 4513.263. (A) As used in this section and in section
4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car,
commercial car, or truck that is required to be factory-equipped
with an occupant restraining device for the operator or any
passenger by regulations adopted by the United States secretary of
transportation pursuant to the "National Traffic and Motor Vehicle
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt,

shoulder belt, harness, or other safety device for restraining a 4995
person who is an operator of or passenger in an automobile and 4996
that satisfies the minimum federal vehicle safety standards 4997
established by the United States department of transportation. 4998

(3) "Passenger" means any person in an automobile, other than 4999
its operator, who is occupying a seating position for which an 5000
occupant restraining device is provided. 5001

(4) "Commercial tractor," "passenger car," and "commercial 5002
car" have the same meanings as in section 4501.01 of the Revised 5003
Code. 5004

(5) "Vehicle" and "motor vehicle," as used in the definitions 5005
of the terms set forth in division (A)(4) of this section, have 5006
the same meanings as in section 4511.01 of the Revised Code. 5007

(6) "Tort action" means a civil action for damages for 5008
injury, death, or loss to person or property. "Tort action" 5009
includes a product liability claim, as defined in section 2307.71 5010
of the Revised Code, and an asbestos claim, as defined in section 5011
2307.91 of the Revised Code, but does not include a civil action 5012
for damages for breach of contract or another agreement between 5013
persons. 5014

(B) No person shall do any of the following: 5015

(1) Operate an automobile on any street or highway unless 5016
that person is wearing all of the available elements of a properly 5017
adjusted occupant restraining device, or operate a school bus that 5018
has an occupant restraining device installed for use in its 5019
operator's seat unless that person is wearing all of the available 5020
elements of the device, as properly adjusted; 5021

(2) Operate an automobile on any street or highway unless 5022
each passenger in the automobile who is subject to the requirement 5023
set forth in division (B)(3) of this section is wearing all of the 5024

available elements of a properly adjusted occupant restraining device; 5025
5026

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 5027
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 5031
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(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter 4734. of the Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical. 5034
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(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law 5048
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enforcement officer shall view the interior or visually inspect 5056
any automobile being operated on any street or highway for the 5057
sole purpose of determining whether a violation of that nature has 5058
been or is being committed. 5059

(E) All fines collected for violations of division (B) of 5060
this section, or for violations of any ordinance or resolution of 5061
a political subdivision that is substantively comparable to that 5062
division, shall be forwarded to the treasurer of state for deposit 5063
as follows: 5064

~~(1) Eight per cent shall be deposited into the seat belt 5065
education fund, which is hereby created in the state treasury, and 5066
shall be used by the department of public safety to establish a 5067
seat belt education program. 5068~~

~~(2) Eight per cent shall be deposited into the elementary 5069
school program fund, which is hereby created in the state 5070
treasury, and shall be used by the department of public safety to 5071
establish and administer elementary school programs that encourage 5072
seat safety belt use. 5073~~

~~(3) Two per cent shall be deposited into the Ohio medical 5074
transportation trust fund created by section 4766.05 of the 5075
Revised Code. 5076~~

~~(4) Twenty-eight~~ (2) Ninety-eight per cent shall be deposited 5077
into the ~~trauma and~~ emergency medical services fund, which is 5078
hereby created in the state treasury, and shall be used by the 5079
department of public safety for the administration of the division 5080
of emergency medical services and the state board of emergency 5081
medical services. 5082

~~(5) Fifty four per cent shall be deposited into the trauma 5083
and emergency medical services grants fund, which is hereby 5084
created in the state treasury, and shall be used; by the state 5085
board of emergency medical services to make grants, in accordance 5086~~

with section 4765.07 of the Revised Code and rules the board 5087
adopts under section 4765.11 of the Revised Code; and by the 5088
department of public safety to establish a seat belt education 5089
program, which shall include elementary school programs that 5090
encourage seat belt use. 5091

(F)(1) Subject to division (F)(2) of this section, the 5092
failure of a person to wear all of the available elements of a 5093
properly adjusted occupant restraining device in violation of 5094
division (B)(1) or (3) of this section or the failure of a person 5095
to ensure that each minor who is a passenger of an automobile 5096
being operated by that person is wearing all of the available 5097
elements of a properly adjusted occupant restraining device in 5098
violation of division (B)(2) of this section shall not be 5099
considered or used by the trier of fact in a tort action as 5100
evidence of negligence or contributory negligence. But, the trier 5101
of fact may determine based on evidence admitted consistent with 5102
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 5103
contributed to the harm alleged in the tort action and may 5104
diminish a recovery of compensatory damages that represents 5105
noneconomic loss, as defined in section 2307.011 of the Revised 5106
Code, in a tort action that could have been recovered but for the 5107
plaintiff's failure to wear all of the available elements of a 5108
properly adjusted occupant restraining device. Evidence of that 5109
failure shall not be used as a basis for a criminal prosecution of 5110
the person other than a prosecution for a violation of this 5111
section; and shall not be admissible as evidence in a criminal 5112
action involving the person other than a prosecution for a 5113
violation of this section. 5114

(2) If, at the time of an accident involving a passenger car 5115
equipped with occupant restraining devices, any occupant of the 5116
passenger car who sustained injury or death was not wearing an 5117
available occupant restraining device, was not wearing all of the 5118

available elements of such a device, or was not wearing such a
device as properly adjusted, then, consistent with the Rules of
Evidence, the fact that the occupant was not wearing the available
occupant restraining device, was not wearing all of the available
elements of such a device, or was not wearing such a device as
properly adjusted is admissible in evidence in relation to any
claim for relief in a tort action to the extent that the claim for
relief satisfies all of the following:

(a) It seeks to recover damages for injury or death to the
occupant.

(b) The defendant in question is the manufacturer, designer,
distributor, or seller of the passenger car.

(c) The claim for relief against the defendant in question is
that the injury or death sustained by the occupant was enhanced or
aggravated by some design defect in the passenger car or that the
passenger car was not crashworthy.

(G)(1) Whoever violates division (B)(1) of this section shall
be fined thirty dollars.

(2) Whoever violates division (B)(3) of this section shall be
fined twenty dollars.

(3) Except as otherwise provided in this division, whoever
violates division (B)(4) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of or
pleaded guilty to a violation of division (B)(4) of this section,
whoever violates division (B)(4) of this section is guilty of a
misdemeanor of the third degree.

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 5149
applicant to operate or move a vehicle or combination of vehicles 5150
of a size or weight of vehicle or load exceeding the maximum 5151
specified in sections 5577.01 to 5577.09 of the Revised Code, or 5152
otherwise not in conformity with sections 4513.01 to 4513.37 of 5153
the Revised Code, upon any highway under the jurisdiction of the 5154
authority granting the permit. 5155

For purposes of this section, the director may designate 5156
certain state highways or portions of state highways as special 5157
economic development highways. If an application submitted to the 5158
director under this section involves travel of a nonconforming 5159
vehicle or combination of vehicles upon a special economic 5160
development highway, the director, in determining whether good 5161
cause has been shown that issuance of a permit is justified, shall 5162
consider the effect the travel of the vehicle or combination of 5163
vehicles will have on the economic development in the area in 5164
which the designated highway or portion of highway is located. 5165

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 5166
Code, the holder of a special permit issued by the director under 5167
this section may move the vehicle or combination of vehicles 5168
described in the special permit on any highway that is a part of 5169
the state highway system when the movement is partly within and 5170
partly without the corporate limits of a municipal corporation. No 5171
local authority shall require any other permit or license or 5172
charge any license fee or other charge against the holder of a 5173
permit for the movement of a vehicle or combination of vehicles on 5174
any highway that is a part of the state highway system. The 5175
director shall not require the holder of a permit issued by a 5176
local authority to obtain a special permit for the movement of 5177
vehicles or combination of vehicles on highways within the 5178
jurisdiction of the local authority. Permits may be issued for any 5179
period of time not to exceed one year, as the director in the 5180

director's discretion or a local authority in its discretion 5181
determines advisable, or for the duration of any public 5182
construction project. 5183

(C) The application for a permit shall be in the form that 5184
the director or local authority prescribes. The director or local 5185
authority may prescribe a permit fee to be imposed and collected 5186
when any permit described in this section is issued. The permit 5187
fee may be in an amount sufficient to reimburse the director or 5188
local authority for the administrative costs incurred in issuing 5189
the permit, and also to cover the cost of the normal and expected 5190
damage caused to the roadway or a street or highway structure as 5191
the result of the operation of the nonconforming vehicle or 5192
combination of vehicles. The director, in accordance with Chapter 5193
119. of the Revised Code, shall establish a schedule of fees for 5194
permits issued by the director under this section. 5195

For the purposes of this section and of rules adopted by the 5196
director under this section, milk transported in bulk by vehicle 5197
is deemed a nondivisible load. 5198

(D) The director or local authority may issue or withhold a 5199
permit. If a permit is to be issued, the director or local 5200
authority may limit or prescribe conditions of operation for the 5201
vehicle and may require the posting of a bond or other security 5202
conditioned upon the sufficiency of the permit fee to compensate 5203
for damage caused to the roadway or a street or highway structure. 5204
In addition, a local authority, as a condition of issuance of an 5205
overweight permit, may require the applicant to develop and enter 5206
into a mutual agreement with the local authority to compensate for 5207
or to repair excess damage caused to the roadway by travel under 5208
the permit. 5209

For a permit that will allow travel of a nonconforming 5210
vehicle or combination of vehicles on a special economic 5211

development highway, the director, as a condition of issuance, may
require the applicant to agree to make periodic payments to the
department to compensate for damage caused to the roadway by
travel under the permit.

(E) Every permit shall be carried in the vehicle or
combination of vehicles to which it refers and shall be open to
inspection by any police officer or authorized agent of any
authority granting the permit. No person shall violate any of the
terms of a permit.

(F) The director may debar an applicant from applying for a
special permit under this section upon a finding based on a
reasonable belief that the applicant has done any of the
following:

(1) Abused the process by repeatedly submitting false
information or false travel plans or by using another company or
individual's name, insurance, or escrow account without proper
authorization;

(2) Failed to comply with or substantially perform under a
previously issued special permit according to its terms,
conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the
special permit or in any other procedures that are related to the
issuance of the special permit by refusing to provide information
or documents required in a permit or by failing to respond to and
correct matters related to the special permit;

(4) Accumulated repeated justified complaints regarding
performance under a special permit that was previously issued to
the applicant or previously failed to obtain a special permit when
such a permit was required;

(5) Attempted to influence a public employee to breach

<u>ethical conduct standards;</u>	5242
<u>(6) Been convicted of a criminal offense related to the application for, or performance under, a special permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;</u>	5243 5244 5245 5246 5247 5248
<u>(7) Been convicted under a state or federal law governing commercial motor vehicles or a rule or regulation adopted under such a law;</u>	5249 5250 5251
<u>(8) Been convicted under a law, rule, or regulation governing the movement of traffic over the public streets and highways;</u>	5252 5253
<u>(9) Failed to pay any fees associated with any permitted operation or move;</u>	5254 5255
<u>(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a special permit issued under this section;</u>	5256 5257 5258
<u>(11) Been debarred or sanctioned in any manner by an agency or department of the state, another state, or the federal government;</u>	5259 5260 5261
<u>(12) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director.</u>	5262 5263 5264
<u>If the applicant is a partnership, association, or corporation, the director also may debar from consideration for special permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.</u>	5265 5266 5267 5268 5269
<u>The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.</u>	5270 5271

(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a special permit to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a special permit.

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

Sec. 4513.61. The sheriff of a county or chief of police of a municipal corporation, township, or township police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the sheriff's, chief's, or trooper's duties or that has been left on a public

street or other property open to the public for purposes of 5303
vehicular travel, or upon or within the right-of-way of any road 5304
or highway, for forty-eight hours or longer without notification 5305
to the sheriff or chief of police of the reasons for leaving the 5306
motor vehicle in such place, except that when such a motor vehicle 5307
constitutes an obstruction to traffic it may be ordered into 5308
storage immediately. The sheriff or chief of police shall 5309
designate the place of storage of any motor vehicle so ordered 5310
removed. At the time a motor vehicle is ordered into storage, the 5311
sheriff, chief of police, or state highway patrol trooper may 5312
relinquish jurisdiction over the vehicle to the owner of the place 5313
of storage. 5314

The sheriff or chief of police immediately shall cause a 5315
search to be made of the records of the bureau of motor vehicles 5316
to ascertain the owner and any lienholder of a motor vehicle 5317
ordered into storage by the sheriff or chief of police, or by a 5318
state highway patrol trooper, and, if known, shall send or cause 5319
to be sent notice to the owner or lienholder at the owner's or 5320
lienholder's last known address by certified mail with return 5321
receipt requested, that the motor vehicle will be declared a 5322
nuisance and disposed of if not claimed within ten days of the 5323
date of mailing of the notice. The owner or lienholder of the 5324
motor vehicle may reclaim it upon payment of any expenses or 5325
charges incurred in its removal and storage, and presentation of 5326
proof of ownership, which may be evidenced by a certificate of 5327
title or memorandum certificate of title to the motor vehicle. If 5328
the owner or lienholder of the motor vehicle reclaims it after a 5329
search of the records of the bureau has been conducted and after 5330
notice has been sent to the owner or lienholder as described in 5331
this section, and the search was conducted by the owner of the 5332
place of storage or the owner's employee, and the notice was sent 5333
to the motor vehicle owner by the owner of the place of storage or 5334
the owner's employee, the owner or lienholder shall pay to the 5335

place of storage a processing fee of twenty-five dollars, in 5336
addition to any expenses or charges incurred in the removal and 5337
storage of the vehicle. 5338

If the owner or lienholder makes no claim to the motor 5339
vehicle within ten days of the date of mailing of the notice, and 5340
if the vehicle is to be disposed of at public auction as provided 5341
in section 4513.62 of the Revised Code, the sheriff or chief of 5342
police shall file with the clerk of courts of the county in which 5343
the place of storage is located an affidavit showing compliance 5344
with the requirements of this section. Upon presentation of the 5345
affidavit, the clerk, without charge, shall issue a salvage 5346
certificate of title, free and clear of all liens and 5347
encumbrances, to the sheriff or chief of police. If the vehicle is 5348
to be disposed of to a motor vehicle salvage dealer or other 5349
facility as provided in section 4513.62 of the Revised Code, the 5350
sheriff or chief of police shall execute in triplicate an 5351
affidavit, as prescribed by the registrar of motor vehicles, 5352
describing the motor vehicle and the manner in which it was 5353
disposed of, and that all requirements of this section have been 5354
complied with. The sheriff or chief of police shall retain the 5355
original of the affidavit for the sheriff's or chief's records, 5356
and shall furnish two copies to the motor vehicle salvage dealer 5357
or other facility. Upon presentation of a copy of the affidavit by 5358
the motor vehicle salvage dealer, the clerk of courts, within 5359
thirty days of the presentation, shall issue to such owner a 5360
salvage certificate of title, free and clear of all liens and 5361
encumbrances. 5362

Whenever a motor vehicle salvage dealer or other facility 5363
receives an affidavit for the disposal of a motor vehicle as 5364
provided in this section, the dealer or facility shall not be 5365
required to obtain an Ohio certificate of title to the motor 5366
vehicle in the dealer's or facility's own name if the vehicle is 5367

dismantled or destroyed and both copies of the affidavit are 5368
delivered to the clerk of courts. 5369

Sec. 4519.58. (A) When the clerk of a court of common pleas 5370
issues a physical certificate of title, the clerk shall issue the 5371
certificate of title on a form and in a manner prescribed by the 5372
registrar of motor vehicles. The clerk shall file a copy of the 5373
physical evidence for the creation of the certificate of title in 5374
a manner prescribed by the registrar. A clerk may retain digital 5375
images of documents used as evidence for issuance of a certificate 5376
of title. Certified printouts of documents retained as digital 5377
images shall have the same evidentiary value as the original 5378
physical documents. The record of the issuance of the certificate 5379
of title shall be maintained in the automated title processing 5380
system. The clerk shall sign and affix the clerk's seal to the 5381
original certificate of title and, if there are no liens on the 5382
off-highway motorcycle or all-purpose vehicle, shall deliver the 5383
certificate to the applicant or the selling dealer. Except as 5384
otherwise provided in this section, if there are one or more liens 5385
on the off-highway motorcycle or all-purpose vehicle, the 5386
certificate of title shall be delivered to the holder of the first 5387
lien. If the certificate of title is obtained by a dealer on 5388
behalf of the applicant and there are one or more liens on the 5389
off-highway motorcycle or all-purpose vehicle, the clerk shall 5390
issue a certificate of title and may issue a memorandum 5391
certificate of title. The certificate of title and memorandum 5392
certificate of title, if issued, shall be delivered to the holder 5393
of the first lien or the selling dealer, who shall deliver the 5394
certificate of title to the holder of the first lien and the 5395
memorandum certificate of title to the applicant. The selling 5396
dealer also may make arrangements with the clerk to have the clerk 5397
deliver the memorandum certificate of title to the applicant. 5398

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

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

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

(C) The Except as provided in this division, the clerk shall issue a physical certificate of title to an applicant unless the

applicant specifically requests the clerk not to issue a physical 5431
certificate of title and instead to issue an electronic 5432
certificate of title. In the case of a title application that is 5433
submitted electronically to the clerk, the clerk shall issue an 5434
electronic certificate of title unless the applicant requests the 5435
issuance of a physical certificate of title. The fact that a 5436
physical certificate of title is not issued for an off-highway 5437
motorcycle or all-purpose vehicle does not affect ownership of the 5438
motorcycle or vehicle. In that case, when the clerk completes the 5439
process of entering certificate of title application information 5440
into the automated title processing system, the effect of the 5441
completion of the process is the same as if the clerk actually 5442
issued a physical certificate of title for the motorcycle or 5443
vehicle. 5444

(D) An electronic dealer who applies for a certificate of 5445
title on behalf of a customer who purchases an off-highway 5446
motorcycle or all-purpose vehicle from the dealer may print a 5447
non-negotiable evidence of ownership for the customer if the 5448
customer so requests. The authorization to print the 5449
non-negotiable evidence of ownership shall come from the clerk 5450
with whom the dealer makes application for the certificate of 5451
title for the customer, but the printing by the dealer does not 5452
create an agency relationship of any kind between the dealer and 5453
the clerk. 5454

(E) The owner of the off-highway motorcycle or all-purpose 5455
vehicle may apply at any time to a clerk of a court of common 5456
pleas for a non-negotiable evidence of ownership for the 5457
off-highway motorcycle or all-purpose vehicle. 5458

Sec. 4749.02. The director of public safety shall administer 5459
this chapter, and for that purpose, may appoint employees and 5460
adopt rules that the director considers necessary. 5461

The director shall implement electronic licensing and registration procedures under this chapter not later than December 31, 2006. The application procedures in effect on the effective date of this amendment shall continue until such time as electronic licensing and registration procedures are implemented.

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

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

(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or other public agency engaged in investigatory activities, or for a private investigator or security guard provider, or engaged in the practice of law, or has acquired equivalent experience as determined by rule of the director of public safety.

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

(d) Submits evidence of comprehensive general liability 5493
insurance coverage, or other equivalent guarantee approved by the 5494
director in such form and in principal amounts satisfactory to the 5495
director, but not less than one hundred thousand dollars for each 5496
person and three hundred thousand dollars for each occurrence for 5497
bodily injury liability, and one hundred thousand dollars for 5498
property damage liability. 5499

(e) Pays the requisite examination and license fees. 5500

(2) A corporation may be licensed as a private investigator 5501
under a class B license, or as a security guard provider under a 5502
class C license, or as a private investigator and a security guard 5503
provider under a class A license, if an application for licensure 5504
is filed by an officer of the corporation and the officer, another 5505
officer, or the qualifying agent of the corporation satisfies the 5506
requirements of divisions (A)(1) and (F)(1) of this section. 5507
Officers and the statutory agent of a corporation shall be 5508
determined in accordance with Chapter 1701. of the Revised Code. 5509

(3) At least one partner in a partnership shall be licensed 5510
as a private investigator, or as a security guard provider, or as 5511
a private investigator and a security guard provider. Partners in 5512
a partnership shall be determined as provided for in Chapter 1775. 5513
of the Revised Code. 5514

(B) ~~Application~~ An application for a class A, B, or C license 5515
shall be ~~in writing, under oath, to~~ completed in the form the 5516
director prescribes. In the case of an individual, the application 5517
shall state the applicant's name, birth date, citizenship, 5518
physical description, current residence, residences for the 5519
preceding ten years, current employment, employment for the 5520
preceding seven years, experience qualifications, the location of 5521
each of the applicant's offices in this state, and any other 5522
information that is necessary in order for the director to comply 5523

with the requirements of this chapter. In the case of a 5524
corporation, the application shall state the name of the officer 5525
or qualifying agent filing the application; the state in which the 5526
corporation is incorporated and the date of incorporation; the 5527
states in which the corporation is authorized to transact 5528
business; the name of its qualifying agent; the name of the 5529
officer or qualifying agent of the corporation who satisfies the 5530
requirements of divisions (A)(1) and (F)(1) of this section and 5531
the birth date, citizenship, physical description, current 5532
residence, residences for the preceding ten years, current 5533
employment, employment for the preceding seven years, and 5534
experience qualifications of that officer or qualifying agent; and 5535
other information that the director requires. A corporation may 5536
specify in its application information relative to one or more 5537
individuals who satisfy the requirements of divisions (A)(1) and 5538
(F)(1) of this section. 5539

The application described in this division shall be 5540
accompanied by all of the following: 5541

(1) One recent full-face photograph of the applicant or, in 5542
the case of a corporation, of each officer or qualifying agent 5543
specified in the application as satisfying the requirements of 5544
divisions (A)(1) and (F)(1) of this section; 5545

~~(2) One complete set of the applicant's fingerprints or, in 5546
the case of a corporation, of the fingerprints of each officer or 5547
qualifying agent specified in the application as satisfying the 5548
requirements of divisions (A)(1) and (F)(1) of this section;~~ 5549

~~(3) Character references from at least five reputable 5550
citizens for the applicant or, in the case of a corporation, for 5551
each officer or qualifying agent specified in the application as 5552
satisfying the requirements of divisions (A)(1) and (F)(1) of this 5553
section, each of whom has known the applicant, officer, or 5554
qualifying agent for at least five years preceding the 5555~~

application, and none of whom are connected with the applicant, 5556
officer, or qualifying agent by blood or marriage; 5557

~~(4)~~(3) An examination fee of twenty-five dollars for the 5558
applicant or, in the case of a corporation, for each officer or 5559
qualifying agent specified in the application as satisfying the 5560
requirements of divisions (A)(1) and (F)(1) of this section, and a 5561
license fee ~~of two hundred fifty~~ in the amount the director 5562
determines, not to exceed three hundred seventy-five dollars. The 5563
license fee shall be refunded if a license is not issued. 5564

(C) ~~Upon receipt of the application and accompanying matter~~ 5565
~~described in division (B) of this section, the director shall~~ 5566
~~forward to the bureau of criminal identification and investigation~~ 5567
~~a request that it make an investigation of the applicant or, in~~ 5568
~~the case of a corporation, each officer or qualifying agent~~ 5569
~~specified in the application as satisfying the requirements of~~ 5570
~~divisions (A)(1) and (F)(1) of this section, to determine whether~~ 5571
~~the applicant, officer, or qualifying agent meets the requirements~~ 5572
~~of division (A)(1)(a) of this section. (1) Each individual~~ 5573
applying for a license and each individual specified by a 5574
corporation as an officer or qualifying agent in an application 5575
shall submit one complete set of fingerprints directly to the 5576
superintendent of the bureau of criminal identification and 5577
investigation for the purpose of conducting a criminal records 5578
check. The individual shall provide the fingerprints using a 5579
method the superintendent prescribes pursuant to division (C)(2) 5580
of section 109.572 of the Revised Code and fill out the form the 5581
superintendent prescribes pursuant to division (C)(1) of section 5582
109.572 of the Revised Code. An applicant who intends to carry a 5583
firearm as defined in section 2923.11 of the Revised Code in the 5584
course of business or employment shall so notify the 5585
superintendent. This notification is in addition to any other 5586
requirement related to carrying a firearm that applies to the 5587

applicant. The individual or corporation requesting the criminal 5588
records check shall pay the fee the superintendent prescribes. 5589

(2) The superintendent shall conduct the criminal records 5590
check as set forth in division (B) of section 109.572 of the 5591
Revised Code. If an applicant intends to carry a firearm in the 5592
course of business or employment, the superintendent shall make a 5593
request to the federal bureau of investigation for any information 5594
and review the information the bureau provides pursuant to 5595
division (B)(2) of section 109.572 of the Revised Code. The 5596
superintendent shall submit all results of the completed 5597
investigation to the director of public safety. 5598

(3) If the director determines that the applicant, officer, 5599
or qualifying agent meets the requirements of divisions (A)(1)(a), 5600
(b), and (d) of this section and that an officer or qualifying 5601
agent meets the requirement of division (F)(1) of this section, 5602
the director shall notify the applicant, officer, or agent of the 5603
time and place for the examination. If the director determines 5604
that an applicant does not meet the requirements of divisions 5605
(A)(1)(a), (b), and (d) of this section, the director shall notify 5606
the applicant that the applicant's application is refused and 5607
refund the license fee. If the director determines that none of 5608
the individuals specified in the application of a corporation as 5609
satisfying the requirements of divisions (A)(1) and (F)(1) of this 5610
section meet the requirements of divisions (A)(1)(a), (b), and (d) 5611
and (F)(1) of this section, the director shall notify the 5612
corporation that its application is refused and refund the license 5613
fee. If the director requests an investigation of any applicant, 5614
officer, or qualifying agent and if the bureau assesses the 5615
director a fee for the any investigation, the director, in 5616
addition to any other fee assessed pursuant to this chapter, may 5617
assess the applicant, officer, or qualifying agent, as 5618
appropriate, a fee that is equal to the fee assessed by the 5619

bureau. 5620

(D) If upon application, investigation, and examination, the 5621
director finds that the applicant or, in the case of a 5622
corporation, any officer or qualifying agent specified in the 5623
application as satisfying the requirements of divisions (A)(1) and 5624
(F)(1) of this section, meets the applicable requirements, the 5625
director shall issue the applicant or the corporation a class A, 5626
B, or C license. The director also shall issue an identification 5627
card to an applicant, but not an officer or qualifying agent of a 5628
corporation, who meets the applicable requirements. The license 5629
and identification card shall state the licensee's name, the 5630
classification of the license, the location of the licensee's 5631
principal place of business in this state, and the expiration date 5632
of the license, and, in the case of a corporation, it also shall 5633
state the name of each officer or qualifying agent who satisfied 5634
the requirements of divisions (A)(1) and (F)(1) of this section. 5635

Licenses expire on the first day of March following the date 5636
of initial issue, and on the first day of March of each year 5637
thereafter. ~~Renewals~~ Annual renewals shall be according to the 5638
standard renewal procedures contained in Chapter 4745. of the 5639
Revised Code, upon payment of a an annual renewal fee ~~of two~~ 5640
~~hundred fifty~~ the director determines, not to exceed two hundred 5641
seventy-five dollars. No license shall be renewed if the licensee 5642
or, in the case of a corporation, each officer or qualifying agent 5643
who qualified the corporation for licensure no longer meets the 5644
applicable requirements of this section. No license shall be 5645
renewed unless the licensee provides evidence of workers' 5646
compensation risk coverage and unemployment compensation insurance 5647
coverage, other than for clerical employees and excepting sole 5648
proprietors who are exempted therefrom, as provided for in 5649
Chapters 4123. and 4141. of the Revised Code, respectively, as 5650
well as the licensee's state tax identification number. No 5651

reexamination shall be required for renewal of a current license. 5652

For purposes of this chapter, a class A, B, or C license 5653
issued to a corporation shall be considered as also having 5654
licensed the individuals who qualified the corporation for 5655
licensure, for as long as they are associated with the 5656
corporation. 5657

For purposes of this division, "sole proprietor" means an 5658
individual licensed under this chapter who does not employ any 5659
other individual. 5660

(E) The director may issue a duplicate copy of a license 5661
issued under this section for the purpose of replacement of a 5662
lost, spoliated, or destroyed license, upon payment of a fee ~~fixed~~ 5663
~~by the director~~ determines, not exceeding twenty-five dollars. Any 5664
change in license classification requires new application and 5665
application fees. 5666

(F)(1) In order to qualify a corporation for a class A, B, or 5667
C license, an officer or qualifying agent may qualify another 5668
corporation for similar licensure, provided that the officer or 5669
qualifying agent is actively engaged in the business of both 5670
corporations. 5671

(2) Each officer or qualifying agent who qualifies a 5672
corporation for class A, B, or C licensure shall surrender any 5673
personal license of a similar nature that the officer or 5674
qualifying agent possesses. 5675

(3) Upon written notification to the director, completion of 5676
an application similar to that for original licensure, surrender 5677
of the corporation's current license, and payment of a twenty-five 5678
dollar fee, a corporation's class A, B, or C license may be 5679
transferred to another corporation. 5680

(4) Upon written notification to the director, completion of 5681
an application similar to that for an individual seeking class A, 5682

B, or C licensure, payment of a twenty-five dollar fee, and, if
the individual was the only individual that qualified a
corporation for licensure, surrender of the corporation's license,
any officer or qualifying agent who qualified a corporation for
licensure under this chapter may obtain a similar license in the
individual's own name without reexamination. A request by an
officer or qualifying agent for an individual license shall not
affect a corporation's license unless the individual is the only
individual that qualified the corporation for licensure or all the
other individuals who qualified the corporation for licensure
submit such requests.

(G) If a corporation is for any reason no longer associated
with an individual who qualified it for licensure under this
chapter, an officer of the corporation shall notify the director
of that fact by certified mail, return receipt requested, within
ten days after the association terminates. If the notification is
so given, the individual was the only individual that qualified
the corporation for licensure, and the corporation submits the
name of another officer or qualifying agent to qualify the
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 5714
record of each licensee and registered employee and make it 5715
available, upon request, to any law enforcement agency. The class 5716
A, B, or C licensee shall file an application to register a new 5717
employee no sooner than three days nor later than seven calendar 5718
days after the date on which the employee is hired. 5719

(B)(1) Each employee's registration application shall be 5720
accompanied by ~~one complete set of the employee's fingerprints,~~ 5721
one recent photograph of the employee, the employee's physical 5722
description, and ~~an eighteen-dollar~~ the registration fee the 5723
director determines, not to exceed forty dollars. 5724

(2) ~~If the director of public safety requests the bureau of~~ 5725
~~eriminal identification and investigation to conduct an~~ 5726
~~investigation of a licensee's employee and if the bureau assesses~~ 5727
~~the director a fee for the investigation, the director, in~~ 5728
~~addition to any other fee assessed pursuant to this chapter, may~~ 5729
~~assess the licensee a fee that is equal to the fee assessed by the~~ 5730
~~bureau. The employee shall submit one complete set of fingerprints~~ 5731
~~directly to the superintendent of the bureau of criminal~~ 5732
~~identification and investigation for the purpose of conducting a~~ 5733
~~criminal records check. The employee shall provide the~~ 5734
~~fingerprints using a method the superintendent prescribes pursuant~~ 5735
~~to division (C)(2) of section 109.572 of the Revised Code and fill~~ 5736
~~out the form the superintendent prescribes pursuant to division~~ 5737
~~(C)(1) of section 109.572 of the Revised Code. An employee who~~ 5738
~~intends to carry a firearm as defined in section 2923.11 of the~~ 5739
~~Revised Code in the course of business or employment shall so~~ 5740
~~notify the superintendent. This notification is in addition to any~~ 5741
~~other requirement related to carrying a firearm that applies to~~ 5742
~~the employee. The individual or corporation requesting the~~ 5743
~~criminal records check shall pay the fee the superintendent~~ 5744
~~prescribes.~~ 5745

The superintendent shall conduct the criminal records check 5746
as set forth in division (B) of section 109.572 of the Revised 5747
Code. If an employee intends to carry a firearm in the course of 5748
business or employment, pursuant to division (B)(2) of section 5749
109.572 of the Revised Code the superintendent shall make a 5750
request of the federal bureau of investigation for any information 5751
and review the information the bureau provides. The superintendent 5752
shall submit all results of the completed investigation to the 5753
director of public safety. 5754

(3) If, after investigation, the bureau finds that the 5755
employee has not been convicted of a felony within the last twenty 5756
years, the director shall issue to the employee an identification 5757
card bearing the license number and signature of the licensee, 5758
which in the case of a corporation shall be the signature of its 5759
president or its qualifying agent, and containing the employee's 5760
name, address, age, physical description, and right thumb print or 5761
other identifying mark as the director prescribes, a recent 5762
photograph of the employee, and the employee's signature. The 5763
director may issue a duplicate of a lost, spoliated, or destroyed 5764
identification card issued under this section, upon payment of a 5765
fee fixed by the director, not exceeding five dollars. 5766

(C) Except as provided in division (E) of this section, no 5767
class A, B, or C licensee shall permit an employee, other than an 5768
individual who qualified a corporation for licensure, to engage in 5769
the business of private investigation, the business of security 5770
services, or both businesses until the employee receives an 5771
identification card from the department, except that pending the 5772
issuance of an identification card, a class A, B, or C licensee 5773
may offer for hire security guard or investigator employees 5774
provided the licensee obtains a waiver from the person who 5775
receives, for hire, security guard or investigative services, 5776
acknowledging that the person is aware the employees have not 5777

completed their registration and agreeing to their employment. 5778

(D) If a class A, B, or C licensee, or a registered employee 5779
of a class A, B, or C licensee, intends to carry a firearm, as 5780
defined in section 2923.11 of the Revised Code, in the course of 5781
engaging in the business or employment, the licensee or registered 5782
employee shall satisfactorily complete a firearms basic training 5783
program that includes twenty hours of handgun training and five 5784
hours of training in the use of other firearms, if any other 5785
firearm is to be used, or equivalency training, if authorized, or 5786
shall be a former peace officer who previously had successfully 5787
completed a firearms training course, shall receive a certificate 5788
of satisfactory completion of that program or written evidence of 5789
approval of the equivalency training, shall file an application 5790
for registration, shall receive a firearm-bearer notation on the 5791
licensee's or registered employee's identification card, and shall 5792
annually requalify on a firearms range, all as described in 5793
division (A) of section 4749.10 of the Revised Code. A private 5794
investigator, security guard provider, or employee is authorized 5795
to carry a firearm only in accordance with that division. 5796

(E) This section does not apply to commissioned peace 5797
officers, as defined in division (B) of section 2935.01 of the 5798
Revised Code, working for, either as an employee or independent 5799
contractor, a class A, B, or C licensee. For purposes of this 5800
chapter, a commissioned peace officer is an employee exempt from 5801
registration. 5802

(F) The registration of an investigator or security guard 5803
employee expires annually on the anniversary date of its initial 5804
issuance. Annual renewals shall be made pursuant to procedures the 5805
director establishes by rule and upon payment of a renewal fee the 5806
director determines, not to exceed thirty-five dollars. The 5807
director shall not renew the registration of any investigator or 5808
security guard employee who no longer meets the requirements of 5809

this section. No background check is required for annual renewal, 5810
but an investigator or security guard employee shall report any 5811
felony conviction to the employer and the director of public 5812
safety as a condition of continued registration. 5813

Sec. 4749.10. (A) No class A, B, or C licensee and no 5814
registered employee of a class A, B, or C licensee shall carry a 5815
firearm, as defined in section 2923.11 of the Revised Code, in the 5816
course of engaging in the business of private investigation, the 5817
business of security services, or both businesses, unless all of 5818
the following apply: 5819

(1) The licensee or employee either has successfully 5820
completed a basic firearm training program at a training school 5821
approved by the Ohio peace officer training commission, which 5822
program includes twenty hours of training in handgun use and, if 5823
any firearm other than a handgun is to be used, five hours of 5824
training in the use of other firearms, and has received a 5825
certificate of satisfactory completion of that program from the 5826
executive director of the commission; the licensee or employee 5827
has, within three years prior to November 27, 1985, satisfactorily 5828
completed firearms training that has been approved by the 5829
commission as being equivalent to such a program and has received 5830
written evidence of approval of that training from the executive 5831
director of the commission; or the licensee or employee is a 5832
former peace officer, as defined in section 109.71 of the Revised 5833
Code, who previously had successfully completed a firearms 5834
training course at a training school approved by the Ohio peace 5835
officer training commission and has received a certificate or 5836
other evidence of satisfactory completion of that course from the 5837
executive director of the commission. 5838

(2) The licensee or employee submits an application to the 5839
director of public safety, on a form prescribed by the director, 5840

in which the licensee or employee requests registration as a class 5841
A, B, or C licensee or employee who may carry a firearm. The 5842
application shall be accompanied by a copy of the certificate or 5843
the written evidence or other evidence described in division 5844
(A)(1) of this section, the identification card issued pursuant to 5845
section 4749.03 or 4749.06 of the Revised Code if one has 5846
previously been issued, a statement of the duties that will be 5847
performed while the licensee or employee is armed, and a fee of 5848
~~ten~~ the director determines, not to exceed fifteen dollars. In the 5849
case of a registered employee, the statement shall be prepared by 5850
the employing class A, B, or C licensee. 5851

(3) The licensee or employee receives a notation on the 5852
licensee's or employee's identification card that the licensee or 5853
employee is a firearm-bearer and carries the identification card 5854
whenever the licensee or employee carries a firearm in the course 5855
of engaging in the business of private investigation, the business 5856
of security services, or both businesses. 5857

(4) At any time within the immediately preceding twelve-month 5858
period, the licensee or employee has requalified in firearms use 5859
on a firearms training range at a firearms requalification program 5860
certified by the Ohio peace officer training commission or on a 5861
firearms training range under the supervision of an instructor 5862
certified by the commission and has received a certificate of 5863
satisfactory requalification from the certified program or 5864
certified instructor, provided that this division does not apply 5865
to any licensee or employee prior to the expiration of eighteen 5866
months after the licensee's or employee's completion of the 5867
program described in division (A)(1) of this section. A 5868
certificate of satisfactory requalification is valid and remains 5869
in effect for twelve months from the date of the requalification. 5870

(5) If division (A)(4) of this section applies to the 5871
licensee or employee, the licensee or employee carries the 5872

certificate of satisfactory requalification that then is in effect 5873
or any other evidence of requalification issued or provided by the 5874
director. 5875

(B)(1) The director of public safety shall register an 5876
applicant under division (A) of this section who satisfies 5877
divisions (A)(1) and (2) of this section, and place a notation on 5878
the applicant's identification card indicating that the applicant 5879
is a firearm-bearer and the date on which the applicant completed 5880
the program described in division (A)(1) of this section. 5881

(2) A firearms requalification training program or instructor 5882
certified by the commission for the annual requalification of 5883
class A, B, or C licensees or employees who are authorized to 5884
carry a firearm under section 4749.10 of the Revised Code shall 5885
award a certificate of satisfactory requalification to each class 5886
A, B, or C licensee or registered employee of a class A, B, or C 5887
licensee who satisfactorily requalifies in firearms training. The 5888
certificate shall identify the licensee or employee and indicate 5889
the date of the requalification. A licensee or employee who 5890
receives such a certificate shall submit a copy of it to the 5891
director of public safety. A licensee shall submit the copy of the 5892
requalification certificate at the same time that the licensee 5893
makes application for renewal of the licensee's class A, B, or C 5894
license. The director shall keep a record of all copies of 5895
requalification certificates the director receives under this 5896
division and shall establish a procedure for the updating of 5897
identification cards to provide evidence of compliance with the 5898
annual requalification requirement. The procedure for the updating 5899
of identification cards may provide for the issuance of a new card 5900
containing the evidence, the entry of a new notation containing 5901
the evidence on the existing card, the issuance of a separate card 5902
or paper containing the evidence, or any other procedure 5903
determined by the director to be reasonable. Each person who is 5904

issued a requalification certificate under this division promptly 5905
shall pay to the Ohio peace officer training commission 5906
established by section 109.71 of the Revised Code a fee ~~of five~~ 5907
the director determines, not to exceed fifteen dollars, which fee 5908
shall be transmitted to the treasurer of state for deposit in the 5909
peace officer private security fund established by section 109.78 5910
of the Revised Code. 5911

(C) Nothing in this section prohibits a private investigator 5912
or a security guard provider from carrying a concealed handgun if 5913
the private investigator or security guard provider complies with 5914
sections 2923.124 to 2923.1213 of the Revised Code. 5915

Sec. 4765.07. (A) The state board of emergency medical 5916
services shall adopt rules under section 4765.11 of the Revised 5917
Code to establish and administer a grant program under which 5918
grants are distributed according to the following priorities: 5919

(1) First priority shall be given to emergency medical 5920
service organizations for the training of personnel, for the 5921
purchase of equipment and vehicles, and to improve the 5922
availability, accessibility, and quality of emergency medical 5923
services in this state. In this category, the board shall give 5924
priority to grants that fund training and equipping of emergency 5925
medical service personnel. 5926

(2) Second priority shall be given to entities that research 5927
the causes, nature, and effects of traumatic injuries, educate the 5928
public about injury prevention, and implement, test, and evaluate 5929
injury prevention strategies. 5930

(3) Third priority shall be given to entities that research, 5931
test, and evaluate procedures that promote the rehabilitation, 5932
retraining, and reemployment of adult or pediatric trauma victims 5933
and social service support mechanisms for adult or pediatric 5934

trauma victims and their families. 5935

(4) Fourth priority shall be given to entities that research, 5936
test, and evaluate medical procedures related to adult and 5937
pediatric trauma care. 5938

(B) The grant program shall be funded from the ~~trauma and~~ 5939
emergency medical services ~~grants~~ fund created by section 4513.263 5940
of the Revised Code. 5941

Sec. 4765.11. (A) The state board of emergency medical 5942
services shall adopt, and may amend and rescind, rules in 5943
accordance with Chapter 119. of the Revised Code and division (C) 5944
of this section that establish all of the following: 5945

(1) Procedures for its governance and the control of its 5946
actions and business affairs; 5947

(2) Standards for the performance of emergency medical 5948
services by first responders, emergency medical technicians-basic, 5949
emergency medical technicians-intermediate, and emergency medical 5950
technicians-paramedic; 5951

(3) Application fees for certificates of accreditation, 5952
certificates of approval, certificates to teach, and certificates 5953
to practice, which shall be deposited into the ~~trauma and~~ 5954
emergency medical services fund created in section 4513.263 of the 5955
Revised Code; 5956

(4) Criteria for determining when the application or renewal 5957
fee for a certificate to practice may be waived because an 5958
applicant cannot afford to pay the fee; 5959

(5) Procedures for issuance and renewal of certificates of 5960
accreditation, certificates of approval, certificates to teach, 5961
and certificates to practice, including any procedures necessary 5962
to ensure that adequate notice of renewal is provided in 5963
accordance with division (D) of section 4765.30 of the Revised 5964

Code;	5965
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	5966 5967 5968
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	5969 5970 5971 5972
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	5973 5974
(9) Standards for certificates of accreditation and certificates of approval;	5975 5976
(10) Qualifications for certificates to teach;	5977
(11) Requirements for a certificate to practice;	5978
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	5979 5980 5981 5982 5983
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	5984 5985 5986 5987 5988
(14) Examinations for certificates to practice;	5989
(15) Procedures for administering examinations for certificates to practice;	5990 5991
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without	5992 5993

completing an emergency medical services continuing education program;	5994 5995
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	5996 5997
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised Code to perform;	5998 5999 6000 6001 6002 6003 6004 6005
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	6006 6007 6008 6009
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	6010 6011 6012
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	6013 6014
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel.	6015 6016 6017
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	6018 6019 6020
(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;	6021 6022 6023

(2) Standards and procedures for implementing any of the 6024
recommendations made by any committees of the board or under 6025
section 4765.57 of the Revised Code; 6026

(3) Requirements that a person must meet to receive a 6027
certificate to practice as a first responder pursuant to division 6028
(A)(2) of section 4765.30 of the Revised Code; 6029

(4) Any other rules necessary to implement this chapter. 6030

(C) In developing and administering rules adopted under this 6031
chapter, the state board of emergency medical services shall 6032
consult with regional directors and regional physician advisory 6033
boards created by section 4765.05 of the Revised Code and 6034
emphasize the special needs of pediatric and geriatric patients. 6035

(D) Except as otherwise provided in this division, before 6036
adopting, amending, or rescinding any rule under this chapter, the 6037
board shall submit the proposed rule to the director of public 6038
safety for review. The director may review the proposed rule for 6039
not more than sixty days after the date it is submitted. If, 6040
within this sixty-day period, the director approves the proposed 6041
rule or does not notify the board that the rule is disapproved, 6042
the board may adopt, amend, or rescind the rule as proposed. If, 6043
within this sixty-day period, the director notifies the board that 6044
the proposed rule is disapproved, the board shall not adopt, 6045
amend, or rescind the rule as proposed unless at least twelve 6046
members of the board vote to adopt, amend, or rescind it. 6047

This division does not apply to an emergency rule adopted in 6048
accordance with section 119.03 of the Revised Code. 6049

Sec. 5501.11. (A) The functions of the department of 6050
transportation with respect to highways shall be to do all of the 6051
following: 6052

~~(A) To establish~~ (1) Establish state highways on existing 6053

roads, streets, and new locations and ~~to~~ construct, reconstruct, 6054
widen, resurface, maintain, and repair the state system of 6055
highways and the bridges and culverts thereon; 6056

~~(B) To co-operate~~ (2) Cooperate with the federal government 6057
in the establishment, construction, reconstruction, improvement, 6058
maintenance, and repair of post roads and other roads designated 6059
by the federal authorities; 6060

~~(C) To conduct~~ (3) Conduct research and ~~to co-operate~~ 6061
cooperate with organizations conducting research in matters 6062
pertaining to highway design, construction, maintenance, material, 6063
safety, and traffic; 6064

~~(D) To co-operate~~ (4) Cooperate with the counties, municipal 6065
corporations, townships, and other subdivisions of the state in 6066
the establishment, construction, reconstruction, maintenance, 6067
repair, and improvement of the public roads and bridges. 6068

(B) To fulfill its functions under division (A) of this 6069
section and ensure that a disproportionate percentage of the roads 6070
and bridges on the state highway system are not due for 6071
replacement or major repair at the same time, the department shall 6072
develop and maintain a pavement management system. The system 6073
shall inventory and evaluate basic road and bridge conditions 6074
throughout the state highway system and develop strategies to 6075
improve those conditions and to minimize annual maintenance of the 6076
state highway system. 6077

Sec. 5503.04. Forty-five per cent of the fines collected from 6078
or moneys arising from bail forfeited by persons apprehended or 6079
arrested by state highway patrol troopers shall be paid into the 6080
state treasury to be credited to the general revenue fund, five 6081
per cent shall be paid into the state treasury to be credited to 6082
the ~~trauma and~~ emergency medical services ~~grants~~ fund created by 6083
division (E) of section 4513.263 of the Revised Code, and fifty 6084

per cent shall be paid into the treasury of the municipal 6085
corporation where the case is prosecuted, if in a mayor's court. 6086
If the prosecution is in a trial court outside a municipal 6087
corporation, or outside the territorial jurisdiction of a 6088
municipal court, the fifty per cent of the fines and moneys that 6089
is not paid into the state treasury shall be paid into the 6090
treasury of the county where the case is prosecuted. The fines and 6091
moneys paid into a county treasury and the fines and moneys paid 6092
into the treasury of a municipal corporation shall be deposited 6093
one-half to the same fund and expended in the same manner as is 6094
the revenue received from the registration of motor vehicles, and 6095
one-half to the general fund of such county or municipal 6096
corporation. 6097

If the prosecution is in a municipal court, forty-five per 6098
cent of the fines and moneys shall be paid into the state treasury 6099
to be credited to the general revenue fund, five per cent shall be 6100
paid into the state treasury to be credited to the ~~trauma and~~ 6101
emergency medical services ~~grants~~ fund created by division (E) of 6102
section 4513.263 of the Revised Code, ten per cent shall be paid 6103
into the county treasury to be credited to the general fund of the 6104
county, and forty per cent shall be paid into the municipal 6105
treasury to be credited to the general fund of the municipal 6106
corporation. In the Auglaize county, Clermont county, Crawford 6107
county, Hocking county, Jackson county, Lawrence county, Madison 6108
county, Miami county, Ottawa county, Portage county, and Wayne 6109
county municipal courts, that portion of money otherwise paid into 6110
the municipal treasury shall be paid into the county treasury. 6111

The trial court shall make remittance of the fines and moneys 6112
as prescribed in this section, and at the same time as the 6113
remittance is made of the state's portion to the state treasury, 6114
the trial court shall notify the superintendent of the state 6115
highway patrol of the case and the amount covered by the 6116

remittance.

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This section does not apply to fines for violations of
division (B) of section 4513.263 of the Revised Code, or for
violations of any municipal ordinance that is substantively
comparable to that division, all of which shall be delivered to
the treasurer of state as provided in division (E) of section
4513.263 of the Revised Code.

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Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13,
and 125.14 of the Revised Code, the director of transportation,
~~after notice as provided in sections 5513.01 and 5513.02 of the~~
~~Revised Code with respect to purchase, may sell, transfer, or~~
otherwise dispose of any item of personal property that is not
needed by the department of transportation. The director may
exchange any such item, in the manner provided for in this
chapter, and pay the balance of the cost of such new item from
funds appropriated to the department. The director also may accept
a credit voucher or cash in an amount mutually agreed upon between
a vendor and the department. The director shall apply the amount
of any credit voucher to future purchases from that vendor and
shall deposit any cash into the state treasury to the credit of
the highway operating fund created in section 5735.291 of the
Revised Code.

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(B)(1) The director may sell or transfer any structure,
machinery, tools, equipment, parts, material, office furniture, or
supplies unfit for use or not needed by the department of
transportation. ~~The director may sell or transfer any item~~
~~specified in this division~~ to any agency of the state or a
political subdivision of the state without notice of the proposed
disposal and upon any mutually agreed upon terms. ~~The director may~~
~~exchange any such item, in the manner provided for in this~~
~~chapter, and pay the balance of the cost of such new item from any~~

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~~funds appropriated to the department. The director also may accept 6148
a credit voucher in an amount mutually agreed upon between a 6149
vendor and the department. The amount of the credit voucher shall 6150
be applied to future purchases from that vendor. 6151~~

~~(B) Notwithstanding sections 125.12, 125.13, and 125.14 of 6152
the Revised Code, the director, after notice as provided in this 6153
chapter with respect to purchase, may sell 6154~~

(2) Before selling any passenger vehicle, van, truck, 6155
trailer, or other heavy equipment ~~unfit for use or not required by 6156
the department. Prior to such sale, the director shall notify each 6157
county, municipal corporation, township, and school district of 6158
the sale. The director shall similarly notify the board of 6159
trustees of any regional water and sewer district established 6160
under Chapter 6119. of the Revised Code, when the board has 6161
forwarded to the director the district's name and current business 6162
address. For the purposes of this division, the name and current 6163
business address of a regional water and sewer district shall be 6164
forwarded to the director once each year during any year in which 6165
the board wishes the notification to be given. The notice required 6166
by this division may be given by the most economical means 6167
considered to be effective, ~~including, but not limited to, regular 6168
mail, electronic mail, electronic bulletin board, and publication 6169
in a periodical or newspaper.~~ If after seven days following 6170
mailing or other issuance of the director's notice, no county, 6171
municipal corporation, township, regional water and sewer 6172
district, educational service center, or school district has 6173
notified the director that it wishes to purchase any such vehicle 6174
or other heavy equipment, the director may proceed with the sale 6175
under division ~~(D)~~(C) of this section. ~~The director may exchange 6176
such vehicles and other heavy equipment for new vehicles or other 6177
heavy equipment, in the manner provided for in sections 5513.01 to 6178
5513.04 of the Revised Code, and pay the balance of the cost of 6179~~~~

~~such new vehicles or other heavy equipment from the funds~~ 6180
~~appropriated to the department. The director also may elect to~~ 6181
~~accept a credit voucher from a vendor in an amount mutually agreed~~ 6182
~~to by the department and the vendor. The director shall apply the~~ 6183
~~credit voucher to future purchases from that vendor.~~ 6184

~~In an emergency situation as determined by the discretion of~~ 6185
the director, the director may transfer any ~~vehicles~~ vehicle or 6186
other heavy equipment that is unfit for use or not needed by the 6187
department to any agency of the state or political subdivision of 6188
the state without advertising for bids and upon mutually agreed ~~to~~ 6189
upon terms. 6190

~~(C)(3)~~ The director may sell or otherwise dispose of any 6191
structure or structural materials salvaged on the state highway 6192
system that in the director's judgment are no longer needed by the 6193
department, or that, through wear or obsolescence, have become 6194
unfit for use. The director may transfer the structure or 6195
materials to counties, municipal corporations, school districts, 6196
or other ~~governmental~~ political subdivisions without advertising 6197
for bids and upon mutually agreed ~~to~~ upon terms. The director may 6198
transfer the structure or ~~structures~~ structural materials to a 6199
nonprofit corporation upon being furnished a copy of a contract 6200
between the nonprofit corporation and a county, municipal 6201
corporation, or other ~~governmental~~ political subdivision to which 6202
the structure is to be moved pursuant to which the nonprofit 6203
corporation must make the structure or ~~structures~~ structural 6204
materials available for rent or sale within a period of three 6205
months after becoming available for occupancy to an individual or 6206
family which has been displaced by governmental action or which 6207
occupies substandard housing as certified by such ~~governmental~~ 6208
political subdivision, without advertising for bids. Any such 6209
transfers shall be for such consideration as shall be determined 6210
by the director to be fair and reasonable, and shall be upon such 6211

terms and specifications with respect to performance and indemnity 6212
as shall be determined necessary by the director. 6213

When, in carrying out an improvement that replaces any 6214
structure or structural materials, it is advantageous to dispose 6215
of the structure or structural materials by providing in the 6216
contract for the improvement that the structure or structural 6217
materials, or any part thereof, shall become the property of the 6218
contractor, the director may so proceed. 6219

~~(D)(C)(1) Any item specified in division (A), (B), or (C) of~~ 6220
~~this section that has an estimated market value greater than one~~ 6221
~~thousand dollars and that has not been sold or transferred as~~ 6222
provided in ~~those divisions~~ division (B) of this section may be 6223
sold at a public sale, as determined by the director. The director 6224
may authorize such sale by the ~~district~~ deputy directors of 6225
transportation, and the proceedings of such sale shall be 6226
conducted in the same manner as provided for sales by the 6227
director. The director may establish a minimum price for any item 6228
to be sold and may establish any other terms, conditions, and 6229
manner for the sale of a particular item, which may be on any 6230
basis the director determines to be most advantageous to the 6231
department. The director may reject any offer or bid for an item. 6232
The director may remove any item from a sale if it develops that a 6233
public authority has a use for the item. In any notice of a sale, 6234
the director shall include a brief description of the item to be 6235
sold, the terms and conditions of the sale, and a statement of the 6236
time, place, and manner of the sale. 6237

~~Before making any sale under division (D)(1) of this section~~ 6238
(2)(a) If, in the opinion of the director, any item to be sold has 6239
an estimated fair market value in excess of one thousand dollars, 6240
the director shall give post a notice of the sale ~~by posting,~~ for 6241
not less than ten days, ~~a written, typed, or printed invitation to~~ 6242
~~bidders on a traditional or electronic bulletin board in the~~ 6243

~~offices on the official web site of the department. The bulletin board shall be located in a place open to the public during normal business hours. If the district where the property is located maintains a web site, notice of the sale also shall be posted on that web site. At least ten days before bids are to be received the sale, the director also shall publish one notice of the sale in a periodical or newspaper of general circulation in the region in which the items are located. The invitation to bidders and the published notice of the sale shall contain a brief description of the items to be sold and a statement of the time and place where bids will be received. The director may receive bids and make such sale on any basis the director determines is most advantageous to the department. A sale under division (D)(1) of this section shall be made to the highest responsible bidder. If, after invitations are issued, it develops that any public authority has use for any of the items, the director may reject all bids and dispose of the items as set out in this section.~~

~~(2)(b) If, in the opinion of the director, any item specified in division (A), (B), or (C) of this section to be sold has an estimated fair market value of one thousand dollars or less, the director is not required to advertise the proposed sale except by notice posted on a traditional or electronic bulletin board in one or more offices the official web site of the department. The bulletin board shall be located in a place open to the public during normal business hours. The notice shall be posted for at least five working days and shall contain a brief description of the items to be sold and a statement of the time and place where bids will be received. The director may receive bids and make such sale on any basis the director determines is most advantageous to the department. Sale of any item using this method of advertising shall be made to the highest responsible bidder. If it develops that any public authority has use for any of the items, the director may reject all bids and dispose of the items as set out~~

~~in this section.~~ 6277

~~(E)~~(D) Proceeds of any sale described in this section shall 6278
be paid into the state treasury to the credit of the ~~state~~ highway 6279
operating fund or any other fund of the department as determined 6280
by the director. 6281

(E) Once each year, the state board of education shall 6282
provide the director with a current list of the addresses of all 6283
school districts and educational service centers in the state. 6284

(F) As used in this section, ~~"school:~~ 6285

(1) "Personal property" means any structure or structural 6286
material, machinery, tools, equipment, parts, material, office 6287
furniture, supplies, passenger vehicle, van, truck, trailer, or 6288
other heavy equipment of the department; 6289

(2) "School district" means any city school district, local 6290
school district, exempted village school district, cooperative 6291
education school district, and joint vocational school district, 6292
as defined in Chapter 3311. of the Revised Code. ~~Once each year,~~ 6293
~~the state board of education shall provide the director with a~~ 6294
~~current list of the addresses of all school districts and~~ 6295
~~educational service centers in the state.~~ 6296

(3) "Sale" means fixed price sale, live or internet auction, 6297
or any other type of sale determined by the director. 6298

Sec. 5525.01. Before entering into a contract the director of 6299
transportation shall advertise for bids for two consecutive weeks 6300
in one newspaper of general circulation published in the county in 6301
which the improvement or part thereof is located, but if there is 6302
no such newspaper then in one newspaper having general circulation 6303
in an adjacent county. The director may advertise for bids in such 6304
other publications as the director considers advisable. Such 6305
notices shall state that plans and specifications for the 6306

improvement are on file in the office of the director and the 6307
district deputy director of the district in which the improvement 6308
or part thereof is located and the time within which bids therefor 6309
will be received. 6310

Each bidder shall be required to file with the bidder's bid a 6311
bid guaranty in the form of a certified check or cashier's check 6312
for an amount equal to five per cent of the bidder's bid, but in 6313
no event more than fifty thousand dollars, or a bid bond for ten 6314
per cent of the bidder's bid, payable to the director, which check 6315
or bond shall be forthwith returned to the bidder in case the 6316
contract is awarded to another bidder, or, in case of a successful 6317
bidder, when the bidder has entered into a contract and furnished 6318
the bonds required by section 5525.16 of the Revised Code. In the 6319
event the contract is awarded to a bidder, and the bidder fails or 6320
refuses to furnish the bonds as required by section 5525.16 of the 6321
Revised Code, the check or bid bond filed with the bidder's bid 6322
shall be forfeited as liquidated damages. No bidder shall be 6323
required either to file a signed contract with the bidder's bid, 6324
to enter into a contract, or to furnish the contract performance 6325
bond and the payment bond required by that section until the bids 6326
have been opened and the bidder has been notified by the director 6327
that the bidder is awarded the contract. 6328

The director shall permit a bidder to withdraw the bidder's 6329
bid from consideration, without forfeiture of the certified check 6330
or bid bond filed with the bid, providing a written request 6331
together with a sworn statement of the grounds for such withdrawal 6332
is delivered within forty-eight hours after the time established 6333
for the receipt of bids, and if the price bid was substantially 6334
lower than the other bids, providing the bid was submitted in good 6335
faith, and the reason for the price bid being substantially lower 6336
was a clerical mistake evident on the face of the bid, as opposed 6337
to a judgment mistake, and was actually due to an unintentional 6338

and substantial arithmetic error or an unintentional omission of a 6339
substantial quantity of work, labor, or material made directly in 6340
the compilation of the bid. In the event the director decides the 6341
conditions for withdrawal have not been met, the director may 6342
award the contract to such bidder. If such bidder does not then 6343
enter into a contract and furnish the contract bond as required by 6344
law, the director may declare forfeited the certified check or bid 6345
bond as liquidated damages and award the contract to the next 6346
higher bidder or reject the remaining bids and readvertise the 6347
project for bids. Such bidder may, within thirty days, appeal the 6348
decision of the director to the court of common pleas of Franklin 6349
county and the court may affirm or reverse the decision of the 6350
director and may order the director to refund the amount of the 6351
forfeiture. At the hearing before the common pleas court evidence 6352
may be introduced for and against the decision of the director. 6353
The decision of the common pleas court may be appealed as in other 6354
cases. 6355

The director shall require all bidders to furnish the 6356
director ~~under oath~~, upon such ~~printed~~ forms as the director may 6357
prescribe, detailed information with respect to all pending work 6358
of the bidder, whether with the department of transportation or 6359
otherwise, together with such other information as the director 6360
considers necessary. 6361

In the event a bidder fails to submit anything required to be 6362
submitted with the bid and then fails or refuses to so submit such 6363
at the request of the director, the failure or refusal constitutes 6364
grounds for the director, in the director's discretion, to declare 6365
as forfeited the bid guaranty submitted with the bid. 6366

The director may reject any or all bids. Except in regard to 6367
contracts for environmental remediation and specialty work for 6368
which there are no classes of work set out in the rules adopted by 6369
the director, if the director awards the contract, the director 6370

shall award it to the lowest competent and responsible bidder as
defined by rules adopted by the director under section 5525.05 of
the Revised Code, who is qualified to bid under sections 5525.02
to 5525.09 of the Revised Code. In regard to contracts for
environmental remediation and specialty work for which there are
no classes of work set out in the rules adopted by the director,
the director shall competitively bid the projects in accordance
with this chapter and shall award the contracts to the lowest and
best bidder.

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

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

Sec. 5525.10. ~~No~~ Except as provided in section 5525.15 of the 6403
Revised Code, no contract for any road improvement shall be 6404
awarded for a greater sum than the estimated cost thereof plus 6405
five per cent. The bids received for an improvement shall be 6406
opened at the time and place stated in the notice and the bids 6407
shall conform to such other requirements as the director of 6408
transportation prescribes. If no acceptable bid is made the 6409
director may readvertise the work at the original estimate or 6410
amend the estimate and again proceed to advertise for bids. The 6411
director may contract for the construction or improvement of 6412
bridges and culverts or the grading required in connection with an 6413
improvement and may defer making contracts for the remainder of 6414
said improvement until such grade has become stable and solid. 6415

Sec. 5525.15. The director of transportation may provide that 6416
the estimate of cost of any project to be constructed by the 6417
department by the taking of bids and awarding of contracts shall 6418
be confidential information and so remain until after all bids on 6419
the project have been received. The estimate then shall be 6420
publicly read prior to the opening of the bids of the subject. 6421

When the director exercises the authority conferred by this 6422
section, all information with respect to the total estimate of 6423
cost of the project to be built by contract and with respect to 6424
the estimate of cost of any particular item of work involved 6425
therein shall be kept and regarded by the director and all the 6426
director's subordinates as confidential, and shall not be revealed 6427
to any person not employed in the department, or by the United 6428
States department of transportation in the case of projects 6429
financed in whole or part by federal funds, until after the bids 6430
on the project have been opened and read. Section 5517.01 of the 6431
Revised Code with respect to the public inspection of estimates of 6432
cost prior to the opening of bids and with respect to filing 6433

estimates of cost in the office of the district deputy director of transportation does not apply when the authority conferred by this section is exercised. This section does not prohibit the department from furnishing estimates of cost to counties, municipal corporations, or other local political subdivisions or to railroad or railway companies proposing to pay any portion of the cost of an improvement.

Section 5525.10 of the Revised Code, which provides that no contract for any improvement shall be awarded for a greater sum than the estimated cost thereof plus five per cent, does not apply in the case of any project with respect to which the authority conferred by this section is exercised. In cases in which the authority conferred by this section is exercised and in which the bid of the successful bidder exceeds the estimate, the director, before entering into a contract, shall determine that the bid of the successful bidder is fair and reasonable, and as long as the federal government imposes regulation on prices charged for construction service, shall require the successful bidder to certify that the bidder's bid does not exceed the maximum permitted by such federal regulation.

Sec. 5525.25. (A) For each fiscal year, not more than one-fifth of the department of transportation's capital construction projects shall be bid requiring a warranty as specified in the bidding documents and in division (B) of this section.

(B) A warranty period under this section shall be:

(1) Not more than seven years, for pavement in the case of new construction;

(2) Not more than five years, in the case of bridge painting and pavement resurfacing and rehabilitation;

(3) Not more than two years, in the case of pavement 6464
preventative maintenance, ~~bridge painting~~, pavement markings, 6465
raised pavement markers, guardrail, and other project items as 6466
determined by the director. 6467

This section does not apply to contracts the director makes 6468
on behalf of a political subdivision. 6469

Sec. 5531.09. (A) The state infrastructure bank shall consist 6470
of the highway and transit infrastructure bank fund, the aviation 6471
infrastructure bank fund, the rail infrastructure bank fund, and 6472
the infrastructure bank obligations fund, which are hereby created 6473
as funds of the state treasury, to be administered by the director 6474
of transportation and used for the purposes described in division 6475
(B) of this section. The highway and transit infrastructure bank 6476
fund, the aviation infrastructure bank fund, and the rail 6477
infrastructure bank fund shall consist of federal grants and 6478
awards or other assistance received by the state and eligible for 6479
deposit therein under applicable federal law, payments received by 6480
the department in connection with providing financial assistance 6481
for qualifying projects under division (B) of this section, and 6482
such other amounts as may be provided by law. The infrastructure 6483
bank obligations fund shall consist of such amounts of the 6484
proceeds of obligations issued under section 5531.10 of the 6485
Revised Code as the director of transportation determines with the 6486
advice of the director of budget and management; and such other 6487
amounts as may be provided by law. The director of budget and 6488
management, upon the request of the director of transportation, 6489
may transfer amounts between the funds created in this division, 6490
except the infrastructure bank obligations fund. The investment 6491
earnings of each fund created by this division shall be credited 6492
to such fund. 6493

(B) The director of transportation shall use the state 6494

infrastructure bank to encourage public and private investment in
transportation facilities that contribute to the multi-modal and
intermodal transportation capabilities of the state, develop a
variety of financing techniques designed to expand the
availability of funding resources and to reduce direct state
costs, maximize private and local participation in financing
projects, and improve the efficiency of the state transportation
system by using and developing the particular advantages of each
transportation mode to the fullest extent. In furtherance of these
purposes, the director shall use the state infrastructure bank to
provide financial assistance to public or private entities for
qualified projects. Such assistance shall be in the form of loans,
loan guarantees, letters of credit, leases, lease-purchase
agreements, interest rate subsidies, debt service reserves, and
such other forms as the director determines to be appropriate. All
fees, charges, rates of interest, payment schedules, security for,
and other terms and conditions relating to such assistance shall
be determined by the director. The highway and transit
infrastructure bank fund, the aviation infrastructure bank fund,
and the rail infrastructure bank fund may be used to pay debt
service on obligations whose proceeds have been deposited into the
infrastructure bank obligations fund.

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

(D) As used in this section and in section 5531.10 of the
Revised Code, "qualified project" means any public or private
transportation project as determined by the director of
transportation, including, without limitation, planning,
environmental impact studies, engineering, construction,

reconstruction, resurfacing, restoring, rehabilitation, or 6527
replacement of public or private transportation facilities within 6528
the state, studying the feasibility thereof, and the acquisition 6529
of real or personal property or interests therein; any highway, 6530
public transit, aviation, rail, or other transportation project 6531
eligible for financing or aid under any federal or state program; 6532
and any project involving the maintaining, repairing, improving, 6533
or construction of any public or private highway, road, street, 6534
parkway, public transit, aviation, or rail project, and any 6535
related rights-of-way, bridges, tunnels, railroad-highway 6536
crossings, drainage structures, signs, guardrails, or protective 6537
structures. 6538

(E) The general assembly finds that state infrastructure 6539
projects, as defined in division (A)(8) of section 5531.10 of the 6540
Revised Code, and the state infrastructure bank, will materially 6541
contribute to the economic revitalization of areas of the state 6542
and result in improving the economic welfare of all the people of 6543
the state. Accordingly, it is declared to be the public purpose of 6544
the state, through operations under sections 5531.09 and 5531.10 6545
of the Revised Code, and other applicable laws adopted pursuant to 6546
Section 13 of Article VIII, Ohio Constitution, and other authority 6547
vested in the general assembly, to assist in and facilitate the 6548
purposes set forth in division (B) of section 5531.10 of the 6549
Revised Code, and to assist and cooperate with any governmental 6550
agency in achieving such ~~purpose~~ purposes. 6551

Sec. 5531.10. (A) As used in this chapter: 6552

(1) "Bond proceedings" means the resolution, order, trust 6553
agreement, indenture, lease, lease-purchase agreements, and other 6554
agreements, amendments and supplements to the foregoing, or any 6555
one or more or combination thereof, authorizing or providing for 6556
the terms and conditions applicable to, or providing for the 6557

security or liquidity of, obligations issued pursuant to this 6558
section, and the provisions contained in such obligations. 6559

(2) "Bond service charges" means principal, including 6560
mandatory sinking fund requirements for retirement of obligations, 6561
and interest, and redemption premium, if any, required to be paid 6562
by the state on obligations. 6563

(3) "Bond service fund" means the applicable fund and 6564
accounts therein created for and pledged to the payment of bond 6565
service charges, which may be, or may be part of, the state 6566
infrastructure bank revenue bond service fund created by division 6567
(R) of this section including all moneys and investments, and 6568
earnings from investments, credited and to be credited thereto. 6569

(4) "Issuing authority" means the treasurer of state, or the 6570
officer who by law performs the functions of the treasurer of 6571
state. 6572

(5) "Obligations" means bonds, notes, or other evidence of 6573
obligation including interest coupons pertaining thereto, issued 6574
pursuant to this section. 6575

(6) "Pledged receipts" means moneys accruing to the state 6576
from the lease, lease-purchase, sale, or other disposition, or 6577
use, of qualified projects, and from the repayment, including 6578
interest, of loans made from proceeds received from the sale of 6579
obligations; accrued interest received from the sale of 6580
obligations; income from the investment of the special funds; any 6581
gifts, grants, donations, and pledges, and receipts therefrom, 6582
available for the payment of bond service charges; and any amounts 6583
in the state infrastructure bank pledged to the payment of such 6584
charges. If the amounts in the state infrastructure bank are 6585
insufficient for the payment of such charges, "pledged receipts" 6586
also means moneys that are apportioned by the United States 6587
secretary of transportation under United States Code, Title XXIII, 6588

as amended, or any successor legislation, or under any other 6589
federal law relating to aid for highways, and that are to be 6590
received as a grant by the state, to the extent the state is not 6591
prohibited by state or federal law from using such moneys and the 6592
moneys are pledged to the payment of such bond service charges. 6593

(7) "Special funds" or "funds" means, except where the 6594
context does not permit, the bond service fund, and any other 6595
funds, including reserve funds, created under the bond 6596
proceedings, and the state infrastructure bank revenue bond 6597
service fund created by division (R) of this section to the extent 6598
provided in the bond proceedings, including all moneys and 6599
investments, and earnings from investment, credited and to be 6600
credited thereto. 6601

(8) "State infrastructure project" means any public 6602
transportation project undertaken by the state, including, but not 6603
limited to, all components of any such project, as described in 6604
division (D) of section 5131.09 of the Revised Code. 6605

(B) The issuing authority, after giving written notice to the 6606
director of budget and management and upon the certification by 6607
the director of transportation to the issuing authority of the 6608
amount of moneys or additional moneys needed either for state 6609
infrastructure projects or to provide financial assistance for any 6610
of the purposes for which the state infrastructure bank may be 6611
used under section 5531.09 of the Revised Code, or needed for 6612
capitalized interest, funding reserves, and paying costs and 6613
expenses incurred in connection with the issuance, carrying, 6614
securing, paying, redeeming, or retirement of the obligations or 6615
any obligations refunded thereby, including payment of costs and 6616
expenses relating to letters of credit, lines of credit, 6617
insurance, put agreements, standby purchase agreements, indexing, 6618
marketing, remarketing and administrative arrangements, interest 6619
swap or hedging agreements, and any other credit enhancement, 6620

liquidity, remarketing, renewal, or refunding arrangements, all of
which are authorized by this section, shall issue obligations of
the state under this section in the required amount. The proceeds
of such obligations, except for the portion to be deposited in
special funds, including reserve funds, as may be provided in the
bond proceedings, shall as provided in the bond proceedings be
credited to the infrastructure bank obligations fund of the state
infrastructure bank created by section 5531.09 of the Revised Code
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 6653
service charges is limited to all or that portion of the pledged 6654
receipts and those special funds pledged thereto pursuant to the 6655
bond proceedings for such obligations in accordance with this 6656
section, and each such obligation shall bear on its face a 6657
statement to that effect. 6658

(D) Obligations shall be authorized by order of the issuing 6659
authority and the bond proceedings shall provide for the purpose 6660
thereof and the principal amount or amounts, and shall provide for 6661
or authorize the manner or agency for determining the principal 6662
maturity or maturities, not exceeding twenty-five years from the 6663
date of issuance, the interest rate or rates or the maximum 6664
interest rate, the date of the obligations and the dates of 6665
payment of interest thereon, their denomination, and the 6666
establishment within or without the state of a place or places of 6667
payment of bond service charges. Sections 9.98 to 9.983 of the 6668
Revised Code are applicable to obligations issued under this 6669
section. The purpose of such obligations may be stated in the bond 6670
proceedings in terms describing the general purpose or purposes to 6671
be served. The bond proceedings also shall provide, subject to the 6672
provisions of any other applicable bond proceedings, for the 6673
pledge of all, or such part as the issuing authority may 6674
determine, of the pledged receipts and the applicable special fund 6675
or funds to the payment of bond service charges, which pledges may 6676
be made either prior or subordinate to other expenses, claims, or 6677
payments, and may be made to secure the obligations on a parity 6678
with obligations theretofore or thereafter issued, if and to the 6679
extent provided in the bond proceedings. The pledged receipts and 6680
special funds so pledged and thereafter received by the state 6681
immediately are subject to the lien of such pledge without any 6682
physical delivery thereof or further act, and the lien of any such 6683
pledges is valid and binding against all parties having claims of 6684
any kind against the state or any governmental agency of the 6685

state, irrespective of whether such parties have notice thereof, 6686
and shall create a perfected security interest for all purposes of 6687
Chapter 1309. of the Revised Code, without the necessity for 6688
separation or delivery of funds or for the filing or recording of 6689
the bond proceedings by which such pledge is created or any 6690
certificate, statement, or other document with respect thereto; 6691
and the pledge of such pledged receipts and special funds is 6692
effective and the money therefrom and thereof may be applied to 6693
the purposes for which pledged without necessity for any act of 6694
appropriation. Every pledge, and every covenant and agreement made 6695
with respect thereto, made in the bond proceedings may therein be 6696
extended to the benefit of the owners and holders of obligations 6697
authorized by this section, and to any trustee therefor, for the 6698
further security of the payment of the bond service charges. 6699

(E) The bond proceedings may contain additional provisions as 6700
to: 6701

(1) The redemption of obligations prior to maturity at the 6702
option of the issuing authority at such price or prices and under 6703
such terms and conditions as are provided in the bond proceedings; 6704

(2) Other terms of the obligations; 6705

(3) Limitations on the issuance of additional obligations; 6706

(4) The terms of any trust agreement or indenture securing 6707
the obligations or under which the same may be issued; 6708

(5) The deposit, investment, and application of special 6709
funds, and the safeguarding of moneys on hand or on deposit, 6710
without regard to Chapter 131. or 135. of the Revised Code, but 6711
subject to any special provisions of this section with respect to 6712
particular funds or moneys, provided that any bank or trust 6713
company which acts as depository of any moneys in the special 6714
funds may furnish such indemnifying bonds or may pledge such 6715
securities as required by the issuing authority; 6716

(6) Any or every provision of the bond proceedings being 6717
binding upon such officer, board, commission, authority, agency, 6718
department, or other person or body as may from time to time have 6719
the authority under law to take such actions as may be necessary 6720
to perform all or any part of the duty required by such provision; 6721

(7) Any provision that may be made in a trust agreement or 6722
indenture; 6723

(8) Any other or additional agreements with the holders of 6724
the obligations, or the trustee therefor, relating to the 6725
obligations or the security therefor, including the assignment of 6726
mortgages or other security relating to financial assistance for 6727
qualified projects under section 5531.09 of the Revised Code. 6728

(F) The obligations may have the great seal of the state or a 6729
facsimile thereof affixed thereto or printed thereon. The 6730
obligations and any coupons pertaining to obligations shall be 6731
signed or bear the facsimile signature of the issuing authority. 6732
Any obligations or coupons may be executed by the person who, on 6733
the date of execution, is the proper issuing authority although on 6734
the date of such bonds or coupons such person was not the issuing 6735
authority. In case the issuing authority whose signature or a 6736
facsimile of whose signature appears on any such obligation or 6737
coupon ceases to be the issuing authority before delivery thereof, 6738
such signature or facsimile nevertheless is valid and sufficient 6739
for all purposes as if the former issuing authority had remained 6740
the issuing authority until such delivery; and in case the seal to 6741
be affixed to obligations has been changed after a facsimile of 6742
the seal has been imprinted on such obligations, such facsimile 6743
seal shall continue to be sufficient as to such obligations and 6744
obligations issued in substitution or exchange therefor. 6745

(G) All obligations are negotiable instruments and securities 6746
under Chapter 1308. of the Revised Code, subject to the provisions 6747

of the bond proceedings as to registration. The obligations may be
issued in coupon or in registered form, or both, as the issuing
authority determines. Provision may be made for the registration
of any obligations with coupons attached thereto as to principal
alone or as to both principal and interest, their exchange for
obligations so registered, and for the conversion or reconversion
into obligations with coupons attached thereto of any obligations
registered as to both principal and interest, and for reasonable
charges for such registration, exchange, conversion, and
reconversion.

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

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

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

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

(2) In the event of default in any payments required to be
made by the bond proceedings, or any other agreement of the
issuing authority made as a part of the contract under which the

obligations were issued, enforcement of such payments or agreement 6779
by mandamus, the appointment of a receiver, suit in equity, action 6780
at law, or any combination of the foregoing; 6781

(3) The rights and remedies of the holders of obligations and 6782
of the trustee, and provisions for protecting and enforcing them, 6783
including limitations on the rights of individual holders of 6784
obligations; 6785

(4) The replacement of any obligations that become mutilated 6786
or are destroyed, lost, or stolen; 6787

(5) Such other provisions as the trustee and the issuing 6788
authority agree upon, including limitations, conditions, or 6789
qualifications relating to any of the foregoing. 6790

(K) Any holder of obligations or a trustee under the bond 6791
proceedings, except to the extent that the holder's or trustee's 6792
rights are restricted by the bond proceedings, may by any suitable 6793
form of legal proceedings, protect and enforce any rights under 6794
the laws of this state or granted by such bond proceedings. Such 6795
rights include the right to compel the performance of all duties 6796
of the issuing authority and the director of transportation 6797
required by the bond proceedings or sections 5531.09 and 5531.10 6798
of the Revised Code; to enjoin unlawful activities; and in the 6799
event of default with respect to the payment of any bond service 6800
charges on any obligations or in the performance of any covenant 6801
or agreement on the part of the issuing authority or the director 6802
of transportation in the bond proceedings, to apply to a court 6803
having jurisdiction of the cause to appoint a receiver to receive 6804
and administer the pledged receipts and special funds, other than 6805
those in the custody of the treasurer of state, which are pledged 6806
to the payment of the bond service charges on such obligations or 6807
which are the subject of the covenant or agreement, with full 6808
power to pay, and to provide for payment of bond service charges 6809

on, such obligations, and with such powers, subject to the 6810
direction of the court, as are accorded receivers in general 6811
equity cases, excluding any power to pledge additional revenues or 6812
receipts or other income or moneys of the state or local 6813
governmental entities, or agencies thereof, to the payment of such 6814
principal and interest and excluding the power to take possession 6815
of, mortgage, or cause the sale or otherwise dispose of any 6816
project facilities. 6817

Each duty of the issuing authority and the issuing 6818
authority's officers and employees, and of each state or local 6819
governmental agency and its officers, members, or employees, 6820
undertaken pursuant to the bond proceedings or any loan, loan 6821
guarantee, lease, lease-purchase agreement, or other agreement 6822
made under authority of section 5531.09 of the Revised Code, and 6823
in every agreement by or with the issuing authority, is hereby 6824
established as a duty of the issuing authority, and of each such 6825
officer, member, or employee having authority to perform such 6826
duty, specifically enjoined by the law resulting from an office, 6827
trust, or station within the meaning of section 2731.01 of the 6828
Revised Code. 6829

The person who is at the time the issuing authority, or the 6830
issuing authority's officers or employees, are not liable in their 6831
personal capacities on any obligations issued by the issuing 6832
authority or any agreements of or with the issuing authority. 6833

(L) The issuing authority may authorize and issue obligations 6834
for the refunding, including funding and retirement, and advance 6835
refunding with or without payment or redemption prior to maturity, 6836
of any obligations previously issued by the issuing authority. 6837
Such obligations may be issued in amounts sufficient for payment 6838
of the principal amount of the prior obligations, any redemption 6839
premiums thereon, principal maturities of any such obligations 6840
maturing prior to the redemption of the remaining obligations on a 6841

parity therewith, interest accrued or to accrue to the maturity 6842
dates or dates of redemption of such obligations, and any expenses 6843
incurred or to be incurred in connection with such issuance and 6844
such refunding, funding, and retirement. Subject to the bond 6845
proceedings therefor, the portion of proceeds of the sale of 6846
obligations issued under this division to be applied to bond 6847
service charges on the prior obligations shall be credited to an 6848
appropriate account held by the trustee for such prior or new 6849
obligations or to the appropriate account in the bond service fund 6850
for such obligations. Obligations authorized under this division 6851
shall be deemed to be issued for those purposes for which such 6852
prior obligations were issued and are subject to the provisions of 6853
this section pertaining to other obligations, except as otherwise 6854
provided in this section. The last maturity of obligations 6855
authorized under this division shall not be later than twenty-five 6856
years from the date of issuance of the original securities issued 6857
for the original purpose. 6858

(M) The authority to issue obligations under this section 6859
includes authority to issue obligations in the form of bond 6860
anticipation notes and to renew the same from time to time by the 6861
issuance of new notes. The holders of such notes or interest 6862
coupons pertaining thereto shall have a right to be paid solely 6863
from the pledged receipts and special funds that may be pledged to 6864
the payment of the bonds anticipated, or from the proceeds of such 6865
bonds or renewal notes, or both, as the issuing authority provides 6866
in the order authorizing such notes. Such notes may be 6867
additionally secured by covenants of the issuing authority to the 6868
effect that the issuing authority and the state will do such or 6869
all things necessary for the issuance of such bonds or renewal 6870
notes in the appropriate amount, and apply the proceeds thereof to 6871
the extent necessary, to make full payment of the principal of and 6872
interest on such notes at the time or times contemplated, as 6873

provided in such order. For such purpose, the issuing authority 6874
may issue bonds or renewal notes in such principal amount and upon 6875
such terms as may be necessary to provide funds to pay when 6876
required the principal of and interest on such notes, 6877
notwithstanding any limitations prescribed by or for purposes of 6878
this section. Subject to this division, all provisions for and 6879
references to obligations in this section are applicable to notes 6880
authorized under this division. 6881

The issuing authority in the bond proceedings authorizing the 6882
issuance of bond anticipation notes shall set forth for such bonds 6883
an estimated interest rate and a schedule of principal payments 6884
for such bonds and the annual maturity dates thereof. 6885

(N) Obligations issued under this section are lawful 6886
investments for banks, societies for savings, savings and loan 6887
associations, deposit guarantee associations, trust companies, 6888
trustees, fiduciaries, insurance companies, including domestic for 6889
life and domestic not for life, trustees or other officers having 6890
charge of sinking and bond retirement or other special funds of 6891
political subdivisions and taxing districts of this state, the 6892
commissioners of the sinking fund of the state, the administrator 6893
of workers' compensation ~~in accordance with the investment policy~~ 6894
~~established by the workers' compensation oversight commission~~ 6895
~~pursuant to section 4121.12 of the Revised Code~~, the state 6896
teachers retirement system, the public employees retirement 6897
system, the school employees retirement system, and the Ohio 6898
police and fire pension fund, notwithstanding any other provisions 6899
of the Revised Code or rules adopted pursuant thereto by any 6900
agency of the state with respect to investments by them, and are 6901
also acceptable as security for the deposit of public moneys. 6902

(O) Unless otherwise provided in any applicable bond 6903
proceedings, moneys to the credit of or in the special funds 6904
established by or pursuant to this section may be invested by or 6905

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

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state,

provided that no such order is required for the payment from the 6938
bond service fund when due of bond service charges on obligations. 6939

(Q)(1) The issuing authority may pledge all, or such portion 6940
as the issuing authority determines, of the pledged receipts to 6941
the payment of bond service charges on obligations issued under 6942
this section, and for the establishment and maintenance of any 6943
reserves, as provided in the bond proceedings, and make other 6944
provisions therein with respect to pledged receipts as authorized 6945
by this chapter, which provisions are controlling notwithstanding 6946
any other provisions of law pertaining thereto. 6947

(2) An action taken under division (Q)(2) of this section 6948
does not limit the generality of division (Q)(1) of this section, 6949
and is subject to division (C) of this section and, if and to the 6950
extent otherwise applicable, Section 13 of Article VIII, Ohio 6951
Constitution. The bond proceedings may contain a covenant that, in 6952
the event the pledged receipts primarily pledged and required to 6953
be used for the payment of bond service charges on obligations 6954
issued under this section, and for the establishment and 6955
maintenance of any reserves, as provided in the bond proceedings, 6956
are insufficient to make any such payment in full when due, or to 6957
maintain any such reserve, the director of transportation shall so 6958
notify the governor, and shall determine to what extent, if any, 6959
the payment may be made or moneys may be restored to the reserves 6960
from lawfully available moneys previously appropriated for that 6961
purpose to the department of transportation. The covenant also may 6962
provide that if the payments are not made or the moneys are not 6963
immediately and fully restored to the reserves from such moneys, 6964
the director shall promptly submit to the governor and to the 6965
director of budget and management a written request for either or 6966
both of the following: 6967

(a) That the next biennial budget submitted by the governor 6968
to the general assembly include an amount to be appropriated from 6969

lawfully available moneys to the department for the purpose of and 6970
sufficient for the payment in full of bond service charges 6971
previously due and for the full replenishment of the reserves; 6972

(b) That the general assembly be requested to increase 6973
appropriations from lawfully available moneys for the department 6974
in the current biennium sufficient for the purpose of and for the 6975
payment in full of bond service charges previously due and to come 6976
due in the biennium and for the full replenishment of the 6977
reserves. 6978

The director of transportation shall include with such 6979
requests a recommendation that the payment of the bond service 6980
charges and the replenishment of the reserves be made in the 6981
interest of maximizing the benefits of the state infrastructure 6982
bank. Any such covenant shall not obligate or purport to obligate 6983
the state to pay the bond service charges on such bonds or notes 6984
or to deposit moneys in a reserve established for such payments 6985
other than from moneys that may be lawfully available and 6986
appropriated for that purpose during the then-current biennium. 6987

(R) There is hereby created the state infrastructure bank 6988
revenue bond service fund, which shall be in the custody of the 6989
treasurer of state but shall not be a part of the state treasury. 6990
All moneys received by or on account of the issuing authority or 6991
state agencies and required by the applicable bond proceedings, 6992
consistent with this section, to be deposited, transferred, or 6993
credited to the bond service fund, and all other moneys 6994
transferred or allocated to or received for the purposes of the 6995
fund, shall be deposited and credited to such fund and to any 6996
separate accounts therein, subject to applicable provisions of the 6997
bond proceedings, but without necessity for any act of 6998
appropriation. The state infrastructure bank revenue bond service 6999
fund is a trust fund and is hereby pledged to the payment of bond 7000
service charges to the extent provided in the applicable bond 7001

proceedings, and payment thereof from such fund shall be made or
provided for by the treasurer of state in accordance with such
bond proceedings without necessity for any act of appropriation.

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

Sec. 5531.11. The director of transportation, with the
approval of the director of budget and management, may enter into
the following:

(A) Agreements with the United States or any department or
agency thereof, as provided in the "Intergovernmental Cooperation
Act of 1968," 82 Stat. 1098, 31 U.S.C. 6501-6508, as amended, and
any other federal cooperation act. Such an agreement may include
provisions for advance payment by the department of transportation
for labor and all other identifiable costs of providing services
by the United States or any department or agency thereof as may be
estimated by the United States or any department or agency
thereof.

(B) Project cooperation agreements with the United States
department of the army for construction projects, as determined
necessary by the director. Such an agreement may include
provisions for advance payment by the department of transportation
of the department of transportation's contribution or share of the
total project costs and all other identifiable costs of the
project as may be estimated by the United States department of the
army.

Sec. 5537.16. (A) The Ohio turnpike commission may adopt such
bylaws and rules as it considers advisable for the control and
regulation of traffic on any turnpike project, for the protection

and preservation of property under its jurisdiction and control, 7032
and for the maintenance and preservation of good order within the 7033
property under its control. The rules of the commission with 7034
respect to the speed, axle loads, vehicle loads, and vehicle 7035
dimensions of vehicles on turnpike projects, including the 7036
issuance of a special permit by the commission to allow the 7037
operation on any turnpike project of a motor vehicle transporting 7038
two or fewer steel coils, shall apply notwithstanding sections 7039
4511.21 to 4511.24, 4513.34, and Chapter 5577. of the Revised 7040
Code. Such bylaws and rules shall be published in a newspaper of 7041
general circulation in Franklin county, and in such other manner 7042
as the commission prescribes. 7043

(B) Such rules shall provide that public police officers 7044
shall be afforded ready access, while in the performance of their 7045
official duty, to all property under the jurisdiction of the 7046
commission and without the payment of tolls. 7047

(C) No person shall violate any such bylaws or rules of the 7048
commission. All fines collected for the violation of applicable 7049
laws of the state and the bylaws and rules of the commission or 7050
moneys arising from bonds forfeited for such violation shall be 7051
disposed of in accordance with section 5503.04 of the Revised 7052
Code. 7053

Sec. 5537.17. (A) Each turnpike project open to traffic shall 7054
be maintained and kept in good condition and repair by the Ohio 7055
turnpike commission. The Ohio turnpike system shall be policed and 7056
operated by a force of police, toll collectors, and other 7057
employees and agents that the commission employs or contracts for. 7058
7059

(B) All public or private property damaged or destroyed in 7060
carrying out the powers granted by this chapter shall be restored 7061
or repaired and placed in its original condition, as nearly as 7062

practicable, or adequate compensation or consideration made 7063
therefor out of moneys provided under this chapter. 7064

(C) All governmental agencies may lease, lend, grant, or 7065
convey to the commission at its request, upon terms that the 7066
proper authorities of the governmental agencies consider 7067
reasonable and fair and without the necessity for an 7068
advertisement, order of court, or other action or formality, other 7069
than the regular and formal action of the authorities concerned, 7070
any property that is necessary or convenient to the effectuation 7071
of the purposes of the commission, including public roads and 7072
other property already devoted to public use. 7073

(D) Each bridge constituting part of a turnpike project shall 7074
be inspected at least once each year by a professional engineer 7075
employed or retained by the commission. 7076

(E) On or before the first day of ~~April~~ July in each year, 7077
the commission shall make an annual report of its activities for 7078
the preceding calendar year to the governor and the general 7079
assembly. Each such report shall set forth a complete operating 7080
and financial statement covering the commission's operations 7081
during the year. The commission shall cause an audit of its books 7082
and accounts to be made at least once each year by certified 7083
public accountants, and the cost thereof may be treated as a part 7084
of the cost of operations of the commission. The auditor of state, 7085
at least once a year and without previous notice to the 7086
commission, shall audit the accounts and transactions of the 7087
commission. 7088

(F) The commission shall submit a copy of its annual audit by 7089
the auditor of state and its proposed annual budget for each 7090
calendar or fiscal year to the governor, the presiding officers of 7091
each house of the general assembly, the director of budget and 7092
management, and ~~the legislative budget office of the legislative~~ 7093

service commission no later than the first day of that calendar or 7094
fiscal year. 7095

Sec. 5543.02. The county engineer shall report to the board 7096
of county commissioners, on or before the first day of ~~April~~ June 7097
in each year, the condition of the county roads, bridges, and 7098
culverts, and estimate the probable amount of funds required to 7099
maintain and repair or to construct any new roads, bridges, or 7100
culverts required within the county. 7101

The engineer ~~shall~~, on or before the first day of ~~April~~ June 7102
in each year, shall make an annual estimate for the board of 7103
township trustees of each township, setting forth the amount 7104
required by the township for the construction, reconstruction, 7105
resurfacing, or improvement of the public roads within their 7106
jurisdiction. Such estimates shall relate to the year beginning on 7107
the first day of March next ensuing, and shall be for the 7108
information of the board of county commissioners and board of 7109
township trustees, in the making of their annual levies. 7110

The engineer shall approve all estimates which are paid from 7111
county funds for the construction, improvement, maintenance, and 7112
repair of roads and bridges by the county. ~~He~~ The engineer shall 7113
approve all estimates which are paid from township funds for the 7114
construction, reconstruction, resurfacing, or improving of roads 7115
under sections 5571.01, 5571.06, 5571.07, 5571.15, and 5573.01 to 7116
5573.09 of the Revised Code. ~~He~~ The engineer shall also approve 7117
all estimates which are paid from the funds of a road district for 7118
the construction, reconstruction, resurfacing, or improvement of 7119
the roads thereof under section 5573.21 of the Revised Code. 7120

For the construction or repair of a bridge, the entire cost 7121
of which construction or repair exceeds fifty thousand dollars, 7122
the county engineer may request the director of transportation to 7123
review and comment on the plans for conformance with state and 7124

federal requirements. If so requested, the director shall review 7125
and comment on the plans. 7126

Sec. 5735.05. (A) To provide revenue for maintaining the 7127
state highway system; to widen existing surfaces on such highways; 7128
to resurface such highways; to pay that portion of the 7129
construction cost of a highway project which a county, township, 7130
or municipal corporation normally would be required to pay, but 7131
which the director of transportation, pursuant to division (B) of 7132
section 5531.08 of the Revised Code, determines instead will be 7133
paid from moneys in the highway operating fund; to enable the 7134
counties of the state properly to plan, maintain, and repair their 7135
roads and to pay principal, interest, and charges on bonds and 7136
other obligations issued pursuant to Chapter 133. of the Revised 7137
Code or incurred pursuant to section 5531.09 of the Revised Code 7138
for highway improvements; to enable the municipal corporations to 7139
plan, construct, reconstruct, repave, widen, maintain, repair, 7140
clear, and clean public highways, roads, and streets, and to pay 7141
the principal, interest, and charges on bonds and other 7142
obligations issued pursuant to Chapter 133. of the Revised Code or 7143
incurred pursuant to section 5531.09 of the Revised Code for 7144
highway improvements; to enable the Ohio turnpike commission to 7145
construct, reconstruct, maintain, and repair turnpike projects; to 7146
maintain and repair bridges and viaducts; to purchase, erect, and 7147
maintain street and traffic signs and markers; to purchase, erect, 7148
and maintain traffic lights and signals; to pay the costs 7149
apportioned to the public under sections 4907.47 and 4907.471 of 7150
the Revised Code and to supplement revenue already available for 7151
such purposes; to pay the costs incurred by the public utilities 7152
commission in administering sections 4907.47 to 4907.476 of the 7153
Revised Code; to distribute equitably among those persons using 7154
the privilege of driving motor vehicles upon such highways and 7155
streets the cost of maintaining and repairing them; to pay the 7156

interest, principal, and charges on highway capital improvements 7157
bonds and other obligations issued pursuant to Section 2m of 7158
Article VIII, Ohio Constitution, and section 151.06 of the Revised 7159
Code; to pay the interest, principal, and charges on highway 7160
obligations issued pursuant to Section 2i of Article VIII, Ohio 7161
Constitution, and sections 5528.30 and 5528.31 of the Revised 7162
Code; to provide revenue for the purposes of sections 1547.71 to 7163
1547.78 of the Revised Code; and to pay the expenses of the 7164
department of taxation incident to the administration of the motor 7165
fuel laws, a motor fuel excise tax is hereby imposed on all motor 7166
fuel dealers upon receipt of motor fuel within this state at the 7167
rate of two cents plus the cents per gallon rate on each gallon so 7168
received, to be computed in the manner set forth in section 7169
5735.06 of the Revised Code; provided that no tax is hereby 7170
imposed upon the following transactions: 7171

(1) The sale of dyed diesel fuel by a licensed motor fuel 7172
dealer from a location other than a retail service station 7173
provided the licensed motor fuel dealer places on the face of the 7174
delivery document or invoice, or both if both are used, a 7175
conspicuous notice stating that the fuel is dyed and is not for 7176
taxable use, and that taxable use of that fuel is subject to a 7177
penalty. The tax commissioner, by rule, may provide that any 7178
notice conforming to rules or regulations issued by the United 7179
States department of the treasury or the Internal Revenue Service 7180
is sufficient notice for the purposes of division (A)(1) of this 7181
section. 7182

(2) The sale of K-1 kerosene to a retail service station, 7183
except when placed directly in the fuel supply tank of a motor 7184
vehicle. Such sale shall be rebuttably presumed to not be 7185
distributed or sold for use or used to generate power for the 7186
operation of motor vehicles upon the public highways or upon the 7187
waters within the boundaries of this state. 7188

(3) The sale of motor fuel by a licensed motor fuel dealer to another licensed motor fuel dealer;	7189 7190
(4) The exportation of motor fuel by a licensed motor fuel dealer from this state to any other state or foreign country;	7191 7192
(5) The sale of motor fuel to the United States government or any of its agencies, except such tax as is permitted by it, where such sale is evidenced by an exemption certificate, in a form approved by the tax commissioner, executed by the United States government or an agency thereof certifying that the motor fuel therein identified has been purchased for the exclusive use of the United States government or its agency;	7193 7194 7195 7196 7197 7198 7199
(6) The sale of motor fuel that is in the process of transportation in foreign or interstate commerce, except insofar as it may be taxable under the Constitution and statutes of the United States, and except as may be agreed upon in writing by the dealer and the commissioner;	7200 7201 7202 7203 7204
(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;	7205 7206 7207 7208 7209
(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type A;	7210 7211
(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type B, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.	7212 7213 7214 7215
(10) The sale to a consumer of diesel fuel, by a motor fuel dealer for delivery from a bulk lot vehicle, for consumption in operating a vessel when the use of such fuel in a vessel would	7216 7217 7218

otherwise qualify for a refund under section 5735.14 of the Revised Code. 7219
7220

Division (A)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel. 7221
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(B) The two cent motor fuel tax levied by this section is also for the purpose of paying the expenses of administering and enforcing the state law relating to the registration and operation of motor vehicles. 7227
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7229
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(C) After the tax provided for by this section on the receipt of any motor fuel has been paid by the motor fuel dealer, the motor fuel may thereafter be used, sold, or resold by any person having lawful title to it, without incurring liability for such tax. 7231
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If a licensed motor fuel dealer sells motor fuel received by the licensed motor fuel dealer to another licensed motor fuel dealer, the seller may deduct on the report required by section 5735.06 of the Revised Code the number of gallons so sold for the month within which the motor fuel was sold or delivered. In this event the number of gallons is deemed to have been received by the purchaser, who shall report and pay the tax imposed thereon. 7236
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Sec. 5735.23. (A) Out of receipts from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 7243
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treasurer of state shall then transfer the amount required by 7249
section 5735.051 of the Revised Code to the waterways safety fund, 7250
the amount required by section 4907.472 of the Revised Code to the 7251
grade crossing protection fund, and the amount required by section 7252
5735.053 of the Revised Code to the motor fuel tax administration 7253
fund. 7254

(B) Except as provided in division (D) of this section, each 7255
month the balance of the receipts from the tax levied by section 7256
5735.05 of the Revised Code shall be credited, after receipt by 7257
the treasurer of state of certification from the commissioners of 7258
the sinking fund, as required by section 5528.35 of the Revised 7259
Code, that there are sufficient moneys to the credit of the 7260
highway obligations bond retirement fund to meet in full all 7261
payments of interest, principal, and charges for the retirement of 7262
highway obligations issued pursuant to Section 2i of Article VIII, 7263
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 7264
Code due and payable during the current calendar year, as follows: 7265

(1) To the state and local government highway distribution 7266
fund, which is hereby created in the state treasury, an amount 7267
that is the same percentage of the balance to be credited as that 7268
portion of the tax per gallon determined under division (B)(2)(a) 7269
of section 5735.06 of the Revised Code is of the total tax per 7270
gallon determined under divisions (B)(2)(a) and (b) of that 7271
section. 7272

(2) After making the distribution to the state and local 7273
government highway distribution fund, the remainder shall be 7274
credited as follows: 7275

(a) Thirty per cent to the gasoline excise tax fund for 7276
distribution pursuant to division (A)(1) of section 5735.27 of the 7277
Revised Code; 7278

(b) Twenty-five per cent to the gasoline excise tax fund for 7279

distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code; 7280
7281

(c) Except as provided in division (D) of this section, 7282
forty-five per cent to the highway operating fund for distribution 7283
pursuant to division (B)(1) of section 5735.27 of the Revised 7284
Code. 7285

(C) From the balance in the state and local government 7286
highway distribution fund on the last day of each month there 7287
shall be paid the following amounts: 7288

(1) To the local transportation improvement program fund 7289
created by section 164.14 of the Revised Code, an amount equal to 7290
a fraction of the balance in the state and local government 7291
highway distribution fund, the numerator of which fraction is one 7292
and the denominator of which fraction is that portion of the tax 7293
per gallon determined under division (B)(2)(a) of section 5735.06 7294
of the Revised Code; 7295

(2) An amount equal to five cents multiplied by the number of 7296
gallons of motor fuel sold at stations operated by the Ohio 7297
turnpike commission, such gallonage to be certified by the 7298
commission to the treasurer of state not later than the last day 7299
of the month following. The funds paid to the commission pursuant 7300
to this section shall be expended for the construction, 7301
reconstruction, maintenance, and repair of turnpike projects, 7302
except that the funds may not be expended for the construction of 7303
new interchanges. The funds also may be expended for the 7304
construction, reconstruction, maintenance, and repair of those 7305
portions of connecting public roads that serve existing 7306
interchanges and are determined by the commission and the director 7307
of transportation to be necessary for the safe merging of traffic 7308
between the turnpike and those public roads. 7309

The remainder of the balance shall be distributed as follows 7310

on the fifteenth day of the following month: 7311

(a) Ten and seven-tenths per cent shall be paid to municipal 7312
corporations for distribution pursuant to division (A)(1) of 7313
section 5735.27 of the Revised Code and may be used for any 7314
purpose for which payments received under that division may be 7315
used. ~~Beginning August 15, 2004 Through July 15, 2005~~, the sum of 7316
two hundred forty-eight thousand six hundred twenty-five dollars 7317
shall be monthly subtracted from the amount so computed and 7318
credited to the highway operating fund. Beginning August 15, 2005, 7319
the sum of seven hundred forty-five thousand eight hundred 7320
seventy-five dollars shall be monthly subtracted from the amount 7321
so computed and credited to the highway operating fund. 7322

(b) Five per cent shall be paid to townships for distribution 7323
pursuant to division (A)(5) of section 5735.27 of the Revised Code 7324
and may be used for any purpose for which payments received under 7325
that division may be used. ~~Beginning August 15, 2004 Through July~~ 7326
15, 2005, the sum of eighty-seven thousand seven hundred fifty 7327
dollars shall be monthly subtracted from the amount so computed 7328
and credited to the highway operating fund. Beginning August 15, 7329
2005, the sum of two hundred sixty-three thousand two hundred 7330
fifty dollars shall be monthly subtracted from the amount so 7331
computed and credited to the highway operating fund. 7332

(c) Nine and three-tenths per cent shall be paid to counties 7333
for distribution pursuant to division (A)(3) of section 5735.27 of 7334
the Revised Code and may be used for any purpose for which 7335
payments received under that division may be used. ~~Beginning~~ 7336
~~August 15, 2004 Through July 15, 2005~~, the sum of two hundred 7337
forty-eight thousand six hundred twenty-five dollars shall be 7338
monthly subtracted from the amount so computed and credited to the 7339
highway operating fund. Beginning August 15, 2005, the sum of 7340
seven hundred forty-five thousand eight hundred seventy-five 7341
dollars shall be monthly subtracted from the amount so computed 7342

and credited to the highway operating fund. 7343

(d) Except as provided in division (D) of this section, the 7344
balance shall be transferred to the highway operating fund and 7345
used for the purposes set forth in division (B)(1) of section 7346
5735.27 of the Revised Code. 7347

(D) ~~Beginning on the first day of Monthly from~~ September to 7348
~~February of~~ each fiscal year, ~~any~~ an amount equal to one-sixth of 7349
the amount certified in July of that year by the treasurer of 7350
state pursuant to division (O) of section 151.01 of the Revised 7351
Code shall, from amounts required to be credited or transferred to 7352
the highway operating fund pursuant to division (B)(2)(c) or 7353
(C)(2)(d) of this section ~~shall,~~ be credited or transferred to the 7354
highway capital improvement bond service fund created in section 7355
151.06 of the Revised Code. If, in any of those months, the amount 7356
available to be credited or transferred to the bond service fund 7357
is less than one-sixth of the amount so certified, the shortfall 7358
shall be added to the amount due the next succeeding month. Any 7359
amount still due at the end of the six-month period shall be 7360
credited or transferred as the money becomes available, until such 7361
time as the office of budget and management receives certification 7362
from the treasurer of state or the treasurer of state's designee 7363
that sufficient money has been credited or transferred to the bond 7364
service fund to meet in full all payments of debt service and 7365
financing costs due during the fiscal year from that fund. 7366

Sec. 5735.25. To provide revenue for supplying the state's 7367
share of the cost of planning, constructing, widening, and 7368
reconstructing the state highways; for supplying the state's share 7369
of the cost of eliminating railway grade crossings upon such 7370
highways; to pay that portion of the construction cost of a 7371
highway project which a county, township, or municipal corporation 7372
normally would be required to pay, but which the director of 7373

transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties and townships of the state to properly plan, construct, widen, reconstruct, and maintain their public highways, roads, and streets; to enable counties to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to enable municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to enable municipal corporations to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to purchase, erect, and maintain traffic lights and signals; to pay the costs apportioned to the public under section 4907.47 of the Revised Code; to provide revenue for the purposes of sections 1547.71 to 1547.78 of the Revised Code and to supplement revenue already available for such purposes; to pay the expenses of the department of taxation incident to the administration of the motor fuel laws, to supplement revenue already available for such purposes, to pay the interest, principal, and charges on 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; and to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code, a motor fuel excise tax is hereby imposed on all motor fuel dealers upon their receipt of motor fuel within this state, at the rate of two cents per gallon on each gallon so received. This tax is subject to the

specific exemptions set forth in this chapter of the Revised Code. 7407
It shall be reported, computed, paid, collected, administered, 7408
enforced, and refunded, and the failure properly and correctly to 7409
report and pay the tax shall be penalized, in exactly the same 7410
manner as is provided in this chapter. Such sections relating to 7411
motor fuel excise taxes are reenacted and incorporated as if 7412
specifically set forth in this section. The tax levied by this 7413
section shall be in addition to the tax imposed under this 7414
chapter. 7415

Sec. 5735.27. (A) There is hereby created in the state 7416
treasury the gasoline excise tax fund, which shall be distributed 7417
in the following manner: 7418

(1) The amount credited pursuant to divisions (B)(2)(a) and 7419
(C)(2)(a) of section 5735.23 of the Revised Code shall be 7420
distributed among municipal corporations. The amount paid to each 7421
municipal corporation shall be that proportion of the amount to be 7422
so distributed that the number of motor vehicles registered within 7423
such municipal corporation bears to the total number of motor 7424
vehicles registered within all the municipal corporations of this 7425
state during the preceding motor vehicle registration year. When a 7426
new village is incorporated, the registrar of motor vehicles shall 7427
determine from the applications on file in the bureau of motor 7428
vehicles the number of motor vehicles located within the territory 7429
comprising the village during the entire registration year in 7430
which such municipal corporation was incorporated. The registrar 7431
shall forthwith certify the number of motor vehicles so determined 7432
to the tax commissioner for use in distributing motor vehicle fuel 7433
tax funds to such village until such village is qualified to 7434
participate in the distribution of such funds pursuant to this 7435
division. The number of such motor vehicle registrations shall be 7436
determined by the official records of the bureau of motor 7437
vehicles. The amount received by each municipal corporation shall 7438

be used to plan, construct, reconstruct, repave, widen, maintain, 7439
repair, clear, and clean public highways, roads, and streets; to 7440
maintain and repair bridges and viaducts; to purchase, erect, and 7441
maintain street and traffic signs and markers; to pay the costs 7442
apportioned to the municipal corporation under section 4907.47 of 7443
the Revised Code; to purchase, erect, and maintain traffic lights 7444
and signals; to pay the principal, interest, and charges on bonds 7445
and other obligations issued pursuant to Chapter 133. of the 7446
Revised Code or incurred pursuant to section 5531.09 of the 7447
Revised Code for the purpose of acquiring or constructing roads, 7448
highways, bridges, or viaducts or acquiring or making other 7449
highway improvements for which the municipal corporation may issue 7450
bonds; and to supplement revenue already available for such 7451
purposes. 7452

(2) The amount credited pursuant to division (B) of section 7453
5735.26 of the Revised Code shall be distributed among the 7454
municipal corporations within the state, in the proportion which 7455
the number of motor vehicles registered within each municipal 7456
corporation bears to the total number of motor vehicles registered 7457
within all the municipal corporations of the state during the 7458
preceding calendar year, as shown by the official records of the 7459
bureau of motor vehicles, and shall be expended by each municipal 7460
corporation to plan, construct, reconstruct, repave, widen, 7461
maintain, repair, clear, and clean public highways, roads and 7462
streets; to maintain and repair bridges and viaducts; to purchase, 7463
erect, and maintain street and traffic signs and markers; to 7464
purchase, erect, and maintain traffic lights and signals; to pay 7465
costs apportioned to the municipal corporation under section 7466
4907.47 of the Revised Code; to pay the principal, interest, and 7467
charges on bonds and other obligations issued pursuant to Chapter 7468
133. of the Revised Code or incurred pursuant to section 5531.09 7469
of the Revised Code for the purpose of acquiring or constructing 7470

roads, highways, bridges, or viaducts or acquiring or making other 7471
highway improvements for which the municipal corporation may issue 7472
bonds; and to supplement revenue already available for such 7473
purposes. 7474

(3) The amount credited pursuant to divisions (B)(2)(b) and 7475
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 7476
equal proportions to the county treasurer of each county within 7477
the state and shall be used only for the purposes of planning, 7478
maintaining, and repairing the county system of public roads and 7479
highways within such county; the planning, construction, and 7480
repair of walks or paths along county roads in congested areas; 7481
the planning, construction, purchase, lease, and maintenance of 7482
suitable buildings for the housing and repair of county road 7483
machinery, housing of supplies, and housing of personnel 7484
associated with the machinery and supplies; the payment of costs 7485
apportioned to the county under section 4907.47 of the Revised 7486
Code; the payment of principal, interest, and charges on bonds and 7487
other obligations issued pursuant to Chapter 133. of the Revised 7488
Code or incurred pursuant to section 5531.09 of the Revised Code 7489
for the purpose of acquiring or constructing roads, highways, 7490
bridges, or viaducts or acquiring or making other highway 7491
improvements for which the board of county commissioners may issue 7492
bonds under that chapter; and the purchase, installation, and 7493
maintenance of traffic signal lights. 7494

(4) The amount credited pursuant to division (C) of section 7495
5735.26 of the Revised Code shall be paid in equal proportions to 7496
the county treasurer of each county for the purposes of planning, 7497
maintaining, constructing, widening, and reconstructing the county 7498
system of public roads and highways; paying principal, interest, 7499
and charges on bonds and other obligations issued pursuant to 7500
Chapter 133. of the Revised Code or incurred pursuant to section 7501
5531.09 of the Revised Code for the purpose of acquiring or 7502

constructing roads, highways, bridges, or viaducts or acquiring or 7503
making other highway improvements for which the board of county 7504
commissioners may issue bonds under such chapter; and paying costs 7505
apportioned to the county under section 4907.47 of the Revised 7506
Code. 7507

(5)(a) The amount credited pursuant to division (D) of 7508
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 7509
Revised Code shall be divided in equal proportions among the 7510
townships within the state. 7511

(b) As used in division (A)(5)(b) of this section, the 7512
"formula amount" for any township is the amount that would be 7513
allocated to that township if fifty per cent of the amount 7514
credited to townships pursuant to section 5735.291 of the Revised 7515
Code were allocated among townships in the state proportionate to 7516
the number of lane miles within the boundaries of the respective 7517
townships, as determined annually by the department of 7518
transportation, and the other fifty per cent of the amount 7519
credited pursuant to section 5735.291 of the Revised Code were 7520
allocated among townships in the state proportionate to the number 7521
of motor vehicles registered within the respective townships, as 7522
determined annually by the records of the bureau of motor 7523
vehicles. 7524

Beginning on August 15, 2003, the tax levied by section 7525
5735.29 of the Revised Code shall be partially allocated to 7526
provide funding for townships. Each township shall receive the 7527
greater of the following two calculations: 7528

(i) The total statewide amount credited to townships under 7529
division (A) of section 5735.291 of the Revised Code divided by 7530
the number of townships in the state at the time of the 7531
calculation; 7532

(ii) Seventy per cent of the formula amount for that 7533

township. 7534

(c) The total difference between the amount of money credited 7535
to townships under division (A) of section 5735.291 of the Revised 7536
Code and the total amount of money required to make all the 7537
payments specified in division (A)(5)(b) of this section shall be 7538
deducted, in accordance with division (B) of section 5735.291 of 7539
the Revised Code, from the revenues resulting from the tax levied 7540
pursuant to section 5735.29 of the Revised Code prior to crediting 7541
portions of such revenues to counties, municipal corporations, and 7542
the highway operating fund. 7543

(d) All amounts credited pursuant to divisions (a) and (b) of 7544
this section shall be paid to the county treasurer of each county 7545
for the total amount payable to the townships within each of the 7546
counties. The county treasurer shall pay to each township within 7547
the county its proportional share of the funds, which shall be 7548
expended by each township for the sole purpose of planning, 7549
constructing, maintaining, widening, and reconstructing the public 7550
roads and highways within such township, and paying costs 7551
apportioned to the township under section 4907.47 of the Revised 7552
Code. 7553

No part of the funds shall be used for any purpose except to 7554
pay in whole or part the contract price of any such work done by 7555
contract, or to pay the cost of labor in planning, constructing, 7556
widening, and reconstructing such roads and highways, and the cost 7557
of materials forming a part of the improvement; provided, that 7558
such funds may be used for the purchase of road machinery and 7559
equipment and for the planning, construction, and maintenance of 7560
suitable buildings for housing road machinery and equipment, and 7561
that all such improvement of roads shall be under supervision and 7562
direction of the county engineer as provided in section 5575.07 of 7563
the Revised Code. No obligation against such funds shall be 7564
incurred unless plans and specifications for such improvement, 7565

approved by the county engineer, are on file in the office of the township clerk, and all contracts for material and for work done by contract shall be approved by the county engineer before being signed by the board of township trustees. The board of township trustees of any township may pass a resolution permitting the board of county commissioners to expend such township's share of the funds, or any portion thereof, for the improvement of such roads within the township as may be designated in the resolution.

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

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

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

(2) The amount credited pursuant to division (A) of section 5735.26 of the Revised Code shall be used for paying the state's

share of the cost of planning, constructing, widening, 7597
maintaining, and reconstructing the state highways; paying that 7598
portion of the construction cost of a highway project which a 7599
county, township, or municipal corporation normally would be 7600
required to pay, but which the director of transportation, 7601
pursuant to division (B) of section 5531.08 of the Revised Code, 7602
determines instead will be paid from moneys in the highway 7603
operating fund; and also for supplying the state's share of the 7604
cost of eliminating railway grade crossings upon such highways and 7605
costs apportioned to the state under section 4907.47 of the 7606
Revised Code. The director of transportation may expend portions 7607
of such amount upon extensions of state highways within municipal 7608
corporations or upon portions of state highways within municipal 7609
corporations, as is provided by law. 7610

Sec. 5735.28. Wherever a municipal corporation is on the line 7611
of the state highway system as designated by the director of 7612
transportation as an extension or continuance of the state highway 7613
system, seven and one-half per cent of the amount paid to any 7614
municipal corporation pursuant to sections 4501.04, 5735.23, and 7615
5735.27 of the Revised Code shall be used by it only to construct, 7616
reconstruct, repave, widen, maintain, and repair such highways, to 7617
purchase, erect, and maintain traffic lights and signals, and to 7618
erect and maintain street and traffic signs and markers on such 7619
highways, or to pay principal, interest, and charges on bonds and 7620
other obligations issued pursuant to Chapter 133. of the Revised 7621
Code or incurred pursuant to section 5531.09 of the Revised Code 7622
for such purposes. 7623

Sec. 5735.29. To provide revenue for supplying the state's 7624
share of the cost of constructing, widening, maintaining, and 7625
reconstructing the state highways; to maintain and repair bridges 7626
and viaducts; to purchase, erect, and maintain street and traffic 7627

signs and markers; to purchase, erect, and maintain traffic lights 7628
and signals; to pay the expense of administering and enforcing the 7629
state law relative to the registration and operation of motor 7630
vehicles; to make road improvements associated with retaining or 7631
attracting business for this state, to pay that portion of the 7632
construction cost of a highway project which a county, township, 7633
or municipal corporation normally would be required to pay, but 7634
which the director of transportation, pursuant to division (B) of 7635
section 5531.08 of the Revised Code, determines instead will be 7636
paid from moneys in the highway operating fund; to provide revenue 7637
for the purposes of sections 1547.71 to 1547.78 of the Revised 7638
Code; and to supplement revenue already available for such 7639
purposes, to pay the expenses of the department of taxation 7640
incident to the administration of the motor fuel laws, to 7641
supplement revenue already available for such purposes; and to pay 7642
the interest, principal, and charges on highway obligations issued 7643
pursuant to Section 2i of Article VIII, Ohio Constitution, and 7644
sections 5528.30 and 5528.31 of the Revised Code; to enable the 7645
counties and townships of the state to properly plan, construct, 7646
widen, reconstruct, and maintain their public highways, roads, and 7647
streets; to enable counties to pay principal, interest, and 7648
charges on bonds and other obligations issued pursuant to Chapter 7649
133. of the Revised Code or incurred pursuant to section 5531.09 7650
of the Revised Code for highway improvements; to enable municipal 7651
corporations to plan, construct, reconstruct, repave, widen, 7652
maintain, repair, clear, and clean public highways, roads, and 7653
streets; to enable municipal corporations to pay the principal, 7654
interest, and charges on bonds and other obligations issued 7655
pursuant to Chapter 133. of the Revised Code or incurred pursuant 7656
to section 5531.09 of the Revised Code for highway improvements; 7657
and to pay the costs apportioned to the public under section 7658
4907.47 of the Revised Code, a motor fuel excise tax is hereby 7659
imposed on all motor fuel dealers upon their receipt of motor fuel 7660

within the state at the rate of two cents on each gallon so 7661
received; provided, that effective July 1, 2003, the motor fuel 7662
excise tax imposed by this section shall be at the rate of four 7663
cents on each gallon so received; effective July 1, 2004, the 7664
motor fuel excise tax imposed by this section shall be at the rate 7665
of six cents on each gallon so received; and, subject to section 7666
5735.292 of the Revised Code, effective July 1, 2005, the motor 7667
fuel excise tax imposed by this section shall be at the rate of 7668
eight cents on each gallon so received. This tax is subject to the 7669
specific exemptions set forth in this chapter of the Revised Code. 7670
It shall be reported, computed, paid, collected, administered, 7671
enforced, and refunded, and the failure properly and correctly to 7672
report and pay the tax shall be penalized, in exactly the same 7673
manner as is provided in this chapter. Such sections relating to 7674
motor fuel excise taxes are reenacted and incorporated as if 7675
specifically set forth in this section. The tax levied by this 7676
section is in addition to any other taxes imposed under this 7677
chapter. 7678

No municipal corporation, county, or township shall expend 7679
any revenues received from the tax levied by this section for any 7680
purpose other than one of the specific highway-related purposes 7681
stated in this section. In addition, each municipal corporation, 7682
county, or township shall use at least ninety per cent of all 7683
revenues received from the tax levied by this section to 7684
supplement, rather than supplant, other local funds used for 7685
highway-related purposes. 7686

Section 101.02. That existing sections 109.572, 122.14, 7687
127.16, 307.12, 315.08, 315.14, 315.18, 2935.03, 4501.04, 4501.06, 7688
4501.21, 4501.26, 4503.02, 4503.103, 4503.26, 4503.40, 4503.42, 7689
4504.02, 4504.15, 4504.16, 4504.18, 4505.021, 4505.031, 4505.032, 7690
4505.06, 4505.08, 4506.01, 4506.03, 4506.05, 4506.08, 4506.09, 7691
4506.10, 4506.11, 4506.12, 4506.14, 4506.15, 4506.16, 4506.17, 7692

4506.20, 4506.23, 4506.25, 4507.02, 4508.06, 4509.27, 4511.191, 7693
 4511.21, 4513.263, 4513.34, 4513.61, 4519.58, 4749.02, 4749.03, 7694
 4749.06, 4749.10, 4765.07, 4765.11, 5501.11, 5503.04, 5513.04, 7695
 5525.01, 5525.10, 5525.15, 5525.25, 5531.09, 5531.10, 5537.16, 7696
 5537.17, 5543.02, 5735.05, 5735.23, 5735.25, 5735.27, 5735.28, and 7697
 5735.29 of the Revised Code are hereby repealed. 7698

Section 105.01. That sections 4501.12, 4501.35, 4506.02, and 7699
 4506.26 of the Revised Code are hereby repealed. 7700

Section 200.01. Except as otherwise provided, all 7701
 appropriation items in this act are hereby appropriated out of any 7702
 moneys in the state treasury to the credit of the designated fund, 7703
 which are not otherwise appropriated. For all appropriations made 7704
 in this act, the amounts in the first column are for fiscal year 7705
 2006 and the amounts in the second column are for fiscal year 7706
 2007. 7707

Section 203.03. DOT DEPARTMENT OF TRANSPORTATION 7708

FUND	TITLE	FY 2006	FY 2007	
	Transportation Planning and Research			7710
	Highway Operating Fund Group			7711
002 771-411	Planning and Research	\$ 19,000,000	\$ 19,112,000	7712
	- State			
002 771-412	Planning and Research	\$ 40,000,000	\$ 40,000,000	7713
	- Federal			
TOTAL HOF Highway Operating				7714
Fund Group		\$ 59,000,000	\$ 59,112,000	7715
TOTAL ALL BUDGET FUND GROUPS -				7716
Transportation Planning				7717
and Research		\$ 59,000,000	\$ 59,112,000	7718
	Highway Construction			7719

Highway Operating Fund Group				7720
002 772-421 Highway Construction - State	\$ 586,240,305	\$ 579,969,730		7721
002 772-422 Highway Construction - Federal	\$ 1,021,500,000	\$ 1,131,500,000		7722
002 772-424 Highway Construction - Other	\$ 62,500,000	\$ 53,500,000		7723
214 770-401 Infrastructure Debt Service - Federal	\$ 80,182,400	\$ 105,129,400		7724
214 772-434 Infrastructure Lease Payments - Federal	\$ 12,537,100	\$ 12,536,000		7725
212 772-426 Highway Infrastructure Bank - Federal	\$ 1,500,000	\$ 2,000,000		7726
212 772-427 Highway Infrastructure Bank - State	\$ 9,353,400	\$ 12,853,400		7727
212 772-429 Highway Infrastructure Bank - Local	\$ 12,500,000	\$ 12,500,000		7728
212 772-430 Infrastructure Debt Reserve Title 23-49	\$ 1,500,000	\$ 1,500,000		7729
213 772-432 Roadway Infrastructure Bank - Local	\$ 7,000,000	\$ 7,000,000		7730
TOTAL HOF Highway Operating Fund Group	\$ 1,794,813,205	\$ 1,918,488,530		7731
Highway Capital Improvement Fund Group				7733
042 772-723 Highway Construction - Bonds	\$ 220,000,000	\$ 150,000,000		7734
Infrastructure Bank Obligations Fund Group				7735
045 772-428 Highway Infrastructure Bank - Bonds	\$ 180,000,000	\$ 160,000,000		7736
TOTAL 045 Infrastructure Bank Obligations Fund Group	\$ 180,000,000	\$ 160,000,000		7737
TOTAL ALL BUDGET FUND GROUPS -				7738
				7739

Highway Construction	\$ 2,194,813,205	\$ 2,228,488,530	7740
Highway Maintenance			7741
Highway Operating Fund Group			7742
002 773-431 Highway Maintenance -	\$ 386,527,582	\$ 393,313,472	7743
State			
TOTAL HOF Highway Operating			7744
Fund Group	\$ 386,527,582	\$ 393,313,472	7745
			7746
TOTAL ALL BUDGET FUND GROUPS -			7747
Highway Maintenance	\$ 386,527,582	\$ 393,313,472	7748
Public Transportation			7749
Highway Operating Fund Group			7750
002 775-452 Public Transportation	\$ 30,000,000	\$ 30,365,000	7751
- Federal			
002 775-454 Public Transportation	\$ 1,500,000	\$ 1,500,000	7752
- Other			
002 775-459 Elderly and Disabled	\$ 4,595,000	\$ 4,595,000	7753
Special Equipment -			
Federal			
212 775-408 Transit Infrastructure	\$ 2,500,000	\$ 2,500,000	7754
Bank - Local			
213 775-460 Transit Infrastructure	\$ 1,000,000	\$ 1,000,000	7755
Bank - Local			
TOTAL HOF Highway Operating			7756
Fund Group	\$ 39,595,000	\$ 39,960,000	7757
TOTAL ALL BUDGET FUND GROUPS -			7758
Public Transportation	\$ 39,595,000	\$ 39,960,000	7759
Rail Transportation			7760
Highway Operating Fund Group			7761
002 776-462 Grade Crossings -	\$ 15,000,000	\$ 15,000,000	7762
Federal			
TOTAL HOF Highway Operating			7763

Fund Group	\$	15,000,000	\$	15,000,000	7764
TOTAL ALL BUDGET FUND GROUPS -					7765
Rail Transportation	\$	15,000,000	\$	15,000,000	7766
Aviation					7767
Highway Operating Fund Group					7768
002 777-472 Airport Improvements -	\$	405,000	\$	405,000	7769
Federal					
002 777-475 Aviation	\$	4,007,600	\$	4,046,900	7770
Administration					
213 777-477 Aviation	\$	3,000,000	\$	3,000,000	7771
Infrastructure Bank -					
State					
213 777-478 Aviation	\$	7,000,000	\$	7,000,000	7772
Infrastructure Bank -					
Local					
TOTAL HOF Highway Operating					7773
Fund Group	\$	14,412,600	\$	14,451,900	7774
TOTAL ALL BUDGET FUND GROUPS -					7775
Aviation	\$	14,412,600	\$	14,451,900	7776
Administration					7777
Highway Operating Fund Group					7778
002 779-491 Administration - State	\$	119,624,513	\$	121,057,898	7779
TOTAL HOF Highway Operating					7780
Fund Group	\$	119,624,513	\$	121,057,898	7781
TOTAL ALL BUDGET FUND GROUPS -					7782
Administration	\$	119,624,513	\$	121,057,898	7783
Debt Service					7784
Highway Operating Fund Group					7785
002 770-003 Administration - State	\$	13,074,500	\$	10,923,100	7786
- Debt Service					
TOTAL HOF Highway Operating					7787
Fund Group	\$	13,074,500	\$	10,923,100	7788

TOTAL ALL BUDGET FUND GROUPS -			7789
Debt Service	\$ 13,074,500	\$ 10,923,100	7790
TOTAL Department of Transportation			7791
TOTAL HOF Highway Operating			7792
Fund Group	\$ 2,442,047,400	\$ 2,572,306,900	7793
TOTAL 042 Highway Capital			7794
Improvement Fund Group	\$ 220,000,000	\$ 150,000,000	7795
TOTAL 045 Infrastructure Bank			7796
Obligations Fund Group	\$ 180,000,000	\$ 160,000,000	7797
TOTAL ALL BUDGET FUND GROUPS	\$ 2,842,047,400	\$ 2,882,306,900	7798

Section 203.03.03. ISSUANCE OF BONDS 7800

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, of the State of Ohio in the aggregate amount of \$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.	7821
Section 203.03.04. MAINTENANCE INTERSTATE HIGHWAYS	7822
The Director of Transportation may remove snow and ice and	7823
maintain, repair, improve, or provide lighting upon interstate	7824
highways that are located within the boundaries of municipal	7825
corporations, adequate to meet the requirements of federal law.	7826
When agreed in writing by the Director of Transportation and the	7827
legislative authority of a municipal corporation and	7828
notwithstanding sections 125.01 and 125.11 of the Revised Code,	7829
the Department of Transportation may reimburse the municipal	7830
corporation for all or any part of the costs, as provided by such	7831
agreement, incurred by the municipal corporation in maintaining,	7832
repairing, lighting, and removing snow and ice from the interstate	7833
system.	7834
Section 203.03.06. TRANSFER OF FUND 002 APPROPRIATIONS:	7835
PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE,	7836
RAIL, AVIATION, AND ADMINISTRATION	7837
The Director of Budget and Management may approve requests	7838
from the Department of Transportation for transfer of Fund 002	7839
appropriations for highway planning and research (appropriation	7840
items 771-411 and 771-412), highway construction (appropriation	7841
items 772-421, 772-422, and 772-424), highway maintenance	7842
(appropriation item 773-431), rail grade crossings (appropriation	7843
item 776-462), aviation (appropriation item 777-475), and	7844
administration (appropriation item 779-491). Transfers of	7845
appropriations may be made upon the written request of the	7846
Director of Transportation and with the approval of the Director	7847
of Budget and Management. The transfers shall be reported to the	7848
Controlling Board at the next regularly scheduled meeting of the	7849
board.	7850

This transfer authority is intended to provide for emergency 7851
situations and flexibility to meet unforeseen conditions that 7852
could arise during the budget period. It also is intended to allow 7853
the department to optimize the use of available resources and 7854
adjust to circumstances affecting the obligation and expenditure 7855
of federal funds. 7856

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL 7857
TRANSIT 7858

The Director of Budget and Management may approve written 7859
requests from the Director of Transportation for the transfer of 7860
appropriations between appropriation items 772-422, Highway 7861
Construction - Federal, and 775-452, Public Transportation - 7862
Federal, based upon transit capital projects meeting Federal 7863
Highway Administration and Federal Transit Administration funding 7864
guidelines. The transfers shall be reported to the Controlling 7865
Board at its next regularly scheduled meeting. 7866

TRANSFER OF APPROPRIATIONS: STATE INFRASTRUCTURE BANK 7867

The Director of Budget and Management may approve requests 7868
from the Department of Transportation for transfer of 7869
appropriations and cash of the Infrastructure Bank funds created 7870
in section 5531.09 of the Revised Code, including transfers 7871
between fiscal years 2006 and 2007. The transfers shall be 7872
reported to the Controlling Board at its next regularly scheduled 7873
meeting. However, the director may not make transfers out of debt 7874
service and lease payment appropriation items unless the director 7875
determines that the appropriated amounts exceed the actual and 7876
projected debt, rental, or lease payments. 7877

Should the appropriation and any reappropriations from prior 7878
years in appropriation item 770-401, Infrastructure Debt Service - 7879
Federal, and appropriation item 772-434, Infrastructure Lease 7880

Payments - Federal, exceed the actual and projected debt, rental, 7881
or lease payments for fiscal year 2006 or 2007, then prior to June 7882
30, 2007, the balance may be transferred to appropriation item 7883
772-422 upon the written request of the Director of Transportation 7884
and with the approval of the Director of Budget and Management. 7885
The transfer shall be reported to the Controlling Board at its 7886
next regularly scheduled meeting. 7887

The Director of Budget and Management may approve requests 7888
from the Department of Transportation for transfer of 7889
appropriations and cash from the Highway Operating Fund (Fund 002) 7890
to the Infrastructure Bank funds created in section 5531.09 of the 7891
Revised Code. The Director of Budget and Management may transfer 7892
from the Infrastructure Bank funds to the Highway Operating Fund 7893
up to the amounts originally transferred to the Infrastructure 7894
Bank funds under this section. However, the director may not make 7895
transfers between modes and transfers between different funding 7896
sources. The transfers shall be reported to the Controlling Board 7897
at its next regularly scheduled meeting. 7898

INCREASE APPROPRIATION AUTHORITY: STATE FUNDS 7899

In the event that receipts or unexpended balances credited to 7900
the Highway Operating Fund exceed the estimates upon which the 7901
appropriations have been made in this act, upon the request of the 7902
Director of Transportation, the Controlling Board may increase 7903
appropriation authority in the manner prescribed in section 131.35 7904
of the Revised Code. 7905

INCREASE APPROPRIATION AUTHORITY: FEDERAL AND LOCAL FUNDS 7906

In the event that receipts or unexpended balances credited to 7907
the Highway Operating Fund or apportionments or allocations made 7908
available from the federal and local government exceed the 7909
estimates upon which the appropriations have been made in this 7910

act, upon the request of the Director of Transportation, the 7911
Controlling Board may increase appropriation authority in the 7912
manner prescribed in section 131.35 of the Revised Code. 7913

REAPPROPRIATIONS 7914

All appropriations of the Highway Operating Fund (Fund 002), 7915
the Highway Capital Improvement Fund (Fund 042), and the 7916
Infrastructure Bank funds created in section 5531.09 of the 7917
Revised Code remaining unencumbered on June 30, 2005, are hereby 7918
reappropriated for the same purpose in fiscal year 2006. 7919

All appropriations of the Highway Operating Fund (Fund 002), 7920
the Highway Capital Improvement Fund (Fund 042), and the 7921
Infrastructure Bank funds created in section 5531.09 of the 7922
Revised Code remaining unencumbered on June 30, 2006, are hereby 7923
reappropriated for the same purpose in fiscal year 2007. 7924

Any balances of prior years' appropriations to the Highway 7925
Operating Fund (Fund 002), the Highway Capital Improvement Fund 7926
(Fund 042), and the Infrastructure Bank funds created in section 7927
5531.09 of the Revised Code that are unencumbered on June 30, 7928
2005, subject to the availability of revenue as determined by the 7929
Director of Transportation, are hereby reappropriated for the same 7930
purpose in fiscal year 2006 upon the request of the Director of 7931
Transportation and with the approval of the Director of Budget and 7932
Management. The reappropriations shall be reported to the 7933
Controlling Board. 7934

Any balances of prior years' appropriations to the Highway 7935
Operating Fund (Fund 002), the Highway Capital Improvement Fund 7936
(Fund 042), and the Infrastructure Bank funds created in section 7937
5531.09 of the Revised Code that are unencumbered on June 30, 7938
2006, subject to the availability of revenue as determined by the 7939
Director of Transportation, are hereby reappropriated for the same 7940

purpose in fiscal year 2007 upon the request of the Director of 7941
Transportation and with the approval of the Director of Budget and 7942
Management. The reappropriations shall be reported to the 7943
Controlling Board. 7944

Section 203.03.09. PUBLIC ACCESS ROADS FOR STATE FACILITIES 7945

Of the foregoing appropriation item 772-421, Highway 7946
Construction - State, \$4,517,500 shall be used each fiscal year 7947
during the fiscal year 2006-2007 biennium by the Department of 7948
Transportation for the construction, reconstruction, or 7949
maintenance of public access roads, including support features, to 7950
and within state facilities owned or operated by the Department of 7951
Natural Resources, as requested by the Director of Natural 7952
Resources. 7953

Notwithstanding section 5511.06 of the Revised Code, of the 7954
foregoing appropriation item 772-421, Highway Construction - 7955
State, \$2,228,000 in each fiscal year of the fiscal year 2006-2007 7956
biennium shall be used by the Department of Transportation for the 7957
construction, reconstruction, or maintenance of park drives or 7958
park roads within the boundaries of metropolitan parks. 7959

Included in the foregoing appropriation item 772-421, Highway 7960
Construction - State, the department may perform related road work 7961
on behalf of the Ohio Expositions Commission at the state 7962
fairgrounds, including reconstruction or maintenance of public 7963
access roads and support features, to and within fairground 7964
facilities as requested by the commission and approved by the 7965
Director of Transportation. 7966

LIQUIDATION OF UNFORESEEN LIABILITIES 7967

Any appropriation made to the Department of Transportation, 7968
Highway Operating Fund, not otherwise restricted by law, is 7969
available to liquidate unforeseen liabilities arising from 7970

contractual agreements of prior years when the prior year 7971
encumbrance is insufficient. 7972

Section 203.03.10. PREVENTIVE MAINTENANCE 7973

The Department of Transportation shall contract with an 7974
independent party to issue a yearly report on the effectiveness 7975
and progress of preventive maintenance projects that meet warranty 7976
guidelines. The Department shall issue a yearly report on or 7977
before the first day of December for three consecutive years 7978
beginning in fiscal year 2005. 7979

The Department shall provide in its annual report data on 7980
actual and planned pavement preventive maintenance activities. The 7981
data shall include the following: (1) the total number of lane 7982
miles receiving preventive maintenance treatment, by treatment 7983
type and highway system category; (2) the total number of lane 7984
miles programmed to receive treatment; (3) the actual costs of the 7985
pavement preventive maintenance activities per lane mile, by 7986
treatment type and highway system category; (4) the total number 7987
of lane miles rehabilitated or reconstructed; and (5) the actual 7988
cost per lane mile of rehabilitated or reconstructed highway, by 7989
highway system category. 7990

Section 203.03.12. RENTAL PAYMENTS - OBA 7991

The foregoing appropriation item 770-003, Administration - 7992
State - Debt Service, shall be used to pay rent to the Ohio 7993
Building Authority for various capital facilities to be 7994
constructed, reconstructed, or rehabilitated for the use of the 7995
Department of Transportation, including the department's plant and 7996
facilities at its central office, field districts, and county and 7997
outpost locations. The rental payments shall be made from revenues 7998
received from the motor vehicle fuel tax. The amounts of any bonds 7999
and notes to finance such capital facilities shall be at the 8000

request of the Director of Transportation. Notwithstanding section 8001
152.24 of the Revised Code, the Ohio Building Authority may, with 8002
approval of the Office of Budget and Management, lease capital 8003
facilities to the Department of Transportation. 8004

The Director of Transportation shall hold title to any land 8005
purchased and any resulting structures that are attributable to 8006
appropriation item 770-003. Notwithstanding section 152.18 of the 8007
Revised Code, the Director of Transportation shall administer any 8008
purchase of land and any contract for construction, 8009
reconstruction, and rehabilitation of facilities as a result of 8010
this appropriation. 8011

Should the appropriation and any reappropriations from prior 8012
years in appropriation item 770-003 exceed the rental payments for 8013
fiscal year 2006 or 2007, then prior to June 30, 2007, the balance 8014
may be transferred to appropriation item 772-421, 773-431, or 8015
779-491 upon the written request of the Director of Transportation 8016
and with the approval of the Director of Budget and Management. 8017
The transfer shall be reported to the Controlling Board at its 8018
next regularly scheduled meeting. 8019

Section 203.03.15. PUBLIC TRANSPORTATION HIGHWAY PURPOSE 8020
GRANTS 8021

The Director of Transportation may use revenues from the 8022
state motor vehicle fuel tax to match approved federal grants 8023
awarded to the Department of Transportation, regional transit 8024
authorities, or eligible public transportation systems, for public 8025
transportation highway purposes, or to support local or state 8026
funded projects for public transportation highway purposes. Public 8027
transportation highway purposes include: the construction or 8028
repair of high-occupancy vehicle traffic lanes, the acquisition or 8029
construction of park-and-ride facilities, the acquisition or 8030
construction of public transportation vehicle loops, the 8031

construction or repair of bridges used by public transportation 8032
vehicles or that are the responsibility of a regional transit 8033
authority or other public transportation system, or other similar 8034
construction that is designated as an eligible public 8035
transportation highway purpose. Motor vehicle fuel tax revenues 8036
may not be used for operating assistance or for the purchase of 8037
vehicles, equipment, or maintenance facilities. 8038

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 8039

The Director of Budget and Management shall transfer cash in 8040
equal monthly increments totaling \$133,424,000 in fiscal year 2006 8041
and in equal monthly increments totaling \$154,009,400 in fiscal 8042
year 2007 from the Highway Operating Fund, created in section 8043
5735.291 of the Revised Code, to the Gasoline Excise Tax Fund 8044
created in division (A) of section 5735.27 of the Revised Code. 8045
The monthly amounts transferred under this section shall be 8046
distributed as follows: 42.86 per cent shall be distributed among 8047
the municipal corporations within the state under division (A)(2) 8048
of section 5735.27 of the Revised Code; 37.14 per cent shall be 8049
distributed among the counties within the state under division 8050
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 8051
shall be distributed among the townships within the state under 8052
division (A)(5)(b) of section 5735.27 of the Revised Code. 8053

Section 203.03.18. ALTERNATIVE SOUNDPROOFING 8054

Of the foregoing appropriation item 772-421, Highway 8055
Construction-State, up to \$250,000 in fiscal year 2006 shall be 8056
used by the Department of Transportation to perform a study of 8057
alternative soundproofing methods or any alternative soundproofing 8058
techniques that could be used in Ohio as an alternative to 8059
traditional sound barriers. The Director of Transportation shall 8060
issue a report of the study findings to the chairperson and 8061
ranking minority members of the House of Representatives and 8062

Senate Transportation Committees, the Speaker of the House of
 Representatives, the President of the Senate, and the Minority
 Leaders of the House of Representatives and the Senate on or
 before June 30, 2006. 8063
 8064
 8065
 8066

Section 203.06. DHS DEPARTMENT OF PUBLIC SAFETY 8067

Highway Safety Information and Education 8068

State Highway Safety Fund Group 8069

036 761-321 Operating Expense - \$ 3,475,147 \$ 3,645,598 8070
 Information and
 Education

036 761-402 Traffic Safety Match \$ 277,137 \$ 277,137 8071

831 761-610 Information and \$ 468,982 \$ 468,982 8072
 Education - Federal

832 761-612 Traffic Safety-Federal \$ 16,577,565 \$ 16,577,565 8073

846 761-625 Motorcycle Safety \$ 2,299,204 \$ 2,391,172 8074
 Education

TOTAL HSF State Highway Safety 8075

Fund Group \$ 23,098,035 \$ 23,360,454 8076

Agency Fund Group 8077

5J9 761-678 Federal Salvage/GSA \$ 100,000 \$ 100,000 8078

TOTAL AGY Agency \$ 100,000 \$ 100,000 8079

TOTAL ALL BUDGET FUND GROUPS - 8080

Highway Safety Information 8081

and Education \$ 23,198,035 \$ 23,460,454 8082

FEDERAL HIGHWAY SAFETY PROGRAM MATCH 8083

The foregoing appropriation item 761-402, Traffic Safety 8084
 Match, shall be used to provide the nonfederal portion of the 8085
 federal Highway Safety Program. Upon request by the Director of 8086
 Public Safety and approval by the Director of Budget and 8087
 Management, appropriation item 761-402 shall be used to transfer 8088
 cash from the Highway Safety Fund to the Traffic Safety - Federal 8089

Fund (Fund 832) at the beginning of each fiscal year on an				8090
intrastate transfer voucher.				8091
FILM PRODUCTION REIMBURSEMENT FUND				8092
On July 1, 2005, or as soon as possible thereafter, the				8093
Director of Budget and Management shall transfer the cash balance				8094
in the Film Production Reimbursement Fund (Fund 847) to the				8095
Highway Safety Fund (Fund 036) created in section 4501.06 of the				8096
Revised Code. Upon completion of the transfer, notwithstanding any				8097
other provision of law to the contrary, the Film Production				8098
Reimbursement Fund (Fund 847) is abolished.				8099
Section 203.06.03. BUREAU OF MOTOR VEHICLES				8100
State Special Revenue Fund Group				8101
539 762-614 Motor Vehicle Dealers	\$	239,902	\$ 239,902	8102
Board				
TOTAL SSR State Special Revenue				8103
Fund Group	\$	239,902	\$ 239,902	8104
State Highway Safety Fund Group				8105
4W4 762-321 Operating Expense-BMV	\$	77,257,480	\$ 73,702,629	8106
4W4 762-410 Registrations	\$	32,480,610	\$ 32,480,610	8107
Supplement				
5V1 762-682 License Plate	\$	2,388,568	\$ 2,388,568	8108
Contributions				
83R 762-639 Local Immobilization	\$	850,000	\$ 850,000	8109
Reimbursement				
835 762-616 Financial	\$	6,551,535	\$ 6,551,535	8110
Responsibility				
Compliance				
849 762-627 Automated Title	\$	12,818,675	\$ 13,146,218	8111
Processing Board				
TOTAL HSF State Highway Safety				8112

Fund Group	\$	132,346,868	\$	129,119,560	8113
TOTAL ALL BUDGET FUND GROUPS -					8114
Bureau of Motor Vehicles	\$	132,586,770	\$	129,359,462	8115
MOTOR VEHICLE REGISTRATION					8116
The Registrar of Motor Vehicles may deposit revenues to meet					8117
the cash needs of the State Bureau of Motor Vehicles Fund (Fund					8118
4W4) established in section 4501.25 of the Revised Code, obtained					8119
under sections 4503.02 and 4504.02 of the Revised Code, less all					8120
other available cash. Revenue deposited pursuant to this section					8121
shall support, in part, appropriations for operating expenses and					8122
defray the cost of manufacturing and distributing license plates					8123
and license plate stickers and enforcing the law relative to the					8124
operation and registration of motor vehicles. Notwithstanding					8125
section 4501.03 of the Revised Code, the revenues shall be paid					8126
into the State Bureau of Motor Vehicles Fund before any revenues					8127
obtained pursuant to sections 4503.02 and 4504.02 of the Revised					8128
Code are paid into any other fund. The deposit of revenues to meet					8129
the aforementioned cash needs shall be in approximate equal					8130
amounts on a monthly basis or as otherwise determined by the					8131
Director of Budget and Management pursuant to a plan submitted by					8132
the Registrar of Motor Vehicles.					8133
CAPITAL PROJECTS					8134
The Registrar of Motor Vehicles may transfer cash from the					8135
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State					8136
Highway Safety Fund (Fund 036) to meet its obligations for capital					8137
projects CIR-047, Department of Public Safety Office Building,					8138
CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop.					8139
Section 203.06.06. ENFORCEMENT					8140
State Highway Safety Fund Group					8141
036 764-033 Minor Capital Projects	\$	1,250,000	\$	1,250,000	8142

As Reported by the Senate Highways and Transportation Committee

036 764-321	Operating Expense - Highway Patrol	\$ 229,293,561	\$ 237,364,988	8143
036 764-605	Motor Carrier Enforcement Expenses	\$ 2,643,022	\$ 2,670,911	8144
5AY 764-688	Traffic Safety Operating	\$ 3,082,962	\$ 1,999,437	8145
83C 764-630	Contraband, Forfeiture, Other	\$ 622,894	\$ 622,894	8146
83F 764-657	Law Enforcement Automated Data System	\$ 7,324,524	\$ 7,544,260	8147
83G 764-633	OMVI Fines	\$ 820,927	\$ 820,927	8148
831 764-610	Patrol - Federal	\$ 2,430,950	\$ 2,455,484	8149
831 764-659	Transportation Enforcement - Federal	\$ 4,880,671	\$ 5,027,091	8150
837 764-602	Turnpike Policing	\$ 9,942,621	\$ 10,240,900	8151
838 764-606	Patrol Reimbursement	\$ 222,108	\$ 222,108	8152
840 764-607	State Fair Security	\$ 1,496,283	\$ 1,496,283	8153
840 764-617	Security and Investigations	\$ 8,145,192	\$ 8,145,192	8154
840 764-626	State Fairgrounds Police Force	\$ 788,375	\$ 788,375	8155
841 764-603	Salvage and Exchange - Highway Patrol	\$ 1,305,954	\$ 1,339,399	8156
TOTAL HSF State Highway Safety Fund Group		\$ 274,250,044	\$ 281,988,249	8157 8158
General Services Fund Group				8159
4S2 764-660	MARCS Maintenance	\$ 252,432	\$ 262,186	8160
TOTAL GSF General Services Fund Group		\$ 252,432	\$ 262,186	8161 8162
TOTAL ALL BUDGET FUND GROUPS - Enforcement		\$ 274,502,476	\$ 282,250,435	8163 8164
COLLECTIVE BARGAINING INCREASES				8165

Notwithstanding division (D) of section 127.14 and division 8166
 (B) of section 131.35 of the Revised Code, except for the General 8167
 Revenue Fund, the Controlling Board may, upon the request of 8168
 either the Director of Budget and Management, or the Department of 8169
 Public Safety with the approval of the Director of Budget and 8170
 Management, increase appropriations for any fund, as necessary for 8171
 the Department of Public Safety, to assist in paying the costs of 8172
 increases in employee compensation that have occurred pursuant to 8173
 collective bargaining agreements under Chapter 4117. of the 8174
 Revised Code and, for exempt employees, under section 124.152 of 8175
 the Revised Code. 8176

Section 203.06.09. EMERGENCY MEDICAL SERVICES 8177

State Highway Safety Fund Group 8178

83M 765-624 Operating Expenses -	\$	9,354,361	\$	9,354,361	8179
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EMS

831 765-610 EMS/Federal	\$	582,007	\$	582,007	8180
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TOTAL HSF State Highway Safety 8181

Fund Group	\$	9,936,368	\$	9,936,368	8182
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TOTAL ALL BUDGET FUND GROUPS - 8183

Emergency Medical Services	\$	9,936,368	\$	9,936,368	8184
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EMERGENCY MEDICAL SERVICES FUND 8185

On July 1, 2005, or as soon as possible thereafter, the 8186
 Director of Budget and Management shall cancel any existing 8187
 encumbrances against appropriation items 761-611, Elementary 8188
 School Seat Belt Program, 761-613, Seat Belt Education Program, 8189
 and 765-637, EMS Grants, and re-establish them against 8190
 appropriation item 765-624, Operating Expenses ? EMS. The amounts 8191
 of the re-established encumbrances are hereby appropriated. The 8192
 Director also shall transfer any remaining cash balances from Fund 8193
 83N, Elementary School Program Fund, Fund 83P, Trauma and 8194
 Emergency Medical Services Grant Fund, and Fund 844, Seat Belt 8195

Education Fund, to Fund 83M, Emergency Medical Services Fund.				8196
Section 203.06.12. INVESTIGATIVE UNIT				8197
State Highway Safety Fund Group				8198
831 767-610 Liquor Enforcement -	\$	514,184	\$ 514,184	8199
Federal				
831 769-610 Food Stamp Trafficking	\$	992,920	\$ 1,032,135	8200
Enforcement - Federal				
TOTAL HSF State Highway Safety				8201
Fund Group	\$	1,507,104	\$ 1,546,319	8202
Liquor Control Fund Group				8203
043 767-321 Liquor Enforcement -	\$	10,120,365	\$ 10,423,976	8204
Operations				
TOTAL LCF Liquor Control Fund				8205
Group	\$	10,120,365	\$ 10,423,976	8206
State Special Revenue Fund Group				8207
622 767-615 Investigative	\$	404,111	\$ 404,111	8208
Contraband and				
Forfeiture				
850 767-628 Investigative Unit	\$	120,000	\$ 120,000	8209
Salvage				
TOTAL SSR State Special Revenue				8210
Fund Group	\$	524,111	\$ 524,111	8211
TOTAL ALL BUDGET FUND GROUPS -				8212
Special Enforcement	\$	12,151,580	\$ 12,494,406	8213
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				8214
EQUIPMENT				8215
The Director of Public Safety, using intrastate transfer				8216
vouchers, shall make cash transfers to the State Highway Safety				8217
Fund (Fund 036) from other funds to reimburse the State Highway				8218
Safety Fund for the share of lease rental payments to the Ohio				8219

Building Authority that are associated with appropriation item 8220
 CAP-076, Investigative Unit MARCS Equipment. 8221

Section 203.06.15. EMERGENCY MANAGEMENT 8222

Federal Special Revenue Fund Group 8223

3N5 763-644 U.S. DOE Agreement \$ 275,000 \$ 275,000 8224

329 763-645 Federal Mitigation \$ 303,504 \$ 303,504 8225
 Program

337 763-609 Federal Disaster \$ 27,269,140 \$ 27,280,000 8226
 Relief

339 763-647 Emergency Management \$ 129,622,000 \$ 129,622,000 8227
 Assistance and
 Training

TOTAL FED Federal Special 8228

Revenue Fund Group \$ 157,469,644 \$ 157,480,504 8229

State Special Revenue Fund Group 8230

4V3 763-662 EMA Service and \$ 696,446 \$ 696,446 8231
 Reimbursement

657 763-652 Utility Radiological \$ 1,260,000 \$ 1,260,000 8232
 Safety

681 763-653 SARA Title III HAZMAT \$ 271,510 \$ 271,510 8233
 Planning

TOTAL SSR State Special Revenue 8234

Fund Group \$ 2,227,956 \$ 2,227,956 8235

TOTAL ALL BUDGET FUND GROUPS - 8236

Emergency Management \$ 159,697,600 \$ 159,708,460 8237

FEDERAL MITIGATION PROGRAM 8238

The fund created by the Controlling Board known as the 8239

Disaster Relief Fund is now the Federal Mitigation Program Fund, 8240

and shall be used to plan and mitigate against future disaster 8241

costs. 8242

STATE DISASTER RELIEF 8243

The appropriation item 763-601, State Disaster Relief, may 8244
accept transfers of cash and appropriations from Controlling Board 8245
appropriation items to reimburse eligible local governments and 8246
private nonprofit organizations for costs related to disasters 8247
that have been declared by local governments or the Governor. The 8248
Ohio Emergency Management Agency shall publish and make available 8249
an application packet outlining eligible items and application 8250
procedures for entities requesting state disaster relief. 8251

Individuals may be eligible for reimbursement of costs 8252
related to disasters that have been declared by the Governor and 8253
the Small Business Administration. The funding in appropriation 8254
item 763-601, State Disaster Relief, shall be used in accordance 8255
with the principles of the federal Individual and Family Grant 8256
Program, which provides grants to households that have been 8257
affected by a disaster to replace basic living items. The Ohio 8258
Emergency Management Agency shall publish and make available an 8259
application procedure for individuals requesting assistance under 8260
the state Individual Assistance Program. 8261

SARA TITLE III HAZMAT PLANNING 8262

The SARA Title III HAZMAT Planning Fund (Fund 681) is 8263
entitled to receive grant funds from the Emergency Response 8264
Commission to implement the Emergency Management Agency's 8265
responsibilities under Chapter 3750. of the Revised Code. 8266

Section 203.06.18. ADMINISTRATION 8267

State Highway Safety Fund Group 8268

036 766-321 Operating Expense - \$ 4,461,836 \$ 4,461,836 8269

Administration

830 761-603 Salvage and Exchange - \$ 22,070 \$ 22,070 8270

Administration

TOTAL HSF State Highway Safety				8271
Fund Group	\$	4,483,906	\$ 4,483,906	8272
General Services Fund Group				8273
4S3 766-661 Hilltop Utility	\$	500,000	\$ 500,000	8274
Reimbursement				
TOTAL GSF General Services				8275
Fund Group	\$	500,000	\$ 500,000	8276
TOTAL ALL BUDGET FUND GROUPS -				8277
Administration	\$	4,983,906	\$ 4,983,906	8278

Section 203.06.21. DEBT SERVICE 8280

State Highway Safety Fund Group				8281
036 761-401 Lease Rental Payments	\$	13,387,100	\$ 14,407,000	8282
TOTAL HSF State Highway Safety				8283
Fund Group	\$	13,387,100	\$ 14,407,000	8284
TOTAL ALL BUDGET FUND GROUPS -				8285
Debt Service	\$	13,387,100	\$ 14,407,000	8286

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 8287

The foregoing appropriation item 761-401, Lease Rental 8288
Payments, shall be used for payments to the Ohio Building 8289
Authority for the period July 1, 2005, to June 30, 2007, under the 8290
primary leases and agreements for buildings made under Chapter 8291
152. of the Revised Code that are pledged for bond service charges 8292
on related obligations issued under Chapter 152. of the Revised 8293
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 8294
Building Authority may, with approval of the Director of Budget 8295
and Management, lease capital facilities to the Department of 8296
Public Safety. 8297

HILLTOP TRANSFER 8298

The Director of Public Safety shall determine, per an 8299
agreement with the Director of Transportation, the share of each 8300

debt service payment made out of appropriation item 761-401, Lease 8301
 Rental Payments, that relates to the Department of 8302
 Transportation's portion of the Hilltop Building Project, and 8303
 shall certify to the Director of Budget and Management the amounts 8304
 of this share. The Director of Budget and Management shall 8305
 transfer the amounts of such shares from the Highway Operating 8306
 Fund (Fund 002) to the Highway Safety Fund (Fund 036). 8307

Section 203.06.24. REVENUE DISTRIBUTION 8308

Holding Account Redistribution Fund Group 8309

R24 762-619 Unidentified Public \$ 1,885,000 \$ 1,885,000 8310
 Safety Receipts

R52 762-623 Security Deposits \$ 250,000 \$ 250,000 8311

TOTAL 090 Holding Account 8312

Redistribution Fund Group \$ 2,135,000 \$ 2,135,000 8313

TOTAL ALL BUDGET FUND GROUPS - 8314

Revenue Distribution \$ 2,135,000 \$ 2,135,000 8315

TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE 8316

REFUND FUND 8317

On July 1, 2005, or as soon as possible thereafter, the 8318
 Director of Budget and Management shall transfer the cash balance 8319
 in the Highway Patrol Fee Refund Fund (Fund R27) created in former 8320
 section 4501.12 of the Revised Code to the Unidentified Public 8321
 Safety Receipts Fund (Fund R24). 8322

TOTAL Department of Public Safety 8323

TOTAL HSF State Highway Safety 8324

Fund Group \$ 459,009,425 \$ 464,841,856 8325

TOTAL SSR State Special Revenue 8326

Fund Group \$ 2,991,969 \$ 2,991,969 8327

TOTAL LCF Liquor Control 8328

Fund Group \$ 10,120,365 \$ 10,423,976 8329

TOTAL GSF General Services 8330

Fund Group	\$	752,432	\$	762,186	8331
TOTAL FED Federal Revenue Special					8332
Fund Group	\$	157,469,644	\$	157,480,504	8333
TOTAL AGY Agency Fund Group	\$	100,000	\$	100,000	8334
TOTAL 090 Holding Account					8335
Redistribution					
Fund Group	\$	2,135,000	\$	2,135,000	8336
TOTAL ALL BUDGET FUND GROUPS	\$	632,578,835	\$	638,735,491	8337

Section 203.06.27. CASH BALANCE FUND REVIEW 8339

Not later than the first day of April in each fiscal year of 8340
the biennium, the Director of Budget and Management shall review 8341
the cash balances for each fund, except the State Highway Safety 8342
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4), 8343
in the State Highway Safety Fund Group, and shall recommend to the 8344
Controlling Board an amount to be transferred to the credit of the 8345
State Highway Safety Fund or the Bureau of Motor Vehicles Fund, as 8346
appropriate. 8347

SCHEDULE OF TRANSFERS TO THE STATE HIGHWAY SAFETY FUND 8348

The Director of Budget and Management, under a plan submitted 8349
by the Department of Public Safety or as otherwise determined by 8350
the Director, shall set a cash transfer schedule totaling 8351
\$57,181,700 in fiscal year 2006 and \$38,502,400 in fiscal year 8352
2007 from the Highway Operating Fund, created in section 5735.291 8353
of the Revised Code, to the State Highway Safety Fund, created in 8354
section 4501.06 of the Revised Code. The director shall transfer 8355
the cash at such times as is determined by the transfer schedule. 8356

Section 203.09. DEV DEPARTMENT OF DEVELOPMENT 8357

Highway Operating Fund Group					8358
4W0 195-629 Roadwork Development	\$	17,699,900	\$	17,699,900	8359
TOTAL HOF Highway Operating					8360

Fund Group	\$	17,699,900	\$	17,699,900	8361
TOTAL ALL BUDGET FUND GROUPS	\$	17,699,900	\$	17,699,900	8362

ROADWORK DEVELOPMENT FUND 8363

The Roadwork Development Fund shall be used for road 8364
improvements associated with economic development opportunities 8365
that will retain or attract businesses for Ohio. "Road 8366
improvements" are improvements to public roadway facilities 8367
located on, or serving or capable of serving, a project site. 8368

The Department of Transportation, under the direction of the 8369
Department of Development, shall provide these funds in accordance 8370
with all guidelines and requirements established for Department of 8371
Development appropriation item 195-412, Business Development, 8372
including Controlling Board review and approval as well as the 8373
requirements for usage of gas tax revenue prescribed in Section 5a 8374
of Article XII, Ohio Constitution. Should the Department of 8375
Development require the assistance of the Department of 8376
Transportation to bring a project to completion, the Department of 8377
Transportation shall use its authority under Title LV of the 8378
Revised Code to provide such assistance and enter into contracts 8379
on behalf of the Department of Development. In addition, these 8380
funds may be used in conjunction with appropriation item 195-412, 8381
Business Development, or any other state funds appropriated for 8382
infrastructure improvements. 8383

The Director of Budget and Management, pursuant to a plan 8384
submitted by the Department of Development or as otherwise 8385
determined by the Director of Budget and Management, shall set a 8386
cash transfer schedule to meet the cash needs of the Department of 8387
Development's Roadwork Development Fund (Fund 4W0), less any other 8388
available cash. The director shall transfer to the Roadwork 8389
Development Fund from the Highway Operating Fund (Fund 002), 8390
established in section 5735.291 of the Revised Code, such amounts 8391
at such times as determined by the transfer schedule. 8392

TRANSPORTATION IMPROVEMENT DISTRICTS				8393
Notwithstanding section 5540.151 of the Revised Code, of the				8394
foregoing appropriation item 195-629, Roadwork Development,				8395
\$250,000 in each fiscal year of the biennium shall be paid by the				8396
Director of Development to each of the transportation improvement				8397
districts of Butler, Hamilton, Licking, Lorain, Medina,				8398
Montgomery, and Stark counties and to the Rossford Transportation				8399
Improvement District in Wood County. The districts may use the				8400
payments for transportation or highway project purposes authorized				8401
under Chapter 5540. of the Revised Code, including administrative				8402
activities related to a specific transportation or highway project				8403
and the purchase of property and rights for the construction,				8404
maintenance, or operation of a project. These payments shall not				8405
be subject to the restrictions of appropriation item 195-629,				8406
Roadwork Development.				8407
Section 203.12. PWC PUBLIC WORKS COMMISSION				8408
Local Transportation Improvements Fund Group				8409
052 150-402 LTIP - Operating	\$	294,245	\$ 306,509	8410
052 150-701 Local Transportation	\$	66,000,000	\$ 66,000,000	8411
Improvement Program				
TOTAL 052 Local Transportation				8412
Improvements Fund Group	\$	66,294,245	\$ 66,306,509	8413
Local Infrastructure Improvements Fund Group				8414
038 150-321 SCIP - Operating	\$	891,324	\$ 919,397	8415
Expenses				
TOTAL LIF Local Infrastructure				8416
Improvements Fund Group	\$	891,324	\$ 919,397	8417
TOTAL ALL BUDGET FUND GROUPS	\$	67,185,569	\$ 67,225,906	8418
DISTRICT ADMINISTRATION COSTS				8419
The Director of the Public Works Commission is authorized to				8420

create a District Administration Costs Program from interest 8421
earnings of the Capital Improvements Fund and Local Transportation 8422
Improvement Program Fund proceeds. The program shall be used to 8423
provide for the direct costs of district administration of the 8424
nineteen public works districts. Districts choosing to participate 8425
in the program shall only expend Capital Improvements Fund moneys 8426
for Capital Improvements Fund costs and Local Transportation 8427
Improvement Program Fund moneys for Local Transportation 8428
Improvement Program Fund costs. The account shall not exceed 8429
\$760,000 per fiscal year. Each public works district may be 8430
eligible for up to \$40,000 per fiscal year from its district 8431
allocation as provided in sections 164.08 and 164.14 of the 8432
Revised Code. 8433

The director, by rule, shall define allowable and 8434
nonallowable costs for the purpose of the District Administration 8435
Costs Program. Nonallowable costs include indirect costs, elected 8436
official salaries and benefits, and project-specific costs. No 8437
district public works committee may participate in the District 8438
Administration Costs Program without the approval of those costs 8439
by the district public works committee under section 164.04 of the 8440
Revised Code. 8441

REAPPROPRIATIONS 8442

All capital appropriations from the Local Transportation 8443
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 87 of the 8444
125th General Assembly remaining unencumbered as of June 30, 2005, 8445
are reappropriated for use during the period July 1, 2005, through 8446
June 30, 2006, for the same purpose. 8447

Notwithstanding division (B) of section 127.14 of the Revised 8448
Code, all capital appropriations and reappropriations from the 8449
Local Transportation Improvement Program Fund (Fund 052) in this 8450
act remaining unencumbered as of June 30, 2006, are reappropriated 8451

for use during the period July 1, 2006, through June 30, 2007, for 8452
the same purposes, subject to the availability of revenue as 8453
determined by the Director of the Public Works Commission. 8454

Section 303.03. PROVISIONS OF LAW GENERALLY APPLICABLE TO 8455
APPROPRIATIONS 8456

Law contained in the main operating appropriations act of the 8457
126th General Assembly that is generally applicable to the 8458
appropriations made in the main operating appropriations act also 8459
is generally applicable to the appropriations made in this act. 8460

Section 303.06. LEASE PAYMENTS TO OBA AND TREASURER 8461

Certain appropriations are in this act for the purpose of 8462
lease payments to the Ohio Building Authority or to the Treasurer 8463
of State under leases and agreements relating to bonds or notes 8464
issued by the Ohio Building Authority or the Treasurer of State 8465
under the Ohio Constitution and acts of the General Assembly. If 8466
it is determined that additional appropriations are necessary for 8467
this purpose, such amounts are hereby appropriated. 8468

Section 403.05. That Section 5 of Sub. S.B. 59 of the 124th 8469
General Assembly be amended to read as follows: 8470

Sec. 5. In accordance with a schedule and on a form adopted 8471
by the Registrar of Motor Vehicles, a clerk of a court of common 8472
pleas may certify to the Registrar any net revenue loss that the 8473
clerk incurs during the first three years following ~~the effective~~ 8474
~~date of this section~~ October 31, 2001, and that is attributable to 8475
the implementation of ~~this act~~ Sub. S.B. 59 of the 124th General 8476
Assembly. The clerk shall certify net revenue loss based upon a 8477
comparison of the revenue the clerk received during a period of 8478
time, as determined by the Registrar, preceding ~~the effective date~~ 8479

~~of this section~~ October 31, 2001, with the revenue the clerk 8480
receives during comparable periods of time during the first three 8481
years following ~~the effective date of this section~~ October 31, 8482
2001. 8483

From the automated title processing fund created by section 8484
4505.09 of the Revised Code, the Registrar shall make on a monthly 8485
basis ~~during those three years~~ payments to any clerk who certifies 8486
a net revenue loss for an applicable reporting period, as 8487
specified in this section. During the first year of payments, the 8488
payments shall equal one hundred per cent of the certified net 8489
revenue loss for an applicable reporting period. During the second 8490
year of payments, the payments shall equal seventy-five per cent 8491
of the certified net revenue loss for an applicable reporting 8492
period. During the third year of payments, the payments shall 8493
equal fifty per cent of the certified net revenue loss for an 8494
applicable reporting period. In addition, the Registrar shall make 8495
monthly payments to any county that experienced a loss of revenue 8496
during calendar year 2004 due to cross-county titling; the 8497
payments shall be equal to fifty per cent of the certified net 8498
revenue loss and shall be made until December 31, 2005, or until 8499
the Automated Title Processing System is fully operational, 8500
whichever is earlier. 8501

The Registrar shall adopt rules as necessary to implement 8502
this section. 8503

Section 403.06. That existing Section 5 of Sub. S.B. 59 of 8504
the 124th General Assembly is hereby repealed. 8505

Section 503.03. From July 1, 2005, through June 30, 2007, 8506
three or fewer steel coils are deemed to be a nondivisible load 8507
for purposes of special permits issued under section 4513.34 of 8508
the Revised Code, provided that the maximum overall gross vehicle 8509

weight of the vehicle and load shall not exceed 92,000 pounds. 8510

Section 606.03. If any item of law that constitutes the whole 8511
or part of a codified or uncodified section of law contained in 8512
this act, or if any application of any item of law that 8513
constitutes the whole or part of a codified or uncodified section 8514
of law contained in this act, is held invalid, the invalidity does 8515
not affect other items of law or applications of items of law that 8516
can be given effect without the invalid item of law or 8517
application. To this end, the items of law of which the codified 8518
and uncodified sections contained in this act are composed, and 8519
their applications, are independent and severable. 8520

Section 612.03. Except as otherwise specifically provided in 8521
this act, the codified sections of law amended or enacted in this 8522
act, and the items of law of which the codified sections of law 8523
amended or enacted in this act are composed, are subject to the 8524
referendum. Therefore, under Ohio Constitution, Article II, 8525
Section 1c and section 1.471 of the Revised Code, the codified 8526
sections of law amended or enacted by this act, and the items of 8527
law of which the codified sections of law as amended or enacted by 8528
this act are composed, take effect on the ninety-first day after 8529
this act is filed with the Secretary of State. If, however, a 8530
referendum petition is filed against any such codified section of 8531
law as amended or enacted by this act, or against any item of law 8532
of which any such codified section of law as amended or enacted by 8533
this act is composed, the codified section of law as amended or 8534
enacted, or item of law, unless rejected at the referendum, takes 8535
effect at the earliest time permitted by law. 8536

Section 612.06. Sections 4511.191, 4513.263, 4765.07, 8537
4765.11, and 5503.04 of the Revised Code, as amended or enacted by 8538
this act, and the items of law of which such sections as amended 8539

or enacted by this act are composed, are not subject to the 8540
referendum. Therefore, under Ohio Constitution, Article II, 8541
Section 1d and section 1.471 of the Revised Code, such sections as 8542
amended or enacted by this act, and the items of law of which such 8543
sections as amended or enacted by this act are composed, go into 8544
immediate effect when this act becomes law. 8545

Section 612.09. Sections 109.572, 4501.26, 4503.26, 4503.40, 8546
4503.42, 4508.06, 4508.10, 4509.27, 4749.03, 4749.06, and 4749.10 8547
of the Revised Code, as amended or enacted by this act, and the 8548
items of law of which such sections as amended or enacted by this 8549
act are composed, are not subject to the referendum. Therefore, 8550
under Ohio Constitution, Article II, Section 1d and section 1.471 8551
of the Revised Code, such sections as amended or enacted by this 8552
act, and the items of law of which such sections as amended or 8553
enacted by this act are composed, are entitled to go into 8554
immediate effect when this act becomes law. However, those 8555
sections as amended by this act, and the items of law which those 8556
sections as amended by this act are composed, take effect on July 8557
1, 2005. 8558

Section 612.12. The repeal by this act of sections 4501.12 8559
and 4501.35 of the Revised Code is not subject to the referendum. 8560
Therefore, under Ohio Constitution, Article II, Section 1d and 8561
section 1.471 of the Revised Code, such repeals are entitled to go 8562
into immediate effect when this act becomes law. However, those 8563
sections as repealed by this act, and the items of law which those 8564
sections as repealed by this act are composed, go into effect on 8565
July 1, 2005. 8566

Section 612.18. If the amendment or enactment in this act of 8567
a codified section of law is subject to the referendum, the 8568
corresponding indications in the amending, enacting, or existing 8569

repeal clauses commanding the amendment or enactment also are 8570
subject to the referendum, along with the amendment or enactment. 8571
If the amendment, enactment, or repeal by this act of a codified 8572
or uncodified section of law is not subject to the referendum, the 8573
corresponding indications in the amending, enacting, or repeal 8574
clauses commanding the amendment, enactment, or repeal also are 8575
not subject to the referendum, the same as the amendment, 8576
enactment, or repeal. 8577

Section 615.03. The items in the uncodified sections of law 8578
contained in this act that appropriate money for the current 8579
expenses of state government, earmark this class of 8580
appropriations, or depend for their implementation upon an 8581
appropriation for the current expenses of state government are not 8582
subject to the referendum. Therefore, under Ohio Constitution, 8583
Article II, Section 1d and section 1.471 of the Revised Code, 8584
these items go into immediate effect when this act becomes law. 8585

The items in the uncodified sections of law contained in this 8586
act that appropriate money other than for the current expenses of 8587
state government, earmark this class of appropriations, or do not 8588
depend for their implementation upon an appropriation for the 8589
current expenses of state government are subject to the 8590
referendum. Therefore, under Ohio Constitution, Article II, 8591
Section 1c and section 1.471 of the Revised Code, these items take 8592
effect on the ninety-first day after this act is filed with the 8593
Secretary of State. If, however, a referendum petition is filed 8594
against such an item, the item, unless rejected at the referendum, 8595
takes effect at the earliest time permitted by law. 8596

This section is not subject to the referendum. Therefore, 8597
under Ohio Constitution, Article II, Section 1d and section 1.471 8598
of the Revised Code, this section goes into immediate effect when 8599
this act becomes law. 8600

Section 615.06. Section 5 of Sub. S.B. 59 of the 124th 8601
General Assembly, as amended by this act, and the items of law of 8602
which the section as amended by this act is composed, are not 8603
subject to the referendum. Therefore, under Ohio Constitution, 8604
Article II, Section 1d and section 1.471 of the Revised Code, the 8605
section as amended by this act, and the items of law of which the 8606
section as amended by this act are composed, go into immediate 8607
effect when this act becomes law. 8608

Section 618.03. The General Assembly, applying the principle 8609
stated in division (B) of section 1.52 of the Revised Code that 8610
amendments are to be harmonized if reasonably capable of 8611
simultaneous operation, finds that the following sections, 8612
presented in this act as composites of the sections as amended by 8613
the acts indicated, are the resulting versions of the sections in 8614
effect prior to the effective date of the sections as presented in 8615
this act: 8616

Section 109.572 of the Revised Code as amended by Am. Sub. 8617
H.B. 117, Am. Sub. H.B. 306, Am. Sub. S.B. 53, and Am. S.B. 178, 8618
all of the 125th General Assembly. 8619

Section 307.12 of the Revised Code as amended by both Sub. 8620
H.B. 204 and Sub. H.B. 323 of the 125th General Assembly. 8621

Section 2935.03 of the Revised Code as amended by Sub. H.B. 8622
545, H.B. 675, and Am. Sub. S.B. 123 of the 124th General 8623
Assembly. 8624